

Ordinary Meeting

Meeting Date: Monday, 27 June, 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.

Shoalhaven City Council live streams it's Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

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 - 6 June 2022
 - Extra Ordinary Meeting - 14 June 2022
 - Extra Ordinary Meeting - 16 June 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**

Mayoral Minute

MM22.10 Mayoral Minute - Retirement of Marine Rescue NSW Zone Duty
Operations Manager (Illawarra) Bruce Mitchell ESM 1

9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

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Notices of Motion / Questions on Notice

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15. Confidential Reports

Reports

CCL22.20	Exemption to Tendering - Property Management and Booking System - Holiday Haven
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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.

MM22.10 Mayoral Minute - Retirement of Marine Rescue NSW Zone Duty Operations Manager (Illawarra) Bruce Mitchell ESM

HPERM Ref: D22/253858

Recommendation

That Council:

1. Write to Bruce Mitchell ESM congratulating him on his retirement and thanking him for 22 year's service with Marine Rescue NSW.
2. Together with Marine Rescue NSW, co-host a celebratory retirement lunch held in Bruce's honour in recognition of his achievements.

Details

Bruce Mitchell ESM has served Marine Rescue NSW in a variety of roles since 1998, most recently as Duty Zone Operations Manager for the Illawarra, overseeing 160km of coast line from Wollongong to North Kioloa.

Over the past 20 years Bruce's emergency management experience has seen him coordinate numerous, large, multiagency search and rescue operations, his distinguished contributions seeing him awarded the NSW Maritime Medal in 2009.

When Marine Rescue NSW (MRNSW) began operations on New Year's day in 2010 Bruce took on the voluntary role of Illawarra Regional Coordinator, working closely with the management team and volunteers from Port Kembla, Shellharbour, Shoalhaven, Jervis Bay, Sussex Inlet, Ulladulla and Kioloa to assist in the transition to new operating systems.

As Zone Duty Operations Manager Illawarra, Bruce was the point of contact between the volunteers and Headquarters being responsible for the coordination of rescue missions and the deployment of assets and personnel across the region.

In 2011 Bruce was awarded the Emergency Services Medal (ESM) in recognition of his dedication to the MRNSW mission of saving lives on the water and the many search and rescue operations he had been involved in coordinating.

I commend Mr Bruce Mitchell ESM on his dedication to MRNSW, and thank him for his tireless efforts over the past 20 years in providing lifesaving operational expertise and exceptional leadership in times of natural disaster and crisis.

Council, in conjunction with MRNSW, would like to celebrate and congratulate Bruce by co-hosting a retirement lunch to be held on the 30 June at the Shoalhaven Entertainment Centres' Gallery Function Room.

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CL22.260 Report of the Homelessness Taskforce Shoalhaven - 24 May 2022

HPERM Ref: D22/240005

Attachments: 1. Homelessness Interagency Submissions - Report to Homelessness Taskforce Shoalhaven Meeting - 24 May 2022 [↓](#)

HT22.13 Homelessness Interagency Submissions

HPERM Ref:
D22/206113

RECOMMENDATION

That:

1. The Council receive this report from the Shoalhaven Homelessness Interagency for information and consideration (attached).
2. Council consider the following propositions as strategic priorities for the Homelessness Taskforce Shoalhaven:
 - a. Crisis Term:
 - i. Council to negotiate the meanwhile-use of vacant properties as crisis accommodation for rough sleepers throughout winter period.
 - b. Short-Medium Term:
 - i. Disincentives for properties that are used as short-term holiday homes/ Incentives for owners that rent their properties on long-term leases (12 months+).
 - ii. Requirements for developers to create percentage of any new developments as affordable and/or social housing units.
 - iii. Push for State Government to expand social housing stock in Shoalhaven region.
 - iv. Evaluate Local Governance rules to maximise support for housing developments.
 - c. Long Term:
 - i. Lobby for the increase of statutory income supports (Centrelink) to Centrelink recipients to maintain basic living expenses amid growing rental costs.
3. The Homelessness Taskforce Shoalhaven receive a report back to a future meeting advising who is responsible for which item.

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HT22.15 Additional Item - Social Housing**RECOMMENDATION**

That Council:

1. Immediately advocate for social housing funding, that is general in nature and not classified, (so that it can be utilised for all classifications of housing) to:
 - a. The Hon Anthony Albanese MP, Prime Minister of Australia.
 - b. The Minister for Social Services.
 - c. The Hon Fiona Phillips, Member for Gilmore.
2. Consider as part of future strategic discussions, how community cooperative housing can play a part in solving the affordable housing issues in the Shoalhaven.
3. Write to the Federal Minister for Planning and Homes to request that regional plans across NSW better identify social and affordable housing.
4. As part of advocating for Federal funding, the correspondence also be forwarded to the equivalent State counterparts.

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HT22.13 Homelessness Interagency Submissions

HPERM Ref: D22/206113

Select: Olivia Todhunter - Legal Aid NSW

Recommendation

The Shoalhaven Homelessness Interagency recommend that the Homelessness Taskforce consider the following propositions as crisis, short-medium term, and long-term strategic priorities:

1. Crisis Term:
 - a. Council to negotiate the meanwhile-use of vacant properties as crisis accommodation for rough sleepers throughout winter period.
2. Short-Medium Term:
 - a. Disincentives for properties that are used as short-term holiday homes/ Incentives for owners that rent their properties on long-term leases (12 months+).
 - b. Requirements for developers to create percentage of any new developments as affordable and/or social housing units.
 - c. Push for State Government to expand social housing stock in Shoalhaven region.
 - d. Evaluate Local Governance rules to maximise support for housing developments.
3. Long Term:
 - a. Lobby for increase of statutory income supports (Centrelink) to Centrelink recipients to maintain basic living expenses amid growing rental costs.

Details

The Shoalhaven Homelessness Interagency involves representatives from a broad variety of welfare organisations across the Shoalhaven Local Government Area. Interagency members meet on a monthly basis to provide agency updates and examine opportunities to assist in the response to the housing crisis and support those experiencing (or at risk of) homelessness in the community.

The Shoalhaven Homelessness Interagency submit the following propositions for Shoalhaven City Council to act on or raise to State and Federal Government for further action:

Crisis term:

1. Council to negotiate the meanwhile-use of vacant properties as crisis accommodation for rough sleepers over winter.
 - a. e.g. vacant properties that are awaiting construction or pending DA approvals etc could be used as temporary hubs for rough sleepers over winter
 - b. e.g. Bridge tavern is currently empty and could be used to get people off the streets in the next few months and connected to services who would otherwise struggle to find and assist rough sleepers who are regularly moved on etc.

Short-medium term:

1. Disincentives for properties that are used as short-term holiday homes/ Incentives for owners that rent their properties on long-term leases (12 months+).
 - a. Shoalhaven is disproportionately affected by 6-month leases that leave our clients often homeless over the holiday period when properties are turned to Airbnb's and holiday homes, at the time of year when services are their most stretched already.
 - b. Short term leases lead to increased pressure on support services, refuges and social housing providers, let alone the impact that they have on clients mental health, ongoing schooling and employment.
2. Requirements for developers to create percentage of any new developments as affordable/ social housing units.
 - a. Address NIMBY-ism at the first stages
 - b. Ensure increase to affordable housing in the future as the need grows
3. Push for State Government to expand social housing stock in Shoalhaven region.
 - a. Emphasis on freehold assets (not head leasing) and appropriate housing for vulnerable clients (including low density housing, large houses and accessible units).
4. Evaluate local governance rules to maximise support for housing developments.
 - a. e.g. can local parking regulations be changed to support the building of boarding houses and crisis accommodation?

Long term:

1. Lobby for increase of statutory income supports (Centrelink) to Centrelink recipients to maintain basic living expenses amid growing rental costs.

Questions that the taskforce may answer:

1. How many properties in the Shoalhaven LGA are being used as primary residences and holiday homes, or are vacant?

CL22.261 Delivery Program and Operational Plan, Budget 2022/23 - Exhibition Outcomes

HPERM Ref: D22/219215

Department: Corporate Performance & Reporting
Approver: Stephen Dunshea, Chief Executive Officer

Attachments:

1. Draft Delivery Program Operational Plan and Budget 2022-23 - Post Exhibition (under separate cover) [⇒](#)
2. Draft Fees and Charges 2022-23 - Part 1 - Post Exhibition (under separate cover) [⇒](#)
3. Draft Fees and Charges 2022-23 - Part 2 - Post Exhibition (under separate cover) [⇒](#)
4. Capital Works Budget - March 2022 Quarterly Review Carry Forwards [↓](#)
5. Draft Resourcing Strategy 2022-26 - Post Exhibition (excluding LTTP) (under separate cover) [⇒](#)
6. Draft Long-Term Financial Plan 2022-32 (under separate cover)
7. Exhibition Draft DPOP 2022-23 - Full Submissions (councillors information folder) [⇒](#)

Reason for Report

The purpose of this report is to seek Council's adoption of the 2022/23 Delivery Program and Operational Plan, Budget and Fees & Charges and Resourcing Strategy 2022-26.

The report provides a summary and comments related to the outcomes of the public exhibition process undertaken from 11 May to 10 June 2022.

Recommendation

That having considered the submissions received as part of the exhibition process for the Draft Delivery Program and Operational Plan 2022/23 including Budget, Capital Works Program and Fees and Charges, and Resourcing Strategy, Council:

1. Adopt the 2022/23 Delivery Program and Operational Plan and Budget inclusive of the following changes:
 - a. Revision of the capital works listing as outlined in Attachment 4.
 - b. Include the following projects in the 2022/23 Capital Works Program identified in Table 1. In order to maintain balanced budget, these projects will be funded by the budget transfers from other capital works to be confirmed at the June 2022 Budget Quarterly Review:
 - i. Quay Rd - Pedestrian Shared User Path Design Urban Upgrade/New \$50,000 (\$900,000 Stage 1 in 2023/24, \$900,000 Stage 2 in 2024/25)
 - ii. Silkwood Walk – Streetscape Walk Path Lighting Urban Upgrade/New \$25,000
 - iii. Shoalhaven Heads Viewing Platform \$262,000 (includes \$137,000 grant funding)
 - c. Note that the budget will remain flexible and might be subject to change particularly given the volatility of the energy market and high inflation.

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2. Adopt the 2022/23 Fees and Charges Part 1 and Part 2 with the following changes:
 - a. Inclusion of Sewage Management Charges and changes as per council resolution MIN22.346
 - b. Updated increases to companion animal NSW Government fees for 2022/23 (Office of Local Government Circular 22-16)
 - c. Updated relevant Development Application fees as set by NSW Act/regulation (Environmental Planning and Assessment Regulations 2021 [NSW] Schedule 4)
 - d. Updated Nowra Library meeting room hire (align with fees listed under Community Facilities, category E (small meeting room))
 - e. Fees for Outdoor Dining updated to be \$0 for the 2022/2023 financial year.
3. Adopt the Resourcing Strategy 2022-26, including the Workforce Strategy, Asset Management Strategy and Plan, ICT Strategy and Long-Term Financial Plan 2022-32
4. Resolve to make the following rates and charges in accordance with Section 535 of the Local Government Act 1993 inclusive of a 4.53% rate increase:
 - a. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment, under Section 537 of the Local Government Act 1993, on all rateable land categorised as “Residential”, in accordance with Section 516, for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “RESIDENTIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment for the “RESIDENTIAL” category will not produce more than 50% of the total amount payable by the levying of the “RESIDENTIAL” rate in accordance with Section 537(b) [base amount percentage is 49.94%].
 - b. Make an Ordinary Rate, consisting of an ad valorem rate of 0.38983c for each dollar of rateable land value, in accordance with Section 518 of the Local Government Act 1993: “Land is to be categorised as ‘business’ if it cannot be categorised as farmland, residential or mining”. Excepting all rateable land in the subcategories of Commercial/Industrial and Nowra, an ordinary rate be now made for the period of 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “BUSINESS”.
 - c. Make an Ordinary Rate, consisting of an ad valorem rate of 0.15700c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land categorised as “Farmland”, in accordance with Section 515, for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “FARMLAND”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment for the “FARMLAND” category will not produce more than 50% of the total amount payable by the levying of the “FARMLAND” rate in accordance with Section 537 (b) [base amount percentage is 24.42%].
 - d. Make an Ordinary Rate, consisting of an ad valorem rate of 0.18978c for each dollar of rateable land value in addition to a base amount of forty-nine dollars (\$49.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land which is zoned so as not to permit any building (i.e.; Small Lot Rural Subdivisions) and categorised as “Residential”, in accordance with Section 516, sub category “NON-URBAN”, in accordance with Section 529(2)(b), for the

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period 1 July 2022 to 30 June 2023, and in accordance with Section 543(1), this rate be named “RESIDENTIAL NON-URBAN”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of forty-nine dollars (\$49.00) per rateable assessment for the “RESIDENTIAL NON-URBAN” category will not produce more than 50% of the total amount payable by the levying of the “RESIDENTIAL NON-URBAN” rate in accordance with Section 537(b) [base amount percentage is 40.30%].

- e. Make an Ordinary Rate, consisting of an ad valorem rate of 0.59010c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land determined to be a centre of activity and categorised as “Business”, in accordance with Section 518, sub-category “NOWRA”, in accordance with Section 529(2)(d), for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “BUSINESS NOWRA”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment for the “BUSINESS NOWRA” subcategory will not produce more than 50% of the total amount payable by the levying of the “BUSINESS NOWRA” rate in accordance with Section 537(b) [base amount percentage is 15.83%].

- f. Make an Ordinary Rate, consisting of an ad valorem rate of 0.27380c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land used or zoned for professional/commercial trade or industrial purposes, determined to be a centre of activity and categorised as “Business”, in accordance with Section 518, sub category “COMMERCIAL/INDUSTRIAL”, in accordance with Section 529(2)(d), for the period of 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “BUSINESS COMMERCIAL/INDUSTRIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment for the “BUSINESS –COMMERCIAL/INDUSTRIAL” category will not produce more than 50% of the total amount payable by the levying of the “BUSINESS – COMMERCIAL/INDUSTRIAL” rate in accordance with Section 537(b) [base amount percentage is 30.57%].

- g. Make an Ordinary Rate, consisting of an ad valorem rate of 0.07990c for each dollar of rateable land value in addition to a base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment, in accordance with Section 537 of the Local Government Act 1993, on all rateable land categorised as “Farmland”, in accordance with Section 515, sub category “DAIRY FARMERS”, in accordance with Section 529(2)(a), for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(1), this rate be named “FARMLAND - DAIRY FARMERS”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of six hundred and ninety-seven dollars (\$697.00) per rateable assessment for the “FARMLAND – DAIRY FARMERS” category will not produce more than 50% of the total amount payable by the levying of the “FARMLAND – DAIRY FARMERS” rate in accordance with Section 537(b) [base amount percentage is 33.12%].

- h. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.62359c for each dollar of rateable land value in addition to a base amount of two thousand six hundred and seventy-four dollars (\$2,674.00), for the cost of

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road upgrades required to enable property owners to develop their allotments in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties with building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate, in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two thousand six hundred and seventy-four dollars (\$2,674.00) per rateable assessment for the “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL” will not produce more than 50% of the total amount payable by the levying of the “VERONS ROAD UPGRADE SPECIAL RATE – DWELLING POTENTIAL” in accordance with Section 537(b) [base amount percentage is 49.98%].

- i. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14057c for each dollar of rateable land value in addition to a base amount of two hundred and ninety-seven dollars (\$297.00), for the cost of the road upgrades in the Verons Estate. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties without building entitlement within the Verons Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred and ninety-seven dollars (\$297.00) per rateable assessment for the “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL” will not produce more than 50% of the total amount payable by the levying of the “VERONS ROAD UPGRADE SPECIAL RATE – NO DWELLING POTENTIAL” in accordance with Section 537(b) [base amount percentage is 49.83%].

- j. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.11677c for each dollar of rateable land value in addition to a base amount of one hundred and twenty-one dollars (\$121.00) for the cost associated with the Nebraska road construction project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Nebraska Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “NEBRASKA ROAD CONSTRUCTION SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one hundred and twenty-one dollars (\$121.00) per rateable assessment for the “NEBRASKA ROAD CONSTRUCTION SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “NEBRASKA ROAD CONSTRUCTION SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.80%].

- k. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.43105c for each dollar of rateable land value in addition to a base amount of one thousand one hundred and thirty-six dollars (\$1,136.00) for the cost associated with the Jerberra road infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are

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subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of one thousand one hundred and thirty-six dollars (\$1,136.00) per rateable assessment for the “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ROAD INFRASTRUCTURE SPECIAL RATE” in accordance with Section 53 (b) [base amount percentage is 49.96%].

- I. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.14536c for each dollar of rateable land value in addition to a base amount of three hundred and eighty-three dollars (\$383.00) per rateable assessment for the cost associated with the Jerberra electricity infrastructure project. In accordance with Section 495(1), the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of three hundred and eighty-three dollars (\$383.00) per rateable assessment for the “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ELECTRICITY INFRASTRUCTURE SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.96%].

- m. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.88193c for each dollar of rateable land value in addition to a base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the cost associated with the Jerberra Road E2 infrastructure project. In accordance with Section 495(1) the special rate is to be levied only on those rateable properties within the Jerberra Estate which, in the opinion of Council, derive special benefit and are subject to this rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “JERBERRA ROAD E2 SPECIAL RATE”.

Further, to comply with Section 500 of the Act, the total amount payable by the levying of the base amount of two hundred fifty-seven dollars (\$257.00) per rateable assessment for the “JERBERRA ROAD E2 SPECIAL RATE” will not produce more than 50% of the total amount payable by the levying of the “JERBERRA ROAD E2 SPECIAL RATE” in accordance with Section 537(b) [base amount percentage is 49.85%].

- n. Make a Special Rate, in accordance with Section 538, consisting of an ad valorem rate of 0.03311c for each dollar of rateable land value to meet the costs of business promotions for the Sussex Inlet area and surrounds, in accordance with Section 495(1), which in the opinion of Council is of special benefit to the rateable assessments subject to the rate in accordance with Section 495(2) (a) (b) and (c). The special rate be now made for the period 1 July 2022 to 30 June 2023 and, in accordance with Section 543(2), this rate be named “SUSSEX AREA SPECIAL RATE”.

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- o. Make an Annual Charge for Water Usage and Water Availability, in accordance with Section 502 and 552(1) (a) and (b), for the period 1 July 2022 to 30 June 2023, comprising a Water Usage Charge of \$1.90 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Water Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2022/23
20 mm	\$84
25 mm	\$140
32mm	\$226
40mm	\$354
50mm	\$556
80mm	\$1,417
100mm	\$2,216
150mm	\$4,981
200mm	\$8,858

Properties with multiple water meter service connections will be levied an availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “WATER USAGE CHARGE” and “WATER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- p. Make an Annual Charge for Sewer Usage and Sewer Availability, in accordance with Section 502 and 552(3) (a) and (b), for the period 1 July 2022 to 30 June 2023, comprising a Sewer Usage Charge of \$2.00 per kilolitre for all residential, commercial and Community Service Obligation categorised properties and a Sewer Availability Charge based on water meter size:

Size of Water Meter Service Connection	Charge 2022/23
20 mm	\$910
25 mm	\$1,269
32mm	\$1,938
40mm	\$2,570
50mm	\$3,635
80mm	\$7,499
100mm	\$10,751
150mm	\$18,527
200mm	\$28,744

Properties with multiple water meter service connections will be levied a sewer availability charge for each connection. In accordance with Section 552 of the Local Government Act 1993, any vacant land where the service is available will be levied an availability charge.

The charges be named “SEWER USAGE CHARGE” and “SEWER AVAILABILITY CHARGE”, in accordance with Section 543(3).

- q. Make an Annual Charge for the availability of a Domestic Waste Management Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for

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the period 1 July 2022 to 30 June 2023, on all rateable properties categorised as residential for rating purposes and comprising of a building which is deemed to be a dwelling and located within the defined (urban) waste collection area.

The amount for the standard residential domestic waste management service be \$441 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly and recycling bin is collected fortnightly. For a higher annual charge of \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named “DOMESTIC WASTE MANAGEMENT CHARGE”.

- r. Make an Annual Charge for a Rural Domestic Waste Collection Service, pursuant to Sections 496 and 501 of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023, on rateable properties comprising of a building which is deemed to be a dwelling and located outside of the defined (urban) waste collection area and opt for the rural domestic waste collection service.

The amount for the rural domestic waste collection service be \$441 for one 120 litre mobile garbage bin (MGB) for landfill waste and one 240 litre MGB for recycling. The landfill bin is collected weekly, and the recycling is collected fortnightly. For a higher annual charge of \$767, the 120-litre landfill bin may be substituted for a 240-litre landfill bin. For a lower annual charge of \$335, the 120-litre landfill bin may be substituted for an 80-litre landfill bin.

In accordance with Section 543(3), the charge be named “RURAL DOMESTIC WASTE COLLECTION CHARGE”.

- s. Make an Annual Charge, pursuant to Section 496 of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023, of \$96 per assessment for administration and new works associated with future provision of domestic waste management services. The charge to be applied to any domestic assessments which have any boundary adjacent to a road receiving an urban domestic waste management service and
 - i. Does not have a dwelling situated thereon, or
 - ii. The closest point of the dwelling is 100 metres or more from the boundary of the road and the ratepayer chooses not to receive a domestic waste management service.

In accordance with Section 543(3), the charge be named “VACANT LAND SERVICE AVAILABILITY CHARGE”.

- t. Make an Annual Charge for Stormwater Management Services, pursuant to Section 496A of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023, of \$25.00 per eligible residential or business rate assessment and \$12.50 per strata assessment. In accordance with Section 543(3), the charge be named “STORMWATER MANAGEMENT SERVICE CHARGE”.
 - u. Make an Interest Rate of 6.0%, pursuant to Section 566(3) of the Local Government Act 1993, for the period 1 July 2022 to 30 June 2023 (inclusive), which does not exceed the maximum interest rate chargeable on overdue rates and charges, accruing daily on a simple interest basis.
5. Thank the community for providing their submissions as part of the exhibition process and provide a response to each submission, outlining the outcome and actions undertaken relating to the issues raised.

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Options

1. To endorse the 2022/23 Delivery Program, Operational Plan and Budget, Resourcing Strategy and the proposed recommendations for the making of ordinary and special rates and annual charges.

Implications: Delivery Program, Operational Plan and Budget, Resourcing Strategy and rates and charges will be adopted as required by legislation.

2. Not endorse the recommendations and resolve to make changes to the 2022/23 Delivery Program, Operational Plan and Budget, Resourcing Strategy or to make rates and annual charges using different values.

Implications: Council would need to provide direction to staff in relation to necessary budget adjustments to accommodate changes to the 2022/23 Delivery Program, Operational Plan and Budget, Resourcing Strategy or the recommended alternate rates and charges.

Background

Each year Council is required to outline the activities, programs, services and budget that are proposed for the following financial year. This process is undertaken to ensure that Council is clearly identifying how it will continue to meet the needs and aspirations of the community as specified within the Community Strategic Plan. This forms part of the Integrated Planning and Reporting (IP&R) Framework which is a legislative requirement of the Local Government Act 1993.

A report was provided to Council at the Ordinary Meeting on 9 May 2022 to seek to place the 2022/23 Draft Delivery Program, Budget, Fees and Charges and Resourcing Strategy 2022-26 on exhibition. The suite of documents was endorsed for public exhibition with the following resolution:

That Council:

1. *Endorse the Draft 2022/23 Delivery Program and Operational Plan, Draft Budget, Draft Fees and Charges and Draft Resourcing Strategy for the purpose of placing on public exhibition for a period of 28 days.*
2. *Maintain the 2021/22 rating structure, comprising both base and ad valorem amounts noting that the use of a base amount results in bringing the higher and lower values closer together and in effect spreads the burden across the board to all ratepayers – noting also that this is a commonly used rating structure that is considered to provide the fairest and most equitable distribution of the rate levy across the LGA.*
3. *In accordance with Section 566(3) of the Act, endorse the rate of interest payable on overdue rates and charges for the period 1 July 2022 to 30 June 2023 (inclusive) to be 6% per annum which is the Office of Local Government recommended maximum for 2022/23 financial year.*
4. *Note that interest charges will continue to be waived for ratepayers that are experiencing financial hardship and they can apply for financial assistance under Council's Hardship Policy.*
5. *Approve the Minister's allowable limit of a 4.53% increase (1.7% rate peg plus 2.83% SRV catch-up) in 2022/23 to the notional yield as permitted by Section 511 of the Local Government Act 1993.*
6. *Receive a report on feedback from the community on the Draft 2022/23 Delivery Program Operational Plan and Budget following the public exhibition period.*

This report outlines recommended changes and presents the final suite of planning documents to be endorsed.

Public Exhibition

In accordance with the resolution of Council, the 2022/23 Draft Delivery Program and Operational Plan (DPOP), Budget, Fees and Charges and Resourcing Strategy were placed on public exhibition from 11 May until 10 June 2022.

The engagement was set at the level of inform and consult within the IAP2 framework. Focus on the engagement process was to inform the community and ask for feedback on the draft documents. Submissions could be made to Council either via the online Get Involved page or via email, letter to Council or over the phone.

Communication & Engagement Activities included:

- Pop-up market engagement events (4 events, 123 discussions)
- Email invitations to provide feedback to:
 - Community Consultative Bodies Executive Committee members
 - Council Advisory Committee members
 - State Agencies - Illawarra Shoalhaven Leadership Executive
- Social Media posts and two campaigns (17,923 total reach)
- “Get Involved” website including online submissions (1,129 visits)
- Highlighted projects map on Council’s webpage
- 2 Media releases and mentions by the Mayor on radio
- Details in Council’s weekly e-news, website news items
- Promotional flyers, posters at Council facilities
- Competition to encourage submissions with a chance to win SEC vouchers

The combined engagement statistics report is included as an attachment to the Council report on the draft Community Strategic Plan exhibition outcomes.

Summary of Submissions

A total of 25 individual submissions were received during the exhibition period on the DPOP, Budget or Capital Works program. The Community Strategic Plan had an additional 56 submissions, some of which were joint submissions or more relevant to the DPOP. Within these submissions there were several items, requests and suggestions.

Many of the individual submissions also included requests for new projects, items for funding or inclusion of actions in Council’s DPOP. Some submissions contained multiple issues, items or requests. The submissions are included in Table 1 and are accompanied with a staff comment, recommendation or proposed action in response.

Copies of each submission have also been provided in the Councillor Information Folder (**Attachment 5**) – the Reference number (Ref #) cross references the original submission. All submitters will receive a detailed email response following adoption of the final documents with additional staff comments alongside the summary provided in Table 1.

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Table 1 - Submission items and recommended action

Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
D01	Community/ Resident	Request to enhance Priority 2.3 with improvements to the targets/indicators. Protect pockets of bushland and state this as a priority. Development must be balanced with preserving natural heritage.	<p>Council's DPOP has an objective 2.3.03 - 'Protect the natural environment by developing strategies to enhance and maintain biodiversity, urban green cover and ensure coastal protection'</p> <p>Council has a rigorous environmental assessment process, whereby Development Applications are referred to Biodiversity specialists. This process ensures that all relevant environmental legislation is adhered to in order to achieve a balance between conservation and development.</p>
D02	Community/ Resident	Request assistance with development applications for charities and not-for-profits.	<p>The Development Application process is heavily regulated by legislation. Applications are now required to be lodged digitally in the NSW Planning Portal. The 'system' can be frustrating for infrequent users. To assist customers Council has dedicated Portal officers to help with the lodgement of DAs. Further, if there are any questions or help is required, Council is happy to make staff available to discuss the process and what information is required for a development application. When a DA is ultimately assigned to an officer, that officer is the point of contact for our customers. Council also has a Development Hub website which contains information for people lodging applications.</p>
D03	Community/ Resident	Encourage rate increase to be limited to 2.5% due to cost of living pressures. Council support residents to plant more trees through subsidised for free tree giveaways.	<p>Council promotes the stabilisation of habitat within private owned lands. For example, when approval is provided to private owners for tree removal, compensatory planting is recommended to occur to offset the impacts on habitat and carbon abatement. The private owner is provided a plant species list and a suggested offset ratio. By way of further example, new developments require a review by Council Biodiversity specialists to enact the requirements of the Biodiversity Conservation Act 2016 (NSW). Council is also developing a strong relationship with Greening Australia to plant areas within Council owned lands, as well as natural area rehabilitation works that are undertaken as business as usual.</p> <p>Rates is the main source of Council revenue and Council will not be able to deliver all projects currently identified in capital works program if the rates increase is limited to 2.5%.</p>
D04	Community/ Resident	Fix roads around Bay & Basin area.	<p>Council is not in disagreement about the current state of the roads. As part of its advocacy for additional funds, Council has secured a promise from the incoming government to improve key roads including Forest Road (\$8M), Callala Bay Road (\$6M), Culburra Road (\$14M), intersection works at Coonemia / Currarong / Callala Bay Roads (\$2M), intersection works at Greenwell Point / Worrigeer Roads, Wool Road (\$3M) and St Georges Basin Rd (\$2M).</p> <p>This is in addition to the estimated \$50M of federal funding Council will be claiming for the rehabilitation of the road network after the devastating March 2022 rainfall event. The Draft DPOP also provides for \$34.7 M of Capital upgrades to the road network and an increase of \$2.6M on the existing road maintenance budget to bring that up to a total of \$38.8M being spent in the 2022/23 financial year.</p>

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Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
D05	Community/ Resident	Basing rates on ad valorem is unfair. Doesn't appear any revenue raised by tourism and would like a tax on tourism.	<p>Council's residential rates are made up of two components. The first component is calculated by using the rate in the dollar (ad valorem). The second component is a base amount which is set at the maximum of 50 per cent of the total. All Residential properties are charged the same base amount. Council has the maximum base amount as set under the Local Government Act in order to address this 'unfairness'. If Council does not use a combined ad valorem, base amount rating structure then the only other permitted rating structure is ad valorem only. As such, our Council minimises the impact of land fair value increase by applying maximum allowable by legislation base component of 50%.</p> <p>Since Council has invested in Tourism within the region, tourism expenditure and tourism related jobs have only increased. While this is not a direct profit to Council which can be invested into the tourism budget, the benefit considerable benefit to the local economy from Council's investment makes it worthwhile. Further to this, our Visitor Centre makes a profit through advertising and merchandise which offsets Council's investment in Tourism.</p> <p>Planning NSW has recently brought in new regulations for holiday homes (STRA's Short Term Rental Accommodation) to provide a code of conduct and ensure compliance with state laws. Holiday Homes owners also pay full rates to council whether the homes are utilised year round or not, providing income to Council.</p> <p>Tourism infrastructure includes boardwalks, lookouts, general upgrades that not only enhance the tourist experience but also improve the day-to-day liveability of the region for community, a value is not easily measurable. Traditionally people think of tourism businesses simply as accommodation providers and tour operators, when in fact many small businesses including cafes, restaurants, bakeries and pharmacies which the community value are heavily reliant on tourism dollars in order to survive. Many of these businesses are small in nature and additional taxes at a time when fires, floods and covid have already impacted their trade would make an already challenging period even harder. Shoalhaven Tourism's objective is to disperse tourist away from peak periods (and hot spots such as Hyam's Beach) so that small businesses can make income year round, and to promote the development of an industry that is sustainable in the long-term.</p>
D06	Community/ Resident	Pensioner discounts have not risen but rates have. Condition of roads to Manyana are in poor state.	<p>See submission detail D04 for roads.</p> <p>Council has no control over the \$250 maximum pensioner concession amount as it is determined by the NSW State Government. Section 575 Reductions for eligible pensioners, is the relevant part of the Local Government Act 1993, that Council is obliged to refer to, specifically Section 575 (3) the total amount by which: (a) all ordinary rates and charges for domestic waste management services levied on any land for the same year are reduced is not to exceed \$250. This sets the maximum concession amount that Council is permitted to apply.</p> <p>Since 1 July 2018, Shoalhaven City Council also provides a \$10 voluntary pensioner concession in addition to the mandatory \$250.00 maximum concession.</p>
D07	Callala Beach Progress Association	Highlights capital works which should be included in 2022-23 program as per Council resolution.	<p>RECOMMENDATION:</p> <ul style="list-style-type: none"> • \$50k moved forward to 2022/23 budget – from unfunded - Quay Rd - Pedestrian SUP Design Urban Upgrade/New \$50,000. • \$25k moved forward to 2022/23 budget – from 2030-31 - Silkwood Wlk – Streetscape Wlk Path Lighting Urban Upgrade/New \$25k • \$900k moved forward to 2023/24 budget – from unfunded - Quay Rd - Pedestrian CH0 SUP Stg1 Urban Upgrade/New \$900k • \$900k moved forward to 2024/25 budget – from unfunded - Quay Rd - Pedestrian CH0 SUP Stg2 Urban Upgrade/New \$900k

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Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
D08	Community/ Resident	Suggestion that short term rental properties could pay higher rates or surcharge.	<p>Holiday homes or short term holiday rentals have been a feature of Shoalhaven for a long period of time, and they contribute to the tourism economy of Shoalhaven. Their use is currently regulated by NSW Government legislative framework. At present there is no legal ability to require them to pay higher rates or a surcharge, the funding from which could be put toward infrastructure or affordable housing.</p> <p>Council was however successful in having the following motion carried at the 2022 Local Government NSW Special Conference: "That Local Government NSW asks the NSW Government to consider legislative tools to assist councils with the impact of short-term rental platforms on local communities with respect to long-term rental availability". As such this matter will continue to be pursued with the NSW Government through Local Government NSW to see what changes are possible and will be considered.</p>
D09	Community/ Resident	Request to bring forward plans for sewerage capital works in Tomerong.	<p>In April 2021, for the village zoned area of Tomerong, Council resolved the following (MIN21.464):</p> <p><i>That Council include \$7.3 million for the Tomerong Sewerage Scheme (as a pressure sewer scheme) in the Sewer Capital Works Program, for completion in the 2028/29 financial year based on the following:</i></p> <ol style="list-style-type: none"> <i>1. Design of the scheme to commence in 2026/27 and construction commence in 2027/28,</i> <i>2. Noting that the scheme is not currently funded, review the sewer availability charge as part of the 2022/23 DPOP preparation to ensure the project is accommodated in the Long Term Financial Plan,</i> <i>3. The scheme also encompass any zoned land which has not been developed at this stage.</i> <i>4. Shoalhaven Water to seek grant funding to assist with the financing of the scheme.</i> <p>The timeframes outlined in Council's Resolution are based on Council fully funding the project. The only way for the project to be funded is through revenue raised by sewer charges, and the project is now included in the Long-Term Financial Plan, so it will be funded at the time outlined in the resolution. Should grant funding be received prior the project may be able to be brought forward and Shoalhaven Water have put the project forward for funding under the Town Water Risk Reduction Program.</p>
D10	Community/ Resident	Specific improvements to roads in Ulladulla. Council should provide green bins or larger rubbish bins at no extra charge.	<p>See submission detail D04 for roads. Suggestion of removal of additional trees on roadside is noted by staff.</p> <p>The introduction of a green bin to all residents in the Shoalhaven is not currently part of Council's waste strategy. An overview of common questions and answers related directly to green bins is available at Green Bins FAQ on Council's website. Further information will be provided directly to the resident.</p> <p>Councillors resolved at the 11 April Council meeting to receive a briefing on the costs associated with providing a green bin. This is scheduled for July 2022.</p>
D11	Community/ Resident	Request for more dog friendly areas and removal of 'dog prohibited' signs at Narrawallee.	<p>A comprehensive review of Council's Access Areas for Dogs Policy is now being undertaken. The Policy Review aims to improve the overall Policy operation and deliver a balanced outcome for all users of public space within the Shoalhaven. The Policy Review involves consideration of dog access areas, their categorisation and signage. Appropriate environmental due diligence is required to be applied with any changes to on-leash or off-leash areas for dogs. Suitably qualified professionals are to undertake environmental assessments for existing dog access areas designated by Council under the Access Areas for Dogs Policy review.</p>

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Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
D12	Community/ Resident	Request for green bins, more 24 hour dog access beaches, road condition improvements, concern for proposed developments in Mollymook.	See greenbin response in submission D10 and dogs policy review in submission D11. If the submission is relating to DA22/1138 for 56 Ocean Street, Mollymook, this is currently under assessment. There is a significant height variation proposed. It will be assessed having regard to clause 4.6 of the Shoalhaven Local Environmental Plan 2014 and other prescribed matters. Approval is unknown at this stage, as the assessment is incomplete.
D13	Community/ Resident	Suggestion to provide resident parking permits in peak holiday season.	Feedback and suggestion acknowledged.
D14	Community/ Resident	Request for Green bins, free kerbside bulky waste collection.	See greenbin response in submission D10. Full response to be provided to resident.
D15	Community/ Resident	Request for green bins	See greenbin response in submission D10. Full response to be provided to resident.
D16	Community/ Resident	Council carpark suggestion for Berry, footpath request, install heritage streetlighting in Berry.	Suggestions will be included in 2023/24 for further investigation.
D17	Community/ Resident	Support for proposed rate increase.	Feedback on proposed rate increase acknowledged.
D18	Community/ Resident	Request for increased heating of Ulladulla Leisure Centre pool.	The challenges in relation to the various users of our swimming pools at Ulladulla Leisure Centre in getting the right temperature for all is difficult. Ulladulla pool is actually the warmest indoor pool in the Shoalhaven. Heating is a very expensive exercise which we currently do not have budget for. In a few years' time, budget is allocated to replace the current heating system with heat pumps which, pending budget, may allow some heating of the outdoor pool also to provide more use of this across the year.
D19	Sanctuary Point Community Champions	Multiple queries on the proposed capital works program in Sanctuary Point, including roads, Wool Lane Sporting Complex Masterplan; request funding for small scale place based community projects.	Full staff response will be provided directly as multiple queries in relation to budget allocations and status of existing projects will require further research and collation by staff. Summary response: In relation to Wool Lane Sporting Complex, a proposed Master Plan Priority List was reported to Council's Ordinary Meeting in February 2022 (MIN22.135). Revised priority list will be reported at 27 June 2022 meeting. In regard to funding for place based community projects, Community Wellbeing grants offer up to \$2,000 for projects that support and enhance life in the Shoalhaven. For transparency and equity, funding is likely to be dispersed through a grants program.
D20	Nowra CBD Business Chamber	Methodology, application and service levels of Council's Commercial Waste Collection services in Nowra CBD.	Council's annual domestic waste charge applies to the premises, is levied on the owner of the premises and allows for different quantities of waste generated on the premises in the form of variable bin sizes and numbers. The charge is not fixed as per a carparking space or a water connection point. The Chamber's own investigation has found that many bins in the CBD are overflowing and may be too small. Note that the owner and occupier of business premises is responsible for ensuring they have an adequate provision for the particular waste types and quantities that they produce. Businesses, unlike domestic properties, are not required to use the domestic service but have a choice based on their specific waste generation rates, storage areas and other needs. Any business owner may utilise a private collection service from a commercial provider. The advantage is that the tenant, and not the property owner as with the domestic service, is able to enter into a contract with the commercial waste collection provider, who is able to enter the property, empty the bins and return them to the property, who is able to service the bins more than once a week or only once a month and who is able to provide a range of different bin sizes. This flexibility cannot be provided with the domestic waste collection service

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Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
			Business owners taking on the option of a commercial collection service will not be liable for any Council waste collection fees.
D21	Community/ Resident	Flood and stormwater management in Culburra Beach. Queries provisions for bushfire mitigation and control.	<p>Council completed a Flood Study for Lake Wollumboola in 2015 and this was subsequently adopted by Council. The outcomes from the Flood Study are used by Council to define flood prone land within the Lake Wollumboola catchment and ensure that appropriate development controls are applied to new developments. An updated Flood Study for the Lower Shoalhaven River catchment is currently on public exhibition, with the next stage a review of the Lower Shoalhaven River Floodplain Risk Management Study and Plan. This stage will assess all available structural and non-structural mitigation options that could be implemented to mitigate flood impacts on the community to reduce private and public losses resulting from floods and assist with flood evacuation. The Lower Shoalhaven River Flood Study includes all areas of Culburra Beach other than southern areas which drain to Lake Wollumboola.</p> <p>Upgrades to Council's existing stormwater drainage network is managed through Council's stormwater drainage program. Upgrades are typically funded by stormwater levy charges and proposed stormwater drainage projects are summarised in draft Budget 2022/23. In Culburra Beach, upcoming projects include improvements to drainage near Greenbank Grove & West Cres intersections, upgrades to roadside drains along Prince Edward Ave and Penguin Heads Rd, Kerb and Gutters on Allerton Ave and Ocean St. Stormwater drainage projects undergo prioritisation against many other competing projects throughout the LGA.</p>
D22	Vincentia Ratepayers Residents Association	Multiple queries and suggestions for capital works program in Vincentia.	Full staff response will be provided directly as multiple queries in relation to budget allocations and projects will require further research and investigations. Suggestions for capital projects have been passed onto relevant staff for consideration.
D23	Collingwood Beach Preservation Group	Multiple queries and suggestions for capital works program in Vincentia.	As per submission D22.
D24	Diana Lorentz, Jervis Bay Maritime Museum (Ref. by Clr White)	Request to ensure matched funding for upgrade of the wharf at the Maritime Museum to match Crown Lands grant funding.	Confirm that a project budget is included within the draft 2022/23 Capital Renewal Budget titled 'JBMM Jetty Replacement 2022' for an amount of \$158,000, of which the \$88,000 will be funded in addition to contingency and project management costs and ancillary works.
D25	Shoalhaven Heads Community Forum (Ref. by Clr White)	Capital works funding requests - Jerry Bailey Oval toilet block; Lions Club Viewing Platform.	Budget was allocated to fund viewing platform Includes \$137,000 grant and \$125,000 Council contribution. The budget for Jerry Bailey Oval remains unchanged to accommodate delivery of the project.

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Delivery Program Operational Plan

There are no proposed amendments to Council's Delivery Program objectives or Operational Plan Actions or reporting measures from the version placed on public exhibition. The DPOP is included as **Attachment 1**, with the Fees and Charges included as **Attachment 2** (Part 1) and **Attachment 3** (Part 2). Updates to fees and charges are included in the resolution.

Considerations and Proposed Changes to 2022/23 Budget

Operational Budget

Income Statement – General Fund was updated to reflect March QR carry-forwards such as \$700K operational costs for OneCouncil Implementation project and \$150K for Environmental Assessments for the Dog Policy Review.

Capital Works Listing

It is important to note that the Draft DPOP was prepared prior to the March Quarterly Budget Review and before severe damage to Council infrastructure caused by recent East Coast Low weather pattern. As such, further changes were made to refine the Capital Works Program as outlined in **Attachment 4**.

As a result of the March Quarterly Budget Adjustments and submissions, the total Capital Works Program increased from \$191M to \$247M: General Fund works increased by \$36M, Water by \$4M and Sewer by \$15M (includes \$12.5M Moss Vale Road revote). The major increase in General Fund capital works relate to March revotes such as \$16.6M for the Far North Collector Road, \$2M total of Bushfire Local Economy Recovery Fund (BLERF) projects with the funding received in the third quarter of the 2021/22 financial year, and \$1.8M of plant purchases carried forward into the next financial year due to delays in supply chain.

Similar to this financial year, the 2022/23 budget will remain flexible and may subject to change particularly given volatility of the energy market and high inflation.

Editorial and Formatting Changes

As part of the exhibition process some minor editorial and formatting changes were identified and these changes have already been made to the DPOP and included in the documents provided with this report.

These changes have not been specifically identified within the body of the report as they do not change the intent of the document or any budget position and are considered minor in nature.

Resourcing Strategy

Within the Asset Management Policy there have been minor amendments related to a better explanation of our asset portfolio (a number of items were added to the list in Section 2) and clarification of some linkages with agreed Service Levels. Council's Resourcing Strategy 2022-26 is included as **Attachment 5**.

The Long-Term Financial Plan was updated to reflect an updated capital works program and budget and is included as a separate **Attachment 6**.

There have been no amendments to the remaining elements of the Resourcing Strategy to the version which was exhibited.

Rating Structure

In order for Council to levy rates and charges for the 2022/23 rating year, Council is required to resolve the making of all rates and annual charges, in accordance with the Local Government Act 1993 & Local Government (General) Regulations 2005.

One (1) submission was received in support of the full proposed rate increase during the public exhibition period regarding the proposed 2021/22 Rating Structure. One (1) submission asked to limit the rate increase to 2.5%. No submissions were received in opposition to the proposed rate increase.

Following publication of Council's draft Revenue Policy, in accordance with Section 532 of the Local Government Act 1993, the rating structure was updated by re-doing the

calculations on the basis of Supplementary Notices from the Valuer-General dated 4 June 2022. The revision resulted in small changes and the revised rating structure for 2022/23 for ordinary and special rates is presented below. These changes have already been included in the DPOP documentation that has been provided with this report.

Table 2. Ordinary Rates

Sub-Category	No. of Rateable Properties	Land Value	Ad Valorem (c in \$)	Base Rate Amount (\$)	Total Rate Yield (\$)
Ordinary Residential Rates	55,475	\$20,426,216,745	0.18978	\$697.00	\$77,431,085
Residential Non-Urban Rates	941	\$35,991,200	0.18978	\$49.00	\$114,413
Ordinary Farmland Rates	635	\$871,466,200	0.15700	\$697.00	\$1,810,797
Farmland Rates - Dairy Farmers	150	\$265,325,000	0.07990	\$697.00	\$316,544
Ordinary Business Rates	151	\$2,246,220	0.38983		\$8,756
Business Nowra Rates	365	\$229,190,900	0.59010	\$697.00	\$1,606,861
Business Commercial / Industrial Rates	1,819	\$1,051,539,740	0.27380	\$697.00	\$4,146,959
	59,536	\$22,881,976,005			\$85,435,415

Table 3. Special Rates

Sub-Category	No. of Rateable Properties	Land Value	Ad Valorem (c in \$)	Base Rate Amount (\$)	Total Rate Yield (\$)
Verons Road Upgrade Special Rate - Dwelling Potential (commenced 1 July 2017)	22	\$9,440,000	0.62359	\$2,674.00	\$117,695
Verons Road Upgrade Special Rate - No Dwelling Potential (commenced 1 July 2017)	10	\$2,127,000	0.14057	\$297.00	\$5,960
Nebraska Road Construction Special Rate	23	\$2,402,400	0.11677	\$121.00	\$5,588
Jerberra Rd Infrastructure	103	\$27,186,100	0.43105	\$1,136.00	\$234,194
Jerberra Electricity Infrastructure	103	\$27,186,100	0.14536	\$383.00	\$78,967
Jerberra Road - E2	16	\$469,000	0.88193	\$257.00	\$8,248
Sussex Area Special Rates	99	\$51,790,315	0.03311		\$17,148
Total	376	\$120,600,915			\$467,800

In accordance with Sections 534 and 535 of the Local Government Act 1993, Council can resolve to make rates and charges for the 2022/23 financial year.

Conclusion

The 2022/23 Draft Budget was prepared based on the principles of prudent financial management and fiscal discipline. As demonstrated in the table below, the proposed changes to the 2022/23 Draft Budget have no impact on net unrestricted cash and the final 2022/23 budget will remain balanced. This indicates that the budgeted general fund operational and capital expenditures do not exceed the general revenue and available internal and external restrictions of the Council and consequently conforms to the requirement of no cash deficit budgeting.

	2022/23 Budget (\$'000)			
	General Fund	Water Fund	Sewer Fund	Consol.*
Draft 2022/23 Budget				
Net Operating Results	32,450	3,305	8,765	42,526
Net Surplus/(-Deficit) before Capital	306	-359	6,365	4,318
Other Cash Adjustments				
Capital Expenditure	-142,601	-24,367	-25,018	-191,986
New Borrowings	21,080	0	0	21,080
Loan Principal Repayments	-13,425	0	-5,416	-18,908
Proceeds from the disposal of assets	5,659	120	100	5,879
Receipt of Internal Loan Repayment	0	1,119	-1,119	0
Depreciation Adjustment	48,032	10,688	16,416	75,136
Dividend Paid to General Fund	1,994	-458	-1,536	0
Net Cash Outflow	-46,811	-9,593	-7,808	-66,273
Reserve Movements				
Net Transfers from Reserves	46,811	9,593	7,808	64,212
General Fund Net Cash Movement	0	0	0	0
Adjustments to 2022/23 Draft Budget Post-Exhibition:				
Net Operating Results	1,671	-165	-1	1,505
Net Surplus/(- Deficit) before Capital	-491	-165	-1	-657
Other Cash Adjustments				
Increase in Capital Expenses mainly due to March QR Revotes	-35,959	-4,440	-14,554	-54,953
Net Cash Outflow	-34,288	-4,605	-14,555	-53,448
Reserve Movements				
Additional Transfers from Reserves (from March Revotes - Committed Capital Reserve and Operational Budget carry forwards)	34,288	4,605	14,555	55,509
General Fund Net Cash Movement	0	0	0	0
Updated 2022/23 Budget:				

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	2022/23 Budget (\$'000)			
	General Fund	Water Fund	Sewer Fund	Consol.*
Net Operating Results	34,121	3,140	8,764	44,031
Net Surplus/(Deficit) before Capital	-185	-524	6,364	3,661
Other Cash Adjustments				
Capital Expenditure	-178,560	-28,807	-39,572	-246,939
New Borrowings	21,080	0	0	21,080
Loan Principal Repayments	-13,425	0	-5,416	-18,908
Proceeds from the disposal of assets	5,659	120	100	5,879
Receipt of Internal Loan Repayment	0	1,119	-1,119	0
Depreciation Adjustment	48,032	10,688	16,416	75,136
Dividend Paid to General Fund	1,994	-458	-1,536	0
Net Cash Outflow	-81,099	-14,198	-22,363	-119,721
Reserve Movements				
Net Transfers from Reserves	81,099	14,198	22,363	119,721
General Fund Net Cash Movement	0	0	0	0

***Note: Consolidated results include interfund adjustments not listed in the table.**

Following the consideration of the submissions received and the identification of the required changes, it is recommended that the Draft Delivery Program and Operational Plan 2022/23, Draft Budget, Fees and Charges and Draft Resourcing Strategy be adopted by Council, with proposed changes, as outlined in the recommendation at the beginning of this report.

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Summary	Total \$'000	Ward 1 \$'000	Ward 2 \$'000	Ward 3 \$'000	City-Wide Benefit & URA Specific \$'000	
DRAFT Exhibited Capital Works Total	191,985	26,231	15,830	22,335	127,589	
FINAL Exhibited Capital Works Total	246,938	48,474	20,804	28,794	148,866	
Net Movement (details below)	54,953	22,243	4,974	6,459	21,277	
Capital Works Adjustments	54,953	21,456	5,059	7,349	21,088	
Note, there have been refinements to project wards, hence the totals match but movement within wards is slightly different to original allocation						
Project	Total \$'000	Ward 1 \$'000	Ward 2 \$'000	Ward 3 \$'000	City-Wide Benefit & URA Specific \$'000	Comment
General Fund						
March QR Carry Forward						
Berry Showground Resilience BLERF-0111	575	575	-	-	-	Includes carry forward and new funding for 23FY
Fire Services Upgrade - Nowra Showground	384	384	-	-	-	
K'Valley Showground Resilience BLERF-0111	440	440	-	-	-	Includes carry forward and new funding for 23FY
Milton Showground Resilience BLERF-0111	357	-	-	357	-	Includes carry forward and new funding for 23FY
Myola Breakwall - New Public Toilet	100	-	100	-	-	
Nowra Showground Resilience BLERF-0111	545	545	-	-	-	Includes carry forward and new funding for 23FY
SSF - S'ground Stimulus - Round 2a- K'Valley -	184	184	-	-	-	
Software & Tech1 interface purchase	125	-	-	-	125	
Fleet & Mechanical - Bushfire Green Waste Cleanup	446	-	-	-	446	
HH - BP - Cabin - Rpl - FY22	310	-	-	310	-	
HH - KV - Cabin motel st - New - FY22	130	130	-	-	-	
HH - UD - 4-Way ensuite - New - FY22	25	-	-	25	-	
Lake Tabourie Amenities Building	550	-	-	550	-	
Recovery and Resilience Grant - capital components	450	-	-	-	450	
Fleet Vehicle Purchases	1,800	-	-	-	1,800	
Bomaderry - Sampson Crescent - Playground	124	124	-	-	-	
Frogs Holla Reserve Drainage	295	-	-	295	-	
Mollymook - Bill Andriske Oval Irrigation	34	-	-	34	-	
Nowra Showground Landscaping	170	170	-	-	-	
Nowra Showground Pavillion Painting	150	150	-	-	-	
Playground - Bomaderry - Sheraton Drive	131	131	-	-	-	
SCARP Croquet	1,000	1,000	-	-	-	
Titania Park Exercise Circuit & Pathway	144	-	144	-	-	
Ulladulla Skate Park	1,186	-	-	1,186	-	
Ulladulla Sports Complex	150	-	-	150	-	
Boolliah Creek Bridge Repair Disaster Assistance	229	-	-	229	-	
Boondobah Bridge Disaster Assistance Repair	472	-	-	472	-	
Huskisson Service Lane - Morton Street	1,625	-	1,625	-	-	
Ulladulla - Kings Point Drive (2kms from Princes	556	-	-	556	-	
Currambene/Bowen St, Huskisson - R/bout Safer	426	-	426	-	-	
Elizabeth St & Berry St - Roundabout - Blackspot	238	-	238	-	-	
O'Keefe Ave Nowra Ped Traffic Sig Grant	204	204	-	-	-	
Queen St Berry Ped X-ings Grant	180	180	-	-	-	
Lake Conjola, LC Entrance Road - SUP Bridge -	900	-	-	900	-	
Main Rd, Cambewarra - Raised Children's Crossing	100	100	-	-	-	
Matron Porter/Bishop Dr - Pedestrian SUP Con Urban	250	-	-	250	-	
Myola - Catherine St East End BBRF Path & Parking (Construct)	758	-	758	-	-	Includes \$357,500 carry forward and \$400,000 transfer from Local Road Repair Program (LRRP)
Road Unalloc - Parking CH0 All Day Urban	300	300	-	-	-	
Sanctuary Point - Car Parking	684	-	684	-	-	
St Vincent St - Pedestrian High Schl Safety Const	100	-	-	100	-	
Sussex Inlet - Nielson Rd - Carpark (behind Peace	392	-	-	392	-	
Thomson St, Sussex Inlet - Raised Median, Cyclist	440	-	-	440	-	
Victoria St, Berry - Raised Children's Crossing	70	70	-	-	-	
Judith Drive, North Nowra - Pond & GPT	130	130	-	-	-	
Shoalhaven Heads - DiscoveryPl/NoakesSt - Sinkholes Remediation	77	77	-	-	-	
Worrigee - Worrigee Rd/Isa Rd Intersection -	88	-	88	-	-	
Callala Bay Rd - Roads Strtgy CP02ROAD2007 Urban	150	-	150	-	-	
Far North Collector Road (D&C)	16,600	16,600	-	-	-	
St Vincent St - Roads Strategy CP05ROAD4008	156	-	-	156	-	
Sydney/Bowen St - Rds Strtgy CP03ROAD2115 Con Urban Upgrade	60	-	60	-	-	
Waste Plant Purchases	350	-	-	-	350	
Bendalong & Kioloa - Fishing Access Improvements	40	-	-	40	-	
Callala Bay - widen ramp and new walkway -	191	-	191	-	-	
Jervis Bay / Currambene Creek / Myola - Fishing Access	78	-	78	-	-	
Myola - Catherine St -Renewal- Boat Launching Ramp &	226	-	226	-	-	
Shoalhaven Levee Restoration Works (Construct)	180	180	-	-	-	
St George Basin - Fishing Access Improvements	166	-	-	166	-	
March QR Carry Forward Total	36,222	21,674	4,768	6,609	3,171	

Supported Submissions						
Shoalhaven Heads Viewing Platform	262	262	-	-	-	Project identified as a priority. Includes \$137,000 grant and \$125,000 transfer
Silkwood Wlk - Streetscape Wlk Path Lghtng Urban Upgrade/New	25	-	25	-	-	Project identified as a priority
Quay Rd - Pedestrian SUP Design Urban	50	-	50	-	-	Project identified as a priority
Supported Submissions Total	337	262	75	-	-	

Transfers and Allocations						
Holiday Haven Amenities	730	-	-	-	730	Reallocation within HH projects
Holiday Haven Cabins	- 2,140	-	-	-	- 2,140	Reallocation within HH projects
Holiday Haven Ensuites	420	-	-	-	420	Reallocation within HH projects
Holiday Haven Other Build	792	-	-	-	792	Reallocation within HH projects
Holiday Haven Other Infrastructure	- 1,521	-	-	-	- 1,521	Reallocation within HH projects
Holiday Haven Recreation	1,080	-	-	-	1,080	Reallocation within HH projects
Holiday Haven Roadworks	144	-	-	-	144	Reallocation within HH projects
Holiday Haven Siteworks	495	-	-	-	495	Reallocation within HH projects
Dog Policy Review - Implementation	- 50	-	-	-	- 50	Transfer within dog policy projects
AATP Stage 5 - Subdivision	1,000	-	-	-	1,000	Reallocation within Industrial Land projects
Flinders Industrial - Stage 12 (Long's Land)	300	-	-	-	300	Reallocation within Industrial Land projects
Flinders Units	2,000	-	-	-	2,000	Reallocation within Industrial Land projects
Industrial Develop Flinders	1,500	-	-	-	1,500	Reallocation within Industrial Land projects
Industrial Land Purchases	- 6,920	-	-	-	- 6,920	Reallocation within Industrial Land projects
Ulladulla Subdivision - Former STP	100	-	-	-	100	Reallocation within Industrial Land projects
Woollamia Units	2,020	-	-	-	2,020	Reallocation within Industrial Land projects
Coastal Monitoring Implementation -	- 71	-	-	-	- 71	Transfer within coastal monitoring projects
Coastal Monitoring Implementation -	71	-	-	-	71	Transfer within coastal monitoring projects
Dog Off-leash Areas - Various Areas	50	-	-	-	50	Transfer within dog policy projects
Main Rd, Cambewarra (SRV 2014)	260	260	-	-	-	Transfer funds from Local Road Repair Program
Local Road Repair Program (LRRP)	- 827	-	-	-	- 827	Transfer to \$167,000 to Crookhaven Boat Ramp, \$260,000 to Main Rd and \$400,000 BBRF3 Myola Active Transport (to supplement carry forward)
Murrumbidgee Rd - Pedestrian Bawley Pt SUP Urban Upgrade/New	- 1,800	-	-	- 1,800	-	Correction between duplicate project numbers 103836 and 106060
Murrumbidgee Rd - Shared User Path (Bawley Point - Kioloa)	1,800	-	-	1,800	-	Correction between duplicate project numbers 103836 and 106060
Owen St - Streetscape Urban Upgrade	50	-	50	-	-	Transfer from SRV Resurfacing
SRV resurfacing	- 250	-	-	-	- 250	Reallocation to various roads projects
The Wool Rd - RRRP CH1.9 CH2.4 Design Urban	740	-	-	740	-	Transfer from Bolong Rd
RRRP Various Upgrade	- 240	- 240	-	-	-	Transfer to The Wool Rd
RRRP Various Location Const Urban Renewal	- 500	- 500	-	-	-	Transfer to The Wool Rd
Crookhaven Hds Boat Ramp Upgrade	167	-	167	-	-	Transfer funds from Local Road Repair Program
Transfers and Allocations Total	- 600	- 480	217	740	- 1,077	

General Fund Total	35,959	21,456	5,059	7,349	2,094	
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Water Fund						
March QR Carry Forward						
Brundee WPS 33kv substation	160	-	-	-	160	
Barrier Replacement of Raw Water Supply	200	-	-	-	200	
Barrier WPS 33 kv Substation	300	-	-	-	300	
Nowra Sth, Flinders Depot electrical work	565	-	-	-	565	
Water Moss Vale Road expansion area	652	-	-	-	652	
Water Plant Purchases	905	-	-	-	905	
Water TM relining - Currumbene Crk Woollamia	460	-	-	-	460	
Water Various Main Replacements	1,000	-	-	-	1,000	
Water Vehicle Purchases	198	-	-	-	198	
March QR Carry Forward Total	4,440	-	-	-	4,440	

Water Fund Total	4,440	-	-	-	4,440	
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Sewer Fund						
March QR Carry Forward						
Flinders Depot Extension - Sewer Fund contribution	565	-	-	-	565	
Moss Vale Rd expansion area - WWtr	12,552	-	-	-	12,552	
Nowra Nth surcharge main upgrade stage1	1,000	-	-	-	1,000	
REMS 2.0 - New 900ML Storage Dam	200	-	-	-	200	
Sewer Vehicle Purchases	137	-	-	-	137	
South Nowra Surcharge Main	100	-	-	-	100	
March QR Carry Forward Total	14,554	-	-	-	14,554	

Sewer Fund Total	14,554	-	-	-	14,554	
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Grand Total	54,953	21,456	5,059	7,349	21,088	
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CL22.262 Community Strategic Plan 2032 - Exhibition Outcomes

HPERM Ref: D22/219668

Department: Corporate Performance & Reporting
Approver: Kevin Voegt, Director - City Performance

Attachments:

1. Draft Community Strategic Plan 2032 - Post Exhibition (under separate cover) [⇒](#)
2. Engagement Report - Exhibition Draft IP&R document 2022-23 [↓](#)
3. Draft CSP 2032 Exhibition - Full Submissions (councillors information folder) [⇒](#)

Reason for Report

The purpose of this report is to seek Council's endorsement of the Community Strategic Plan - Shoalhaven 2032. The report provides a summary and comments related to the outcomes of the public exhibition process undertaken from 11 May to 10 June 2022.

Recommendation

That Council

1. Receive feedback provided by the community on the Draft Community Strategic Plan for information.
2. Endorse the Community Strategic Plan - Shoalhaven 2032 with recommended amendments.
3. Publish a copy of the endorsed Community Strategic Plan on Council's website and provide advice to the Office of Local Government.
4. Thank the community for providing their submissions as part of the exhibition process and provide a response to each submission, outlining the outcome and actions undertaken relating to the issues raised.

Options

1. To endorse the Community Strategic Plan - Shoalhaven 2032

Implications: The Community Strategic Plan will be endorsed by 30 June 2022 as required by legislation.

2. Not endorse the recommendations and resolve to make changes to the Community Strategic Plan - Shoalhaven 2032

Implications: Council would need to provide direction to staff in relation to any further amendments.

Background

Local Councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. The Act and Regulation provide guidelines for Councils to follow to ensure community involvement is central to the formation of strategic plans that drive Council's long-term planning and day to day operations.

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The Community Strategic Plan (CSP) is the community's plan for the Shoalhaven. It has a minimum ten-year timeframe and should reflect the community's aspirations (needs and wants) for the Shoalhaven. Council's role in the production of the CSP is to facilitate its development and produce the document. The CSP is not just a Council plan but a community plan and responsibility for achieving our long-term objectives rests with the collective commitment of all levels of government, businesses, industry groups, community organisations and individuals.

A report provided to Council at the Ordinary Meeting on 9 May 2022 resulted in the following resolution:

That Council:

1. *Endorse the Draft Community Strategic Plan - Shoalhaven 2032 for the purpose of placing on public exhibition for a period of 28 days to seek further community feedback*
2. *Receive the 'Stage 1 Community Engagement Report for the Community Strategic Plan Review' for information*
3. *Endorse the Community Engagement Plan for Stage 2 of the Community Strategic Plan Review*
4. *Thank the community for their participation to date and invite further feedback during the public exhibition period*
5. *Receive a report on feedback from the community on the Draft Community Strategic Plan - Shoalhaven 2032 following the public exhibition period.*

This report includes an overview of the community engagement activities, outlines any recommended changes, and presents the final draft Community Strategic Plan - Shoalhaven 2032 to be endorsed and is included as **Attachment 1** for consideration.

Public Exhibition

In accordance with the resolution of Council, the Draft Community Strategic Plan was placed on public exhibition from 11 May until 10 June 2022.

The engagement was set at the level of inform and consult within the IAP2 framework. Focus on the engagement process was to inform the community and ask for feedback on the draft documents. Submissions could be made to Council either via the online Get Involved page or via email, letter to Council or over the phone.

Communication & Engagement Activities included:

- Pop-up market engagement events (4 events, 123 discussions)
- Email invitations to provide feedback to:
 - Community Consultative Bodies Executive Committee members
 - Council Advisory Committee members
 - State Agencies - Illawarra Shoalhaven Leadership Executive
- Social Media posts and two campaigns (17,923 total reach)
- "Get Involved" website including online submissions (1,129 visits)
- Highlighted projects map on Council's webpage
- 2 Media releases and mentions by the Mayor on radio
- Details in Council's weekly e-news, website news items
- Promotional flyers, posters at Council facilities
- Competition to encourage submissions with a chance to win SEC vouchers

The combined engagement statistics for the public exhibition of the full draft suite of Integrated Planning & Reporting documents are included as **Attachment 2**.

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Summary of Submissions and Recommended Changes

A total of 56 individual submissions on the CSP were received during the exhibition period. Within these submissions there was a variety of feedback, some which were joint submissions or more relevant to the Draft Delivery Program Operational Plan & Budget 2022/23. The DPOP & Budget had an additional 25 submissions, with all feedback considered across the suite of documents.

The summary of submissions is included in Table 1 and are accompanied with a staff comment, recommendation, or proposed action in response. Recommended changes to the CSP have been made to the document.

Copies of each submission have also been provided in the Councillor Information Folder – the Reference number (Ref#) cross references the original submission (**Attachment 3**).

All submitters will receive a detailed email response following adoption of the final documents with additional staff comments alongside the summary provided in Table 1.

Table 1 - Submission items and recommended action

Ref #	Submission From	Subject/Comment/Issue	Staff comment / Recommended Action Required
S01	Community/ Resident	Highlighting importance of issues in lower Shoalhaven River and query on Coastal Management Plan implementation.	The Lower Shoalhaven River Coastal Management Program is fully funded and listed in Council's DPOP Capital Works Program, line item 153.
S02	Community/ Resident	Update Outcome 2.2 as community values include the desire to preserve unique character of small coastal villages	RECOMMENDATION: Add an additional outcome to the CSP Priority 2.2 which reads: "Development contributes to and enhances neighbourhood character." Council can consider future priority activity to support further work on character through the development of the Strategic Planning Works Program for consideration in July 2022.
S03	Community/ Resident	Disapproval of Council's approval of Boongaree Nature Park, Mananga and tourist facility on Bong Bong Rd as the first step in destruction of Berry's village atmosphere.	Full staff response will be provided directly, summary included below: The town of Berry was the subjected to the construction of a bypass road that threatened potential future growth of the town's economy. Combined with an identified lack of quality green space / stopping location, Boongaree was proposed to address both issues - reconverting lost visitation and providing a platform for further growth into the future. Council has worked collaboratively and consulted with the community in relation to Boongaree the recently opened Nature Play Park, to deliver an inclusive and accessible facility that would be enjoyed by locals and visitors for many years to come.
S04	Community/ Resident	Complaint on the poor quality of the roads through Milton, Ulladulla & Mollymook, and lack of footpaths in Milton & Mollymook and difficulty of navigating with a pram.	Council is not in disagreement about the current state of the roads. As part of its advocacy for additional funds, Council has secured a promise from the incoming government to improve key roads including Forest Road (\$8M), Callala Bay Road (\$6M), Culburra Road (\$14M), intersection works at Coonemia / Currarong / Callala Bay Roads (\$2M), intersection works at Greenwell Point / Worrigee Roads, Wool Road (\$3M) and St Georges Basin Rd (\$2M). This is in addition to the estimated \$50M of Federal funding Council needed for the rehabilitation of the road network after the devastating March 2022 rainfall event.

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			The Draft DPOP also provides for \$34.7 M of Capital upgrades to the road network and an increase of \$2.6M on the existing road maintenance budget to bring that up to a total of \$38.8M being spent in the 2022/23 financial year on the Shoalhaven road network.
S05	Community/ Resident	Lack of footpaths in residential streets of Ulladulla to accommodate those using wheelchairs etc. Streets that have no kerb and guttering and lack of streetscape appeal.	Council has a Pedestrian Access and Mobility Plan (PAMP) strategy that identifies and prioritises the construction of new paths across the city. In the broader Milton-Ulladulla area alone there is over 118 path projects currently identified, and the plan is currently undergoing a review which could identify more projects in consultation with the community. Request has been noted but it will never be feasible or practical to build paths in every residential street, the strategy prioritises projects on the basis of demand and safety criteria (but Council ultimately determine the locations taking into consideration community feedback). Request for a path that links "all the way around Ulladulla and Mollymook" is already captured in the plan, along several demand corridors.
S06	Community/ Resident	Suggested amendments to strengthen the language around climate change and clean energy generation.	RECOMMENDATION: A review of community feedback shows support for the following recommended amendments as suggested: <i>Under 'We want to see' - Additional point 'Clean energy generation'</i> <i>Under 'Key Challenges' - Climate change Additional point 'impacts of drought on community, agriculture and industry'</i> <i>The Key Priority 'Protection of the natural environment...' includes the climate by definition, no recommendation to amend Priority 2.3.</i> <i>Recommended update to outcomes in 2.3 to address mitigation & adaptation -</i> • Achievement of greenhouse gas reduction targets for Council and community in order to mitigate climate change • Collaboration with partners to adapt to a changing climate <i>Recommended amendment to measurement of GHG to read "Council's Greenhouse gas emissions (tonnes CO₂e-) baseline 2020-21, reported annually"</i> "Number of Sustainable Energy Strategy initiatives implemented" is an annual reporting measure already included in the Operational Plan.
S07	Community/ Resident	Suggested performance measure be the number of development applications that are approved by Council after receiving more than 50 (for example) opposing submissions.	* Development applications with significant public interest are usually called in by Councillors and reported (publicly) to Council for determination. * Development applications with submissions, can be approved or refused, depending on the final assessment. The Council can choose to accept a recommendation or otherwise. * The bulk of applications are dealt with under delegation and do not attract significant public interest / objection. * All development applications are viewable on the DA tracking website, inclusive of public submissions.
S08	Community/ Resident	Feedback on negative experiences and poor communication from Council.	Feedback on the draft Plan has been acknowledged and feedback on interactions with Council staff has been forwarded to relevant staff. To acknowledge the importance of improving Council's Customer Experience, a new Council objective in the Delivery Program will guide our work in this area - "Provide an excellent customer experience through responsive and inclusive communication channels and processes". This will encompass a whole of Council focus on improving the rate of resolution of customer enquiries at first contact and the quality and timeliness of communications.
S09	Community/ Resident	Build inspiring places and spaces along the Nowra riverfront.	Feedback on the draft Plan has been acknowledged and forwarded to relevant staff for consideration in future planning.

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S10	Community/ Resident	Suggestion to include strategic statement on aged care service for retirees. Feedback on population forecasts and comment there is no provision for fauna/flora protection or policy regarding preservation of wildlife corridors or marine parks.	<p>Full staff response will be provided directly, summary included below:</p> <p>Council has an approved Sustainable Energy Policy committed to achieve net zero emissions by 2050. Amendments to this policy currently under development is to include climate change and more general sustainability strategies.</p> <p>There are designated wildlife corridors in the Illawarra-Shoalhaven Regional Plan 2041. It has been acknowledged that the existing mapping is coarse and Council's LEP Terrestrial Biodiversity Layer is misaligned with this. The NSW Department of Planning and Environment (DPE) are currently undertaking a comprehensive review of this layer and Council will incorporate the new mapping to inform decision making.</p> <p>Development Applications submitted to Council are critically reviewed by appropriately qualified personnel in accordance with the Biodiversity Conservation Act 2016 (NSW) which is to establish a framework for assessing and offsetting biodiversity impacts from proposed developments. A biodiversity offsets scheme (BoS) delivers a transparent, consistent, and scientifically based approach to biodiversity assessment and offsetting. Nonetheless, avoidance of impacts on biodiversity is adopted as a first principle using the BoS as it is based on the 'avoid, minimise, offset' hierarchy to ensure that 'no net loss' of biodiversity occurs.</p> <p>Vegetation clearing that may have occurred in recent years is attributed to previous legislation and pre-existing approvals. In this case, Council can hold proponents to the conditions of consent and try to work with them to achieve best practice.</p> <p>In relation to Marine Parks, DPI have jurisdiction over these lands, but Council works very closely with them to achieve collaborative outcomes.</p>
S11	Community/ Resident	Commends work to revitalise the Nowra CBD and desire for more cultural activities. Highlights that Bomaderry is missing from location map and encourages revitalisation.	Feedback on the draft Priorities have been noted and suggestions for economic revitalisation have been distributed to relevant staff for consideration. Bomaderry has been added to the map as this was an oversight.
S12	Community/ Resident	Would like to see reference to plans for addressing loss of trees, habitat and wildlife corridors caused by subdivision development, and a reinstatement of an effective tree preservation policy.	See response S10.
S13	Community/ Resident	Concern people are buying in the area but aren't living here.	Feedback on the draft Plan has been acknowledged and forwarded to relevant staff for consideration in future planning.

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S14	Community/ Resident	More specific guidelines for land-use planning to retain the character of our villages. Create community green space at 59 Owen St, Huskisson. No multi-storey carpark at 40 Owen St. Include reference to existing community-led plans. Include targets for gender parity in Council leadership roles & elected Council.	See recommendation in submission S02 regarding addition of new outcome. A review of the zoning in this part of Huskisson is not currently being considered by Council. The current zoning in the subject area is considered appropriate in the context of Huskisson as one of our urban centres (i.e., Huskisson-Vincentia area). Multi-dwelling housing also provides opportunities for choice and diversity in housing options which is increasingly important in the current climate. Next year's Operational Plan has an item to "Define the parameters of the project to create a 'Heart of Huskisson' at 59 Owen Street Carpark Development" which will be undertaken by the City Futures directorate. There was an assessment of the 5 community-led strategic plans from across the Shoalhaven as part of the review and update of the CSP. Acknowledgement of this is included in page 40 of the CSP. Feedback has been provided to relevant staff for consideration in future planning.
S15	Community/ Resident	Footpath/Bike path for Naval Parade, Erowal Bay.	See submission response S25
S16	Community/ Resident	Signage to protect local wildlife killed by vehicles. Less destruction of bushland for development. Affordable rentals and less temporary tourist rentals. Suggestion to increase rates for holiday homes and discounts for making permanent affordable rentals available.	Council is collaborating closely with Wildlife Rescue South Coast to ensure that data on wildlife injuries and road kills is appropriately utilised to determine if the signage to prevent this from occurring is at the optimum level. Further information regarding work in this area will be sent to resident. Holiday homes or short-term holiday rentals have been a feature of Shoalhaven for a long period, and they contribute to the tourism economy of Shoalhaven. Their use is currently regulated by NSW Government legislative framework. At present there is no legal ability to require them to pay higher rates or a surcharge, the funding from which could be put toward infrastructure or affordable housing. Council was however, successful in having the following motion carried at the 2022 Local Government NSW Special Conference: "That Local Government NSW asks the NSW Government to consider legislative tools to assist councils with the impact of short-term rental platforms on local communities with respect to long-term rental availability". As such this matter will continue to be pursued with the NSW Government through Local Government NSW to see what changes are possible and will be considered.
S17	Community/ Resident	Nowra to Shoalhaven Heads bike path; crossing at Bundanon allowing round trip from North to South Nowra.	Full staff response will be provided directly, see S04.
S18	Community/ Resident	Stop upgrades to Jellybean Park and Junction Court. Focus on fixing roads; more stores; things for people with disabilities to do; do mowing on time; more play centres; bring Big W to area; clean up the parks.	Feedback on regularity of cleaning and maintenance regimes has been provided to relevant staff for consideration. Council welcomes specific reports on particular issues at locations through the 'Report a Problem' on Council's website. Council continues to focus on advocating and promoting the Shoalhaven to attract increased investment and diverse new businesses and services to the area (Delivery Program Objective 3.1.02).

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S19	Community/ Resident	Feedback on Council maintenance regimes. Amend LEP in Huskisson to stop multi-unit development. Build a better Bay & Basin Council Depot & Office and Tourist Centre.	<p>Feedback on regularity of cleaning and maintenance regimes has been provided to relevant staff for consideration. Council currently supports two Visitor Centres in the region, Nowra, and Ulladulla. There is also a great Visitors Centre in Jervis Bay supported by volunteers and several small businesses in our towns and villages that work with Council to provide information for visitors. Staff also attend events in our mobile visitor's services van.</p> <p>A review of the zoning in Huskisson is not currently being considered by Council. The current zoning in the subject area is considered appropriate in the context of Huskisson as one of our urban centres (i.e., Huskisson-Vincentia area).</p> <p>Council is determining the future strategy for upgrade of our Council depots. With the construction of the new Sanctuary Point Library and Community Hub, Council will be exploring options for the provision of customer services through the new facility.</p>
S20	Community/ Resident	Commercialise the riverfront.	Council is committed to moving forward with proposed urban design and planning control changes that will enable the redevelopment of the Nowra Riverfront Entertainment and Leisure Precinct. There are a number of technical studies underway which will support a future planning proposal to revise and update the planning controls (including zoning and building heights) for the Precinct.
S21	Community/ Resident	Importance of building roads, schools, and urban infrastructure. Need more social housing.	Feedback on the draft Plan has been acknowledged and forwarded to relevant staff for consideration in future planning.
S22	Community/ Resident	Safe footpaths, roads, play areas and facilities for our youth in North Nowra.	<p>Council is currently confirming the budget and schedule for playground replacements in the 22/23 financial year. Pending the approved budget and scheduling of playground to be replaced, this presents opportunity for upgrade to an existing playground in North Nowra.</p> <p>The provision of new social infrastructure is guided by Council's Community Infrastructure Strategic Plan (CISP). The CISP is scheduled for review in 2022, which presents an opportunity for Council to review and consider any need for new facilities in our reserves. Given that this proposal may have further support from the community, this may be a matter that can be investigated upon the upcoming review of the CISP.</p>
S23	Community/ Resident	Concern for housing affordability and homelessness. Essential facilities/services not sufficient during peak holiday times. Questions need to ban dogs from all beaches for seabird nesting.	<p>The draft plan recognises the key challenge of housing affordability and Council is working towards the 4-year Objective in the Delivery Program of "Develop plans which will enable a variety of affordable and appropriately serviced housing options". Actions in this area include the continued implementation of the Affordable Housing Strategy and convening of the Homelessness Taskforce.</p> <p>Tourism is one of the largest industries within the Shoalhaven Region with average expenditure in the region surpasses \$1 billion dollars, well above average when compared to other LGAs throughout NSW. The industry supports an estimated 6,000 jobs in the region, ranking as one of the top four employment sectors for the Shoalhaven. Since Council has invested in Tourism within the region, tourism expenditure and tourism related jobs have only increased, giving considerable benefit to the local economy and local employment.</p>

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S24	Community/ Resident	Concern for facilities closed off in Currarong - Little Windy Beach access, Mermaids Inlet, and access to Hare Bay where metal railings have been placed and large ugly blocks along road.	Council liaises with the Currarong Community Association regarding projects in the Currarong area. With regard to the blocks along Currarong Road and closing of accesses, these have been placed at the request of NSW Crown Lands to control access by 4WD vehicles onto the beach dunes which have been damaging endangered vegetation. The metal railings along Currarong Road are crash barriers. The required locations of these were identified during the design of the road and associated road safety audit.
S25	Community/ Resident	Request for bike track in Erowal Bay to improve access for children, cyclists, and elderly scooter riders.	<p>Council's Pedestrian Access and Mobility Plan (PAMP) and Bike Plan strategy will soon be undergoing a review which could identify more projects in consultation with the community. We note your comments, and share your vision of improving the connections to/from Erowal Bay.</p> <p>The strategy already proposes improvements between Erowal Bay and the broader Bay & Basin cycleway network, and Council has already commenced discussions with National Parks & Wildlife Service with intent to ultimately secure an easement to facilitate a safe and efficient connection directly through the adjacent bushland (the existing track, which is proposed to be upgraded) through to Old Erowal Bay to access the existing regional cycleway. This proposed route will keep pedestrians and cyclists away from the higher speed, higher volume main road corridor. Whilst the road corridor is also likely to be improved over time with wider sealed shoulders, the strategy envisages providing pedestrians and cyclists with a safer and more direct alternative.</p>
S26	Community/ Resident	Request for cycle way path from Erowal Bay to join up with Vincentia Bay and Basin cycle pathway.	See response S25.
S27	Community/ Resident	Request for footpaths at Greenwell Point Public School (Church/Jervis Streets). School needs designated bus parking area with a shelter.	<p>A footpath is proposed on Jervis St outside the school with a shared user path proposed along Church Street. Following feedback, construction of the Jervis St footpath will be nominated as project for the 2023/24 financial year in Council's draft 10-year Capital Listing. Design for the Church St path will be proposed for 2024/25 with construction in 2025/26.</p> <p>In response to your request to construct a bus shelter closer to the school, the one outside 82 Greenwell Point Road was moved to this location in 2019 following a review of requirements in the area. There have not been any significant changes to activities in the area therefore a re-review has not been conducted.</p>
S28	Community/ Resident	More accessible, reliable electric public transport for Nowra.	One of the outcomes in CSP Priority 1.1 is improvement to transport services. The related objective in Council's Delivery Program - 1.1.04 - "Advocate for improvements to public transport services and provide support for community led initiatives that improve transport options". This includes actions for Council to engage with community service providers and the State Government to improve public transport and transport connectivity.
S29	Illawarra Shoalhaven Local Health District	Multiple points of feedback and suggestions with a health and wellbeing perspective.	Feedback has been discussed and reviewed by the Community Connections Team who would like to explore opportunities for partnership and collaboration with ISLHD moving forwards. Council's Wellbeing Plan is currently in development and there may also be scope for this work to be captured as part of this.

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S30	Community/ Resident	Request that CCB guidelines are updated to meet the changing needs of our times and be inclusive of our communities.	<p>The Community Consultative Body Guidelines are due for review in 2022 and will be updated with consideration of community feedback received.</p> <p>Council has committed to support community wellbeing by fostering active and healthy communities under priority 1.3 in the draft Delivery Program and Operational Plan 2022/23. The Community Connections team will do this by supporting all local networks including Community Consultative Bodies to improve equitable access to information and opportunities as per the Delivery Program Objective 1.3.04.01.</p>
S31	Community/ Resident	<p>Suggestions to add additional partners and measurements to Priority 1.</p> <p>Include affordable rental and social housing ratios in DAs. Advocate for improved medical/employment/training services.</p> <p>Add community engagement to build capacity of vulnerable cohorts (not all people have digital access).</p>	<p>Additional suggested implementation partners have been noted and will be utilised in delivering Council's programs. Council has an approved Sustainable Energy Policy. Under this policy, Council has committed to achieve net zero emissions by 2050, with key interim targets of: Reducing our corporate emissions by 25% by 2025 and 50% by 2030, compared to 2015 levels.</p> <p>Council's Delivery Program has the 4-year Objective 1.1.01 "Support communities to prepare for, respond to and recover from natural disasters, extreme weather and other emergencies" this includes number of programs delivered by Community Connections team which focus on activities which build community strength and capacity. Advocacy suggestions noted.</p>
S32	Huskisson Woollamia Community Voice	<p>Joint submission on CSP/DPOP. Multiple items: Outlines differences between 'Huskisson Woollamia Speaks' and 'Bay and Basin Community led Strategic Plan' and CSP/DPOP. Outline items seen to not adequately included as key priorities, outcomes, or measures – in particular around protected environments, balanced and sustainable development, over development, loss of our natural environment and climate change. Suggested measures and additional actions included in the plans.</p>	<p>Full staff response will be provided directly as multiple issues, queries and suggestions have been raised in the 18-page submission. Suggestions for additional actions and measures have been distributed to relevant staff for investigation and consideration in future revisions and updates of Council's plans. Questions raised will be answered in direct response.</p> <p>The Strategic Planning Works Program is the tool/way Council prioritises, manages, and tracks the strategic land use related planning projects being undertaken by its Strategic Planning Team. The Program is reviewed and set on an annual basis and is aligned with the Integrated Planning & Reporting Framework, Local Strategic Planning Statement and tasks arising from the NSW Government Land Use Planning Activity.</p>
S33	Community/ Resident	<p>Feedback on the strategic relationships embedded in the plan between the various social justice principles. Recommends the Bay and Basin Community Led Strategy Plan which demonstrates how the internal coherence of a Strategy Plan can be explored and implemented.</p> <p>Would like to see integrated, holistic and value measurement approaches to planning.</p>	<p>Feedback on the draft Plan has been acknowledged and forwarded to relevant staff for consideration in future development of strategic planning documents. Council recognises the importance of community-led strategic plan and the value they can contribute to place-based planning objectives.</p>

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S34	Community/ Resident	Query on Population forecasts. Outlines issues with key challenges - house affordability, natural environment, and pressure on bushland. Indicator of new businesses employing 1 person misleading and not in interest of Shoalhaven. Need leadership to sell the message that to protect the natural environment we need to make better use of our existing urban environment. No real recognition of cycleways. Suggested changes to Economic indicators and feedback on increased community engagement in decisions.	Population figures and forecasts are being confirmed, projected increase for over 60s by 2031 was incorrect and has been amended. In 2022 Council will update its Community Engagement Policy which will address some of the issues raised in the submission. This policy will underpin all engagement by staff to ensure best practice methods are used in all community consultations. It must be noted that "engaging with the whole community", in particular, hard-to-reach audiences requires budget support and staffing resources which are not always available for each consultation. Pathways wording has been amended to recognise "footpaths and cycleways". Further objectives on active transport connections are outlined in Council's Delivery Program. Other suggestions noted by staff for future planning.
S35	Community/ Resident	Should be major developments in town at Shoalhaven River - look to Mandurah Council on how they do this.	See response S20. Mandurah Council suggestion to be investigated by staff.
S36	Community/ Resident	Requests footpaths in Greenwell Point around school and village; cycle path from Terara to Greenwell Point; complaint on quality of roads.	Council has a Pedestrian Access and Mobility Plan (PAMP). The PAMP provides the strategy, ranking methodology, and mapping to support the expansion of paths, pedestrian crossings, and bicycle infrastructure across the City. This is currently under review and community feedback is expected be invited later this year.
S37	Community/ Resident	Positive feedback on document that is showcases the uniqueness of area and challenges community faces.	Feedback on the draft Plan has been acknowledged and noted by relevant staff.
S38	Community/ Resident	Feedback that 'relaxed lifestyle' is at risk and concern on adequacy of infrastructure. Change has to be in keeping with locality respecting character and environment. Question whether new subdivisions require more than one access.	See response S02 in regard to character. Response on subdivisions will be provided directly to resident.
S39	Community/ Resident	Requests urgent action on climate changes and renewable energy including expanding revolving energy fund and mobilise solar power on surplus Council land, encourage changes to DCP to improve sustainability and energy efficiency of new homes.	Council acknowledges, and is responding to, climate change through its policies and actions. Council's Sustainable Energy Policy sets out targets to reduce Council's corporate greenhouse gas emissions and to increase the uptake of renewable energy across both Council and the Shoalhaven community. Council is also currently working towards a new overarching Sustainability Policy and Action Plan to further drive our work into mitigating and adapting to climate change. In 2021, Council updated its Climate Change Risk Assessment to provide a more accurate assessment of the impacts of climate change on our LGA. Council has been actively working to increase the uptake of renewable energy both for its operations and in support of broader community initiatives. Council worked with Repower Shoalhaven and Flow Power to enable Shoalhaven's first utility-scale solar farm at South Nowra, which opened in late 2021. Council continues to work with the local community and businesses to support additional renewable energy opportunities across the LGA. For its own assets, Council is close to achieving a total of 1 MW of installed solar PV on its owned buildings, providing behind-the-meter benefits and savings. There are also some procurement initiatives underway to secure future renewable electricity for Council's sites and street lighting, which could halve Council's

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			<p>greenhouse gas emissions before 2025. Shoalhaven Council will continue to partner with local businesses, the community, and all levels of Government, to further reduce emissions and transition to a cleaner energy supply from renewable sources.</p> <p>Council has recently amended its Development Control Plan to provide greater consideration of the protection of rooftop solar systems so that they are able to perform at their optimum level of efficiency. Further, the NSW Government's BASIX scheme is also in place which encourages sustainable residential development.</p>
S40	Cancer Council NSW	Requests addition to Plan to recognise the value and co-benefits of shade and that there is currently lack of quality shade in public spaces. Commitment to plan and budget for built and natural shade in public spaces.	See response to submission S43.
S41	Advisory Group of the Bay and Basin Community Led Strategic Plan	Requests mention of community-led strategic plans and inclusion of a diagram of how the IP&R framework is applied and a statement of what has changed since 2027 CSP.	<p>RECOMMENDATION: A new table referencing the important input of the Shoalhaven's Community-led strategic plans has been added to page 40 of the CSP alongside state and federal plans.</p> <p>Council's report from 9 May 2022 seeking approval for exhibition of the draft CSP 2032 contains a table which references the changes made from the CSP 2027 version.</p>
S42	Community/ Resident	Requests kerb & guttering in Culburra, green bins, and road maintenance.	<p>The introduction of a green bin to all residents in the Shoalhaven is not currently part of Council's waste strategy. An overview of common questions and answers related directly to green bins is available at Green Bins FAQ on Council's website.</p> <p>It will never be feasible or practical to build footpaths in every residential street, Council's Pedestrian Access, and Mobility Plan (PAMP) and Bike Plan strategy will soon be undergoing a review which could identify more projects in consultation with the community. The strategy prioritises projects on the basis of demand and safety criteria (but Council ultimately determine the locations taking into consideration community feedback).</p>
S43	Cancer Council NSW (Elizabeth King)	Same submission as S40.	<p>At Shoalhaven City Council's Strategy and Assets Committee meeting on 9 February 2021, a Notice of Motion was reported to Council regarding shade structures within playgrounds. As a result, Council resolved (MIN21.63): <i>That Council include in its forthcoming and subsequent budget considerations the provision of shade structures over its children's playgrounds where practicable and appropriate.</i></p> <p>As a result of the above resolution, Council now considers and budgets for shade over social infrastructure, where appropriate.</p>
S44	Community/ Resident	Request for more road infrastructure and more housing for low income or pensioners.	Council continues to focus on supporting more options for affordable housing through working with partners on implementing the Affordable Housing Strategy and addressing need for crisis housing through supporting the Homelessness Taskforce.
S45	Community/ Resident	Safe walking and cycle paths between Erwal Bay, Vincentia, Huskisson and through to Booderee National Park. Highlights echidna habitat for landscaping to protect.	See submission S25. Request regarding echidna habitat passed onto relevant staff for investigation and action.

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S46	Community/ Resident	Queries the measures to tackle flooding in Culburra Beach and asks about status of Lake Wollumboola Flood Study. Queries detail of bushfire management and mitigation measures.	This submission will be considered in the DPOP report - submission D21.
S47	Community/ Resident	Encourage housing, make DAs easier, attention to roads maintenance.	Feedback on the draft Plan has been acknowledged and noted by relevant staff.
S48	Community/ Resident	Concern about the loss of species and the shrinking natural environment. Requests measurement of how many hectares of native bushland has been retained and how many hectares of cleared land has been revegetated. 40-day DA determination measure should be only in relation to existing cleared land.	See submission response S10 in regard to biodiversity assessment. In terms of preventing clearing for subdivision, particularly Greenfields development, it would be extremely difficult to approve any future subdivisions without vegetation being removed unless the land was entirely used for agricultural purposes and suitably zoned. In the assessment of any development, reports are prepared to ascertain the extent of vegetation removal and if the impacts are significant and irreversibly. Sometimes the impacts can be offset. Council collects information on subdivisions via the assessment process concerning the extent of clearing required. This information is in technical reports. Most Greenfields subdivisions are not resolved in 40 days given the complexity of these types of applications. Additionally, it is not uncommon for applications to be amended during the assessment. Most of the larger historic subdivisions have been approved by the NSW State government - Bayswood, Mundamia, Culburra, Manyana and Narrawallee. The more recent Greenfields developments, such as Moss Vale Rd, have been dealt with by the Council, excepting one, which was been put to the Regional Planning Panel. Reports are available on Council's tracking webpage or State equivalent.
S49	Cancer Institute NSW	Suggestions for inclusion of importance of built and natural shade into relevant sections of the CSP outcomes.	See submission response S43.
S50	Red Head Villages Association	Support for Mayoral Message. Requests funding for Bendalong Road upgrades. The SCC Planning instrument for urban densification negatively impacts on Red Head Villages (e.g., DA22/1281). Commends Section 4 'Effective, Responsible & Authentic Leadership' as a pro-active approach toward open, transparent, accountable, and inclusive Local Government administration and management.	Full staff response will be provided directly as queries will require further investigation by staff. Funding request for Bendalong Road is noted for forward planning. Maintenance works will continue to be undertaken in the interim until funding is identified. A DA must be assessed having regard to the strategic planning framework. If a DA is assessed and found to be satisfactory, a positive recommendation will be made. In terms of setting a precedent, each application is assessed on merit having regard to the site attributes and the planning framework in place at the time of assessment. Whether or not other dual occupancies will be built is contingent on a number of factors, including but not limited to land availability, the aspirations of the owner(s) and market conditions. Council cannot control tenancy arrangements whether people choose to owner occupy, rent their home either for the long or short term in the development assessment and determination process. Air BnB is controlled and managed by the NSW State government's regulatory framework.
S51	Community/ Resident	Queries detail and suggestions for Council's actions to address climate change.	Suggestions on climate change action has been distributed to staff for consideration. Council is currently working towards a new overarching Sustainability Policy and Action Plan to further drive our work into mitigating and adapting to climate change. Shoalhaven Council will continue to partner with local businesses, the community, and all levels of Government, to further reduce emissions and transition to a cleaner energy supply from renewable sources. As part of its broader sustainable living program Council will

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			offer workshops and programs which support local residents to reduce energy and water use, save money, discover the solar potential for their homes and businesses, and take action on climate change.
S52	Kangaroo Valley Community Consultative Body	Question on Community Survey. Queries the capital works program and specifically road projects for Kangaroo Valley on the forward capital works program.	Full staff response will be provided directly as multiple queries in relation to budget allocations will require further investigations. Council undertakes community survey every 2 years with the next due in October 2022. The baseline figures in the CSP measures are taken from the June 2020 survey results which are reported to Council and the community - last survey can be accessed on Council's website. Council reports progress on delivering annual actions and performance against measures through the Quarterly Performance Report, Budget Review and Capital works report.
S53	Our Future Shoalhaven	Concern on lack of action to preserve the environment and proposed developments. Outlines feedback, suggestions, and queries on the selection of measures with a focus on clarity and consistency.	<p>RECOMMENDATION: reinstate updated water quality measure Key Priority 2.3: "Percentage of routine water samples that meet the AS/NZ water quality guidelines as captured by Aqua Data."</p> <p>Full staff response will be provided directly, summary comments below:</p> <p>Councils are no longer required to prepare a separate State of the Environment Report, instead environmental outcomes are reported through tracking measures indicated in the Community Strategic Plan and through Annual reporting. Request noted for providing improved access to Council documents through its website.</p> <p>See S02 recommendation regarding new outcome on character. Question being investigated for community survey in regard to character and development.</p> <p>The number of threatened species in the Shoalhaven LGA is not a leading indicator. It is considered a lagging indicator as it not data maintained by Council (but rather NSW Department of Planning and Environment) and the number of threatened species may increase in response to negative environmental implications.</p>
S54	Community/ Resident	Suggestion for developers to be permitted to build attractive apartment accommodation within the CBDs to offer housing to combat reduced trade from those working from home following the pandemic. Suggests removing the word 'relaxed' from the community vision as it may contribute to 'dumbing down' the character of the Shoalhaven community.	Feedback on the Community Vision has been noted. No recommended changes proposed to the vision.
S55	Community/ Resident	Queries on Crime Prevention Plan; ensure that the village character across Shoalhaven is retained and objection to over-development.	While policing is not a function of councils, Council staff work very closely with NSW Police on initiatives to improve Community Safety and the perception of safety in the public domain. Councils Crime Prevention Plan expires in 2023 and will be replaced by a Community Safety Plan which will encompass some Crime Prevention initiatives. See submission S02 regarding character.
S56	Community/ Resident	Query on Council's activities.	Comment has been noted. Council's Delivery Program Operational Plan outlines the programs, projects, and services that Council will deliver to support the key priorities and outcomes outlined in the Community Strategic Plan.

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Editorial and Formatting Changes

As part of the exhibition process some minor editorial and formatting changes were identified and made to the final draft document. These include the minor updating of the progress measures to make it clearer what we will measure. The final draft Community Strategic Plan - Shoalhaven 2032 is included as **Attachment 1**.

Monitoring and Evaluation

Some of the detailed submissions referenced the proposed progress measures, queried their relevance, suggested alternatives, or new inclusions. The recommended changes supported for inclusion in this version of the plan are outlined above and included in the updated draft, however all suggestions will be further investigated as part of development of the overall monitoring and evaluation plan.

Conclusion

Following the consideration of the submissions received and the identification of the required changes, it is recommended that the final draft Community Strategic Plan - Shoalhaven 2032 be endorsed by Council.

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Exhibition Draft 2022-23 IP&R Documents – Engagement Overview

The following table outlines the combined engagement statistics during the public exhibition of the full draft suite of IP&R documents - draft CSP, DPOP & Budget, Resourcing Strategy.

Method	Tool/Platform	Summary Output
Consultation Methods		
Direct Community Engagement	Community Market information stalls Total 123 discussions with 25 individual items feedback provided	<ul style="list-style-type: none"> Kangaroo Valley Village 14 May (unable to be held due to limited community access) Tomerong Markets 21 May - 33 discussions, 8 feedback provided Marriott Park Markets 28 May (organiser cancelled due to wet grounds) Mollymook Beach Markets 29 May - 47 discussions, 5 feedback provided Jervis Bay Maritime Museum Markets 4 June - 22 discussions, 7 feedback provided Berry Broughton Mall 5 June - 21 discussions, 5 feedback provided
Webpages	Get Involved online engagement platform	1,129 combined visits to both CSP & DPOP Get Involved project pages
Submissions	Online, email, engagement, phone	Total combined submissions - 81 <ul style="list-style-type: none"> 47 online submission through portal 34 via email, engagement events, phone
Communication Methods		
Digital		
Electronic Direct Mail (EDM)	E-Newsletter (3,942 subscribers) Emails to key stakeholders	<ul style="list-style-type: none"> 19 May - 46.68% open rate 80 unique article clicks 280 previous survey respondents 250 Advisory committee members 24 CCBs executive contacts 13 State Agencies leadership ISLE
Social Media	Facebook (25k Followers); Twitter (3,221 Followers); LinkedIn (4065 Followers)	Posts Published - 16 May, 7 June <ul style="list-style-type: none"> FB Reach: 16,859 / 135 Reactions / 176 Comments / 24 Shares (organic post) Twitter Impressions: 186 / 5 Unique Link Clicks LinkedIn Reach: 878 / 13 Unique Clicks / 3 Reactions
Media		
Media Releases	Radio, Newspapers, Community Newsletters, TV	13 May - "Shoalhaven Rates Under Consideration" <ul style="list-style-type: none"> Print: South Coast Register & Milton Ulladulla Times Broadcast: 2ST, ABC Illawarra, and i98

Method	Tool/Platform	Summary Output
		<ul style="list-style-type: none"> Online: Milton Ulladulla Times, South Coast Register and 2ST website Please note that media was dominated by election news at this time. <p>2 June - "Have Your Say - Draft CSP - Shoalhaven 2032"</p> <ul style="list-style-type: none"> Online: Milton Ulladulla Times, South Coast Register Broadcast i98
Print		
Flyers	Available at Council facilities	<p>850 flyers distributed to:</p> <ul style="list-style-type: none"> Nowra, Bomaderry, Ulladulla Pool, Bay and Basin Leisure Centre, Bomaderry ISC Nowra, Ulladulla, Sanctuary Point Libraries Art Gallery, SEC & Encore café Nowra/Ulladulla Customer Service
Reception Display	Displayed on poster boards	<ul style="list-style-type: none"> A1 poster in reception area Flyers from service counters and info board

Figure 1: Example set up of Engagement stall – Mollymook Beach Markets 29 May, 2022



CL22.263 Local Government Remuneration Tribunal - Determination of Councillor and Mayoral Fees 2022/2023

HPERM Ref: D22/237879

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Annual Report and Determination - Local Government Remuneration Tribunal 2022 (under separate cover) [⇒](#)

Reason for Report

To note and consider the attached determination from the Local Government Remuneration Tribunal, and to adopt the fees payable to the Mayor and Councillors for the 2022/2023 financial year.

Recommendation

That Council:

1. Note the Local Government Remuneration Tribunal's Annual Report and Determination dated 20 April 2022.
2. Adjust the Councillor Fee payable to Councillors from 1 July 2022 to 30 June 2023 to be \$25,310 and the Additional Mayoral Fee to be \$62,510 being the maximum payable.
3. Not provide the additional Mayoral fee (in full, or in part), to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

Options

1. As Recommended

Implications: This will adjust the Fees for Councillors and Additional Mayoral Fee to the maximum permissible in line with the determination of the remuneration tribunal for the 2022/2023 financial year.

If adopted as recommended this will also rescind part 3 of previously adopted resolution MIN22.70 as detailed within the report.

2. Adjust the Councillor and Mayoral fees to a lesser amount within the minimum and maximum amounts as outlined in the report.

Background

The Local Government Remuneration Tribunal has determined an increase of 2% to Mayoral and Councillor fees for the 2022/2023 financial year, with effect from 1 July 2022.

Councillors' Fees

Section 241 of the *Local Government Act 1993* (the Act) requires the Tribunal to determine each year the maximum and minimum amounts of annual fees payable during the following year to Mayors and Councillors. Section 248 and 249 of the Act require Councils to fix and pay an annual fee based on the Tribunal's determination.

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The relevant provisions of the Act are outlined below:

248 Fixing and payment of annual fees for councillors

- (1) *A council must pay each councillor an annual fee.*
- (2) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) *The annual fee so fixed must be the same for each councillor.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

249 Fixing and payment of annual fees for the mayor

- (1) *A council must pay the mayor an annual fee.*
- (2) *The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) *A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) *A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) *A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee."*

Councils are to fix Councillor and Mayoral fees for financial year based on the Tribunal's Determination. The level of fees paid will depend on the category which is applied to the Council. If a Council does not fix a fee, the Council must pay the minimum fee determined by the Tribunal.

For the current financial year, the Determination of the Tribunal is that Councils in the Regional Centre Category (Including Shoalhaven) may fix the 2022/2023 annual fee for Councillors between \$14,380 (minimum) and \$25,310 (maximum). The Mayoral Additional Fee has been set at between \$29,920 (minimum) and \$62,510 (maximum). The Council may set any figure for the fees within this range.

The Councillor and Mayoral fee adoption is distinct and separate to the payment of expenses and provision of facilities to Councillors. The Mayoral Fee is an amount paid to the Mayor in addition to the Councillor Fee.

Payment for the Deputy Mayor

Section 249(5) Local Government Act allows Council to elect to pay the Deputy Mayor a fee when acting in the office of the Mayor. The amount of the fee must be deducted from the Mayor's annual fee.

In January 2022 a request was made to all NSW Councils requesting their position on paying the Deputy Mayor fees deducted from the Mayoral fee - 38 responses were received.

- 22 Councils do not pay the Deputy Mayor fees.
- 7 Councils pay 100% of additional Mayoral fee whilst the Deputy Mayor is acting (some with provisions relating to the length of time acting as Mayor).
- 7 Councils pay a percentage of the Mayoral Fee ranging from 10% to 50%.
- 2 Councils pay a specific amount - \$1,200 and \$3,621 respectively.

CL22.263

The matter of the Deputy Mayoral Fee is one for consideration and determination by the Council. This may also be a matter that the Council could consider at the required time when there is an extended absence of the Mayor.

Council at its Ordinary Meeting, 7 February 2022 resolved to Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.

RESOLVED (MIN22.70)

That Council:

1. *Determine the Fees payable as follows*
 - a. *The Maximum payable Councillor fee of \$24,810 p.a. to be applied pro-rata from 23 December 2021 to 30 June 2022.*
 - b. *The Maximum payable Additional Mayoral Fee of \$61,280 p.a. being applied for the period of 23 December 2021 to 30 June 2022.*
2. *Pay 100% of the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave.*
3. *Commence Superannuation contributions to Councillors from 1 July 2022.*

Following recent discussions with both the Mayor and the Deputy Mayor it is recommended to no longer provide the additional Mayoral fee to the Deputy Mayor when the Deputy Mayor is required to act in the position of Mayor during periods of approved leave. If the recommendation as presented in the report is resolved this will effectively rescind part 2 of the previously resolved minute (MIN22.70).

Superannuation for Councillors

On 16 May 2021, legislation was passed in the NSW Parliament to introduce superannuation payments for Councillors in NSW. The [Local Government Amendment Act 2021](#) addresses a longstanding inequity in Local Government by providing Councils with the option to make superannuation payments to Mayors and Councillors in addition to their annual fees from July 2022. This decision was made after a lengthy campaign to acknowledge the contribution of Councillors.

The relevant amendment to the Local Government Act 1993 states:

Section 254B Insert after section 254A—

254B Payment for superannuation contributions for councillors

- 1) *A Council may make a payment (a superannuation contribution payment) as a contribution to a superannuation account nominated by a Councillor, starting from the financial year commencing 1 July 2022.*
- 2) *The amount of a superannuation contribution payment is the amount the Council would have been required to contribute under the Commonwealth Superannuation Legislation as superannuation if the Councillor were an employee of the Council.*
- 3) *A superannuation contribution payment is payable with, and at the same intervals as, the annual fee is payable to the Councillor.*
- 4) *A Council is not permitted to make a superannuation contribution payment—*
 - a) *unless the Council has previously passed a resolution at an open meeting to make superannuation contribution payments to its Councillors, or*
 - b) *if the Councillor does not nominate a superannuation account for the payment before the end of the month to which the payment relates, or*
 - c) *to the extent the Councillor has agreed in writing to forgo or reduce the payment.*

CL22.263

- 5) *The Remuneration Tribunal may not take superannuation contribution payments into account in determining annual fees or other remuneration payable to a Mayor or other Councillor.*
- 6) *A person is not, for the purposes of any Act, taken to be an employee of a Council and is not disqualified from holding civic office merely because the person is paid a superannuation contribution payment.*
- 7) *A superannuation contribution payment does not constitute salary for the purposes of any Act.*
- 8) *Sections 248A and 254A apply in relation to a superannuation contribution payment in the same way as they apply in relation to an annual fee.*
- 9) *In this section—*
 - Commonwealth superannuation legislation means the Superannuation Guarantee (Administration) Act 1992 of the Commonwealth.*
 - Superannuation account means an account for superannuation or retirement benefits from a scheme or fund to which the Commonwealth Superannuation Legislation applies.*

The wording of the legislation sets out that the Council may elect to either provide a Superannuation Payment at the rate set out in the Superannuation Guarantee (equal to 10.5% of annual fees from July 2022) or not provide a superannuation payment. The superannuation payment is calculated on the Fees paid to Councillors (and for the Mayor the additional Mayoral Fee in addition to the Councillor Fee). Any amounts reimbursed to Councillors in the form of expense payments under the Council Members Payment of Expenses and Provision of Facilities Policy are not related to the superannuation calculation.

Council at its Ordinary Meeting, 7 February 2022 resolved to apply 10.5% Superannuation Payment from 1 July 2022. (Refer MIN22.70 above)

Councillors have been requested to provide superannuation fund details to Council to enable the commencement of superannuation payments from 1 July 2022.

Community Engagement

Council is not required to undertake community consultation in relation to the adoption of the fee amendment determination process, as it is based on a published report and the process undertaken by the Tribunal.

Financial Implications

Current fees paid to Shoalhaven City Councillors and Mayor

CATEGORY	Councillor Annual Fee	Mayor Additional Fee*
Regional Centre	\$ 24,810	\$61,280

Proposed fees to Shoalhaven City Councillors and Mayor 2022/2023 financial year:

2022/2023 Determination - Pursuant to Section 241 of Fees for Councillors and Mayors

CATEGORY	Councillor Annual Fee		Mayor Additional Fee*	
	Minimum	Maximum	Minimum	Maximum
Regional Centre	\$ 14,380	\$ 25,310	\$ 29,920	\$ 62,510

*this fee must be paid in addition to the fee paid to the Mayor as a Councillor/Member (s429 (2)).

CL22.263

The total financial impact of the recommendation is summarised below (not including the relative increase to superannuation arising from fee increases)

Councillor / Mayoral Fees total – All Councillors		Net Increase in Fees
Current (2021/2022)	Proposed (2022/2023)	
\$383,810	\$ 391,540 (based on maximum Annual Fee paid)	\$7,730 total

CL22.263

CL22.264 Code of Meeting Practice for Adoption

HPERM Ref: D22/249588

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Final Code of Meeting Practice for Adoption (under separate cover) [⇒](#)

Reason for Report

To adopt the Draft Code of Meeting Practice that was placed on Public Exhibition and to report on the submissions received.

Recommendation

That Council

1. Adopt the Draft Code of Meeting Practice as provided as attached to the report noting that no submissions were received during the public exhibition period.
2. Schedule a Public Forum (as required) at 4.00pm prior to the commencement of each Council Ordinary Meeting at 5.30pm.

Options

1. As recommended

Implications: Should the Council not adopt a new Code of Meeting Practice incorporating provisions for remote attendance by the 30 June 2022, Councillors will be unable to attend meetings remotely until such time as a Code including those provisions is adopted. Council is required by the OLG to adopt a Model Code of Meeting Practice within 12 months of the election.

2. Amendments be made to the Code of Meeting Practice prior to adoption.

Implications: In accordance with the provisions of Section 362 of the Local Government Act, further amendments must be publicly advertised if they make substantial change or propose to amend mandatory provisions of the Model Code. Any resolution to amend the Code must also include direction as to advertisement of the proposed changes to the Code.

Background

At the Council Meeting held on 28 March 2022, Council considered a report outlining the Draft Code of Meeting Practice and resolved (MIN22.213)

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.*

As outlined in the previous report to the Council, the Draft Code reflects the outcome of a Councillors Workshop on the Code of Meeting Practice which was held on 17 March 2022

CL22.264

As prescribed by the Office of Local Government, Council is required to adopt the Code within 12 months of the election.

In accordance with the requirements and resolution of the Council, the Draft Code of Meeting Practice was placed on public exhibition for 42 days being from 1 April 2022 to 12 May 2022.

Submissions:

There were no submissions received from members of public with respect to the Draft Code of Meeting Practice.

By way of reminder, there are several key changes between the Council's Current Code and the Model Code of Meeting Practice. They can be summarised 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 had 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.
- 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 (noted 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.

If the recommendation is supported, Council, upon receipt of a deputation request that is in line with the attached code of meeting practice, will schedule a Public Forum at 4.00pm prior to the Council Ordinary Meeting commencing at 5.30pm.

Further suggested changes post exhibition:

Followed further detailed review and consideration by staff (as outlined in the attached document):

1. It is proposed to remove the non-mandatory inclusion of a requirement for those approved to speak at a public forum (deputation) to submit written, visual or audio materials prior to the public forum. On reflection this was considered to be an overly restrictive measure given the timeframes involved. The provision in the initial draft was as follows:
“4.9 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no later than 9.30am on the day of the public forum. The General Manager or their delegate may refuse to allow such material to be presented.”
2. References to the General Manager were replaced with Chief Executive Officer for clarity. The term CEO was also added to the definitions.

These two (2) amendments are not considered substantial enough to warrant further public exhibition.

Community Engagement

Submissions from the public were called via Council's Documents on Exhibition page prescribed period from 1 April 2022 until 12 May 2022, it was advertised in the South Coast Register and the Milton Ulladulla Times on 13 April, 20 April, 4 May and 11 May. It was a News Feed Item on the Council Webpage and was advertised through social media platforms LinkedIn and Facebook.

Policy Implications

Advertisement and adoption of the Code of Meeting Practice is required to be in accordance with the relevant provisions of the Local Government Act provided below:

Section 361 and 362 of the Local Government Act 1993 states:

361 Preparation, public notice and exhibition of draft code

- (1) *Before adopting a code of meeting practice, a council must prepare a draft code.*
- (2) *The council must give public notice of the draft code after it is prepared.*
- (3) *The period of public exhibition must not be less than 28 days.*
- (4) *The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.*
- (5) *The council must publicly exhibit the draft code in accordance with its notice.*

362 Adoption of draft code

- (1) *After considering all submissions received by it concerning the draft code, the council may decide:*
 - a. *to amend those provisions of its draft mandatory code that are non-mandatory provisions, or*
 - b. *to adopt the draft code as its code of meeting practice.*

- (2) *If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the council is of the opinion that the amendments are not substantial, it may adopt the amended draft code without public exhibition as its code of meeting practice.*

If the Council does not adopt a new Code of Meeting Practice within the 12 months, any provisions of the council's adopted meeting code that are inconsistent with the mandatory provisions of the Model Meeting 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 Meeting Code.

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.

CL22.265 Code of Conduct and Code of Conduct Procedures

HPERM Ref: D22/203450

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Code of Conduct Policy (under separate cover) [⇒](#)
2. Code of Conduct - Procedures (under separate cover) [⇒](#)

Reason for Report

Council is required to adopt a Code of Conduct and Code of Conduct Procedures within the first 12 months of the Ordinary Election. The report outlines Draft Documents for endorsement of the Council.

Recommendation

That:

1. The draft Code of Conduct (**Attachment 1**) be adopted with amendments as outlined in the report
2. The Code of Conduct Procedures (**Attachment 2**), being the procedure last adopted in December 2020 be reconfirmed without amendment.

Options

1. As recommended

Implications: The Code and Procedures will be adopted with the one change made to the Code of Conduct and no amendments made to the Code of Conduct Procedures as outlined in the report.

2. Council amend the Code of Conduct or the Code of Conduct Procedures before adoption.

Implications: Any amendments must not contain provisions that are inconsistent with the mandatory provisions contained within the Model Code of Conduct or Procedures outlined by the Office of Local Government.

Should the Council wish to pursue amendments to either document, the appropriate course of action would be for the Council to receive a report containing specifically worded provisions which would validly address the intent of proposed amendments.

3. Council place the Code of Conduct on public exhibition prior to adoption

Implications: There is no requirement for public exhibition of this Code under the Local Government Act, given the content is required to align with the Model Code of Conduct.

Background

Section [440 of the Local Government Act, 1993](#) outlines the requirements for the Council to adopt a Code of Conduct and Procedures for the Code of Conduct within the first 12 months of the commencement of each Council term which are based upon and not inconsistent with the [Model Code of Conduct for Councils in NSW](#) and [Model Procedures for the Administration of the Model Code of Conduct for Councils in NSW](#).

Code of Conduct

Attachment 1 to this report is a Draft Code of Conduct for adoption by the Council. The only amendment to the Draft Code from the current version which was last amended by the Council in December 2020 is the omission of the previous Clause 3.29.

The subject Clause was as follows:

***3.29** When a Councillor is made aware of the inappropriate distribution, by a third party, of their personal emails or written correspondence to the media or social media, then that Councillor has an obligation to seek the withdrawal of the unauthorised communication.*

It is proposed that Clause 3.29 be omitted from the Code of Conduct as it is considered to be inconsistent with the Model Code. The inconsistency arises as it relates to personal emails and correspondence which may fall outside the scope of the Code of Conduct and does not align with the available sanctions applicable for proven breaches under the Procedures. It is a stand alone clause with very limited possible application and which is not considered to require amendment or replacement.

For the benefit of newly elected Councillors, the current Code of Conduct (and therefore the draft provided at Attachment 1 for adoption) includes the following additions and adjustments to the [Model Code of Conduct for Councils in NSW](#):

- Council Values have been included:
- The introduction has been amended to reflect the content of the document as the Council's Code of Conduct, based on the Model Code.
- The document provides reference notes to other Policies or Procedures of the Council throughout
- Under Part 3 additional provisions have been added under the heading of 'Public Comment' (3.23 to 3.28) to provide additional clarification of requirements around public speaking.

Council may include additional provisions that are more onerous than the Model Code of Conduct. As noted in the Model Code of Conduct "a council's ... adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct."

Code of Conduct Procedures

Attachment 2 to the Report provides the current Code of Conduct Procedures for readoption which reflect the [Model Procedures for the Administration of the Model Code of Conduct for Councils in NSW](#) without amendment. <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Procedures-for-the-Administration-of-the-Model-Code-of-Conduct-2020.pdf>

Community Engagement

Community Engagement is not required for adoption of the Code of Conduct or Procedures given the requirements for consistency with Model documents limits amendments that can validly be made. Once a new version is adopted Council's Website will be updated.

Policy Implications

The proposed removal of Clause 3.29 of the Code is not significant and will not impact on other documents.

The provisions within the Code of Conduct and Procedures are related to the Code of Meeting Practice, Council is also required to adopt a Code of Meeting Practice by 30 June 2022. The Council resolved to place a Draft Code of Meeting practice. It would be beneficial for these policy documents to be adopted within similar timeframes.

CL22.265

CL22.266 Petitions To Council Policy for Reaffirmation

HPERM Ref: D22/189911

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Petitions to Council Policy [↓](#)

Reason for Report

All Public Policies are to be submitted to Council within 12 months of the election of a new Council.

Recommendation

That Council reaffirm the Petitions to Council Policy with no changes proposed.

Options

1. Adopt the recommendation as written

Implications: No changes proposed.

2. Not adopt the recommendation

Implications: Council can request further details, seek further community input, or make other changes.

Background

The Petitions to Council Policy is attached to this report for reaffirmation, there are no changes proposed.

The Policy was first adopted by the Council in April 2021 following public consultation. No required changes have been identified since adoption.

The Policy aligns with the following key priorities of the Community Strategic Plan:

4.2 *Provide advocacy and transparent leadership through effective government and administration*

4.3 *Inform and engage with the community about the decisions that affect their lives.*

Community Engagement

There is no requirement for further public exhibition of this Policy given no changes have been identified. However, Council may choose to do so, should they consider any additional changes of significance.

Policy Implications

The Policy is proposed for reaffirmation without amendment, therefore there are no implications or deviation from current approved Policy.

CL22.266

Petitions to Council Policy

Adoption Date:	13/04/2021
Amendment Date:	
Minute Number:	MIN21.192
Review Date:	01/12/2021
Directorate:	City Performance
Record Number:	POL22/82

Petitions to Council Policy

1. Purpose

To provide a framework for the presentation and response to petitions to Council.

2. Statement

This policy applies to all petitions forwarded to Shoalhaven City Council, including those forwarded directly to a Shoalhaven City Councillor or the Chief Executive Officer.

This policy excludes:

- Petitions that relate to objections to environmental planning applications or a planning decision that has already been made by Council; and
- Petitions regarding any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.

3. Provisions

Any member of the community may organise, sign or submit a petition.

Petitions can be submitted to any Shoalhaven City Councillor or the Chief Executive Officer

3.1 Petitions to be relevant to Council

The following categories of petitions will be considered by Council:

- Matters relating to Council's assets, operations and responsibilities.
- Matters which:
 - affect Shoalhaven City Council or the Shoalhaven community, and
 - where Council is in a position to exercise some degree of influence.

If a petition concerns a matter over which Council has no direct control or a request is made for the Council to petition an external Government agency, the Chief Executive Officer will consider action to be taken such as, providing the petition to the relevant body on behalf of Council, or providing a report to Council outlining the petition content.

Where a petition relates to a matter for which Council has no responsibility or ability to exert influence, the Chief Executive Officer or delegate may return the petition to the petition organiser with an explanation, and wherever possible, provide advice on the appropriate agency or organisation to consider the petition.

3.2 Required content for valid petition

To be considered a valid petition, in addition to the petition being relevant to the Council as outlined at 3.1 above, a petition document must contain:

- A clear and concise statement identifying the subject matter and the action requested on each page / document submitted.
- The name and contact details of the person (and where relevant the organisation they are representing) who is submitting the petition to Council. If a contact person is not provided, Council will assume the first signatory to be the main contact.
- An accompanying statement summarising the intent of the petition and specifying the number of signatories. A minimum of four (4) signatories from different households are required.

Petitions to Council Policy

- In the case of a paper petition (that is, a printed document submitted by hand or post):
 - a heading on each page indicating the subject matter and the action requested
 - the full name, address and signature of each person.

A template is provided at Appendix B for hardcopy petitions

- In the case of an electronic petition (that is, a document submitted by email or other electronic means), the full name and address of the person supporting the petition along with a statement by that person certifying that the statement identifying the subject matter and the action requested as set out at the beginning of the petition has not been altered.

Petitions hosted on online engagement platforms (that is, internet or e-petitions which are signed online, usually through a form on a website) will be accepted as long as they meet the requirements of a valid petition. Such petitions must be submitted in PDF format or printed version, not as a link to a website, and must include the details as set out above, with the email addresses of the persons supporting the petition as provided by the online engagement platform.

Shoalhaven City Council reserves the right to reject any petition that does not meet these criteria.

3.3 Presentation of a Petition to the Council

a. Tabling at a Council meeting by a Councillor

If a Councillor receives a completed petition they may either:

1. Table the original document at a meeting of the Council, or provide the Chief Executive Officer with an electronic PDF copy of the petition in advance of the meeting at which it is tabled. In accordance with Paragraph 9.19 of the Code of Meeting Practice the tabling of the petition will be recorded in the minutes and the petition will be assigned to the appropriate officer for action; or
2. Forward the petition to the Chief Executive Officer for registration by Council.

b. Receipt of petition as correspondence to the CEO

Where the Chief Executive Officer or other staff receive a petition, it will be registered in Council's Electronic Records Management system as correspondence and assigned to the appropriate officer, to be dealt with in accordance with correspondence standards and this Policy.

3.4 Action Arising from the Receipt of a Petition

1. Where a petition relates to a current consultation process, including planning and development matters on which the Council has not made final determination, the petition will be considered as a group submission to that process and correspondence from Council will be provided with acknowledgement, such correspondence being made with only the individual who submitted the petition. When a petition is received relating to a Development Application during the period of its public exhibition, it will be considered as a submission to the exhibition.
2. All other petitions received of fewer than 500 signatures will be treated as general correspondence to the Council.

Petitions to Council Policy

3. In the event a petition containing 500 or more signatures on a matter which is not part of a consultation process is received by Council, the subject matter of the petition shall trigger a report from the Chief Executive Officer at a future meeting of Council. The timetable for the Report will be determined by the Chief Executive Officer.
4. The report shall provide the Council with an outline of the petition, subject and, where relevant, proposed further action which is intended or recommended by the Council. The petition submitter shall be advised by the report author of the meeting at which the report will be listed. The report will not include a copy of the signed petition for privacy reasons.
5. When a petition is received on a matter which has been addressed by the Council or is about the same issue as a previous petition received (within the previous 12 months), the Chief Executive Officer or Director may determine that the issues raised have previously been addressed and a report to Council is not warranted, in which case the petitioner will be informed of this decision.

3.5 Access to information and Privacy

Petitions usually contain personal information such as signatures, addresses and contact details. Information contained in petitions will be managed in accordance with Council's Privacy Management Plan and requests for access petitions will be considered in accordance with the Government Information (Public Access) Act 2009 (GIPA Act) and the Privacy and Personal Information Protection Act 1998 (PPIP Act).

Where considered warranted Council may contact individuals who have signed the petition for reasons which may include: to clarify community sentiment; to arrange a community forum; or to provide correspondence about the subject matter of the petition they signed.

4. Implementation

City Performance will administer this policy.

5. Review

City Performance (Business Assurance & Risk) will review this policy once every 4 years.

CL22.267 Community Donations Policy - For Adoption

HPERM Ref: D22/183753

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

Attachments:

1. POL22/76 Final Draft Community Donations Policy [↓](#)
2. Final Draft Community Donations Guidelines & Application Form [↓](#)
3. Final Draft Assessment Panel Guidelines - Community Donations Policy [↓](#)
4. Submissions - Draft Community Donations Policy and Guidelines and Application Form (councillors information folder) [⇄](#)

Reason for Report

To provide an overview of submissions received during the public exhibition and provide the Final Draft Community Donations Policy, Guidelines and Application Form for adoption.

Recommendation

That Council

1. Note the details of the submissions received during the public exhibition period as outlined in the report
2. Adopt the Final Draft Community Donations Policy, Guidelines and Application Form provided as attachments to the report
3. Advise all current recipients of the changes to the Donations Policy and timetable for applications for 2022/2023.

Options

1. As recommended

Implications: The new Community Donations Policy, Guidelines and Application Form will achieve greater transparency and accessibility to donations by community organisations and groups across the Shoalhaven, in alignment with the Council's Community Strategic Plan. The policy will be implemented immediately, and applications called for the 2022/2023 to allow determination by Council for commencement of the new financial year.

2. The Community Donations Policy, Guidelines and Application Form are adopted with further amendments

Implications: Not known

3. Not adopt the Policy at this time

Implications: Should the Council not adopt a new Community Donations Policy, Guidelines and Application Form at this time, direction will be required as to how the donation funding for 2022/2023 will be dealt with under the current Policy (POL16/181).

That may be to (a) continue with the current policy or (b) parts of the current policy.

CL22.267

Background

Council at its Ordinary Meeting, Monday 14 March 2022, Council considered a report outlining the Draft Community Donations Policy, Guidelines and Application Form and resolved the following (MIN22.167):

That:

- 1. The Draft Donations Policy (Attachment 1) be placed on public exhibition for a period of four (4) weeks to obtain community feedback on the Draft Policy*
- 2. All current recipients of donations be advised in writing of the public exhibition and their ability to make comment.*
- 3. A report be provided at the completion of the exhibition period, outlining the submissions received and a Final Draft Policy and Procedures for adoption by the Council.*
- 4. The Policy be renamed as the “Community Donations Policy”*
- 5. Due to taxation requirements, the Policy be limited to apply to only organisations which hold an ABN.*
- 6. The following parts of the application form be amended as follows:*
 - a. At question 8 – remove commercial undertaking*
 - b. The requirement for applicants to include financial statements of income and expenditure and balance sheet in support of applications*
 - c. Appropriate due diligence questions be asked in relation to expenditure of donation funding.*
 - d. Application form to request ABN Number of applicants under “details of Organisation/Individual”*
 - e. “Does this project require council approval? If so complete part 9”. Be inserted above question 9 in the application*
- 7. It be made explicit in the Policy that organisations will be required to provide financial statements as part of the application process*

As outlined in the previous report to the Ordinary Meeting, the amendments to the policy are the result of previous resolutions of the Council and calls for a thorough review of the Policy. They aim to achieve greater transparency and accessibility to funding by community organisations and groups across the Shoalhaven and in alignment with the Council's Community Strategic Plan.

The Draft Donations Policy was exhibited from 1 April to 29 April 2022. During this time current recipients were advised of the Draft Policy and invited to make submissions.

During the submission period a Get Involved Page was established, the page was visited 30 times and the document was downloaded a total of 3 times.

Submissions:

In accordance with the Council resolution, the Draft Policy was placed on public exhibition and all current recipients were advised in writing of the exhibition. The table below outlines the three (3) submissions (provided for Councillors Information within **Attachment 4**) received during the exhibition period (and staff responses). There was one (1) additional late submission which was also been outlined below and included within the attachment.

CL22.267

Submission From	Comments within Submission	Staff Comment
RSPCA - Shoalhaven Volunteer Branch	<p>The draft policy <i>“appears to be geared at defined projects or events, thus precluding funding for ongoing activities such as those offered by our Volunteer Branch”</i></p> <p><i>“The level of community veterinary assistance for any given year is dynamic but non-quantifiable upfront.”</i></p> <p><i>“We are hopeful that Council will continue to support our Volunteer Branch.”</i></p>	<p>The Certification & Compliance team have confirmed that this donation could continue to occur operationally by the Certification & Compliance team and be managed separately to the annual Community Donations Budget.</p> <p>It is recommended that \$2,000 be transferred from the donations budget to the Certification & Compliance team to facilitate this outcome.</p>
Callala Bay Community Association	<p>Concern regarding timeline for applications:</p> <p><i>“applications for financial assistance and support via donations, sponsorships and subsidies should be made during February or March of any given year.”</i></p> <p><i>Presently Council grants an annual subsidy to CCB's and community associations (such as ours, Callala Bay Community Association (CBCA)) that subsidy, presently \$500, occurring late in each year (October/November).</i></p> <p><i>Council also invites expressions of interest in a subsidy to enable those community associations to host an Australia Day event, those expressions of interest being invited generally in October and, provided certain criteria are met, funds are made available soon after. In past years, CBCA and possibly other CCB's, have also conducted Christmas Carols events. Considering that the aforementioned events and their associated subsidies occur very late in any given year, the practicality of arranging those subsidies in February or March is</i></p>	<p>Staff response provided to the Callala Bay Community Association:</p> <p><i>“Please note as part of this review, the payments to CCBs of \$500 were determined to be dealt with operationally, and not as part of the Community Donation's application process which was out for exhibition, and therefore these payments will continue to be provided without the need for an application.</i></p> <p><i>In relation to the donations for events, the timing suggested is to allow the appropriate allocation of funds for each financial year. We understand this may mean that application and consideration must be given well in advance of the event.”</i></p>

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	<i>questionable and perhaps warrants reconsideration. An amendment to the policy may be required.</i>	
Music Shoalhaven	<i>“appreciate the open and fair process for the allocation of funds” and have expressed they “will be making an application for Financial Assistance / Donation under the Cultural category”</i>	No concern or amendments to the Policy, Guidelines or Application Form suggested within this submission.
Sussex Inlet RSL Sub Branch	<i>“We would support continuation of recurring subsidised rates in support of our voluntary work helping local veterans and their families, and encouraging social engagement and integration in the broader local community. Recurring support in this way enables us to budget with certainty well in advance of the coming year rather than seeking ad hoc or annual grants”.</i>	Their submission is in favour of reoccurring support without the requirement of an annual application for the subsidised rates category.

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The revised Draft Policy, including an additional highlighted amendment is provided as **Attachment 1** to this report. The additional amendment (highlighted in yellow in the Policy) is as follows:

- Under provisions on page 4 of the Policy *“Recurring donations for ongoing projects may submit an application every three (3) years, providing that an acquittal of expenditure is provided annually”* has been removed, as it is contradictory to the need for a fresh written application and acquittal being lodged with Council for each donation period. This inconsistency was identified by staff during the exhibition period.

The revised Draft Community Donations Guidelines & Application Form, including an additional highlighted amendment is provided as **Attachment 2** to this report. The additional amendment (highlighted in yellow) is as follows:

- On both the guidelines and the application form, the application closing date has been brought forward from May to April to allow for assessment, reporting and determination timeline prior to the beginning of the financial year.

The revised Final Draft Assessment Panel Guidelines - Community Donations Policy, including an additional highlighted amendments is provided as **Attachment 3** to this report and in the Draft Policy. The additional amendments (highlighted in yellow) is as follows:

- The panel will be chaired by the CEO or their delegate (previously stated the Mayor or delegate) as this is consistent with the Draft Policy.
- The Director City Performance has been noted as the CEO’s delegate, in relation to recommendations for funding of \$1,000 or less that may be approved by the CEO or their delegate (Director City Performance), this is also consistent with the Draft Policy.

As outlined in the report to the Ordinary Council Meeting, 14 March 2022, the policy is not proposed to apply to the following contributions that will remain operationally managed by the City Lifestyles Directorate:

- School Citizenship Awards (\$100 each per year)
- Surf Life Saving organisations providing volunteer patrol services (\$5,000 each per year)
- Recognised Community Consultative Bodies (\$500 each per year)
- Illawarra Institute of Sport. (\$15,000 per year)

Process and timetables for the 2022/2023 Financial Year.

<i>Action</i>	<i>When</i>
Adoption of Policy	23 May 2022
Correspondence to all current recipients	Week ending 3 June 2022
Applications Open / Advertising commences	30 June 2022
Applications Close	12 August 2022
Review of Applications	Late August / Early September 2022
Report to Council for Determination	September 2022
Advise applicants of the outcome	By October 2022

For future years, the application period will commence in February each year and remain open until mid-April. The assessment panel will meet and make recommendation to the Ordinary meeting in May 2022 so that the budget for the financial year can be determined prior to 1 July 2022.

Community Engagement

Once Council has adopted the Policy a range of communication mechanisms will be utilised to inform current recipients and others of the opening of the application process. Guidance and support will be offered to potential applicants to assist in the transition to the new arrangements.

Policy Implications

It is noted that in addition to donations, there are a number of grants and opportunities for funding provided by Council. The draft Donations Policy is framed to re-work the current 'allocated' and 'unallocated' donations.

Financial Implications

It is envisaged that the budget for donations (currently \$303,269) will remain at the current levels, with the funding being split across the categories within the Policy, however, this will be subject to annual budgetary considerations by the Council.

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DRAFT

Community Donations Policy

Adoption Date:	26/03/2002
Reaffirmed:	28/09/2004
Amendment Date:	27/04/2010, 28/06/2011, 21/06/2013, 10/03/2020
Minute Number:	MIN02.282, MIN04.1165, MIN10.450, MIN11.609, MIN13.589, MIN20.172
Review Date:	01/12/2020
Directorate:	City Performance

Community Donations Policy

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Community Donations Policy

1. Objectives

The objectives of the policy are:

- To detail the principles whereby Council provides financial assistance (donations, sponsorships and subsidies) in a consistent, equitable and transparent manner that meets the requirements of the Local Government Act, 1993 and other legislative provisions;
- To consider financial assistance by way of donation, sponsorship and subsidies to local service, cultural, sporting, charitable or non-profit organisations who
 - operate within or provide benefit to the residents of the Shoalhaven or
 - conduct quality cultural, sporting and community service programs and activities in the Shoalhaven
 - and who cannot attract sufficient funds from other sources;
- To address priorities within the Community Strategic Plan;
- To consider funding to encourage and enable broad community participation in cultural, sporting and community service activities;
- To establish an application process including guidelines and procedures for use by organisations in applying for donations, sponsorships or subsidies (including 'in kind' support).

2. Statement

Subject to budget allocations each year, Council is committed to provide funding annually to meet the objectives of this policy.

2.1. Scope

This policy applies to applications for financial assistance and 'in kind' support by way of donations, sponsorships and subsidies granted by Council to organisations. It does not deal with Fee Waivers that are dealt with under the Fee Waivers, Subsidies and Support Policy and the Fees – Waiving of Development Application and other Fees by Charitable Organisations and Community Groups Policy.

2.2. Categories

Applications should be submitted within one of the categories nominated below.

A) GENERAL DONATIONS (CULTURE, COMMUNITY & ENVIRONMENT)

These may include:

- community development projects that meet an identified community need, have been developed in consultation with the community and encourage community participation in the development of the project.
- heritage / environment projects.

Community Donations Policy

- community development, training, education and awareness activities.
- co-funding for large or new cultural and community projects.

B) SPONSORSHIP OF LOCAL EVENTS

These may include festivals and special activities which enhance community spirit.

C) SUBSIDISED RENTAL, RATES AND USE OF COUNCIL FACILITIES

Rent subsidies or Council rates relief may be available for:

- community, charity and not for profit activities on public open space/reserves.
- community, charity and not for profit organisations' use of Council owned and controlled facilities.

2.3. Guidelines and Procedures for Applicants

This policy must be read in conjunction with Council's adopted Guidelines and Application Form and the Assessment Panel Guidelines which set out the full eligibility criteria.

Applications will be sought annually through advertising and on Council's website. Applications are to be made on the relevant form, and address all criteria outlined in the Guidelines. All organisations are required to provide financial statements as part of the application process.

The Application for Financial Assistance Form with required supporting information should be submitted to Council by 5.00pm on the advertised closing date for consideration within Council's Annual Donations Program. An application will only be considered as lodged once all required information has been submitted.

Applications to be considered under this Policy will be assessed by a Donations Assessment Panel against the criteria and with reference to the annual Donations budget. The Donations Assessment Panel comprises representatives from Council and will be convened by Council's ~~Business Assurance & Risk Manager~~ **CEO or their delegate**. Staff representatives will be selected from the appropriate functional areas of Council to reflect the applications received. All individuals involved in assessment and decision making must meet the requirements of Council's Code of Conduct, including the declaring of any interests at the commencement of each meeting to consider applications.

Panel members will score applications against the criteria set out in the accompanying Assessment Panel Guidelines, and the cumulative scores will be considered at a meeting of the Panel. Minutes will be taken of the Panel's reasoning for its decisions. The Panel will recommend to Council those applications to receive financial assistance based on alignment with the Community Strategic Plan Key Priorities, and on compliance with the documentation and acquittal requirements of this Policy.

The elected Council will determine the funding to be provided from the Application process.

Community Donations Policy

The following criteria apply to all donation categories:

- What Community Strategic Plan Key Priorities does the project meet?
- Who and how many benefit from the project/event (target group)?
- To what degree is the group/or project self-financing?
- Has the need for the project/event been demonstrated?
- Has the need for funding or subsidy been demonstrated?
- Is the organisation able to make a contribution either in monetary funds or in kind, eg labour, materials, etc?
- What efforts have been made to seek funds from other sources?
- Does the application have a broad community focus?
- If the project/event has a regional focus what benefit will occur for Shoalhaven residents?

Projects/Events NOT Eligible for Funding:

- where benefit is primarily to an individual
- duplication of service or project already existing within the Shoalhaven Local Government Area
- projects occurring outside the Shoalhaven Local Government Area
- projects that are retrospective
- projects which do not align with Council's Community Strategic Plan
- where applicants are in a position to self-fund the project
- where a more applicable funding source is available
- where applicants are government departments or agencies
- where application is for capital funds (e.g. building and building maintenance costs)
- where a project will financially benefit a profit-making organisation, individual or a government department
- projects and facilities or services controlled through Council appointed Management Committees (where these projects, facilities or services are not under Council's direct care and control)
- where the proceeds or entry fee from a project or event are being donated to another organisation
- where there is no direct benefit to Shoalhaven City residents

Community Donations Policy

3. Provisions

The granting of all donations, sponsorships and subsidies is made pursuant to [Section 356](#) of the Local Government Act, 1993 subject to the constraints outlined in [Section 377](#) of the Act.

The granting of all financial assistance will be subject to a fresh written application being lodged with Council for each donation period. ~~Recurring donations for ongoing projects may submit an application every three (3) years, providing that an acquittal of expenditure is provided annually.~~

- Applications should be submitted in one of the categories nominated above; however, Council may at its discretion determine to assess an application under a more appropriate category.
- Applications which do not meet the criteria in the Guidelines shall be advised that the request is not eligible for consideration under this policy.
- Council reserves the right to assess any application (not fitting the criteria for assessment) on its merits according to Council's Policies and Procedures and Community Service Outcomes.
- Applications for financial assistance will generally not be considered where the application also meets the criteria for other grants/donations provided by Council through the Shoalhaven Arts Board, the Shoalhaven Tourism Advisory Group, the Shoalhaven Sports Board and/or Council's Community Development Grant Program. In these cases, applications will be sent directly to the appropriate area for consideration.
- It is a condition of funding that a detailed acquittal of any prior funding allocated under this policy is provided to Council before any further request is considered.
- Donations will be limited to funding from the Annual Budget directed by the Council.
- Recipients must provide an acquittal and/or evaluation report, where specified in the applicable category, by the end of the financial year in which the funding was provided (30 June). If acquittals/reports have not been received by the end of the financial year, the Council may choose not to consider applications submitted by that applicant in the next round of funding.

4. Delegation

In accordance with Section 377 of the Local Government Act, 1993 the Chief Executive Officer may authorise payment of a donation, sponsorship or subsidy voted by Council, other than where it is a decision under Section 356(2) to contribute money or otherwise grant financial assistance to an individual. Payment to an individual must be authorised by a Council resolution and following a 28 day public exhibition period, if applicable.

The Chief Executive Officer (Director, City Performance) has delegated authority to approve any out of policy requests for donations of up to \$1000 in exceptional circumstances/requests

Community Donations Policy

which align with Council's strategic objectives and do not require a resolution under Section 356(2) of the Local Government Act.

5. Events Policy

All community events funded under this policy will be required to comply with Council's Events Policy.

6. Implementation

Council's Donations Assessment Panel will receive and assess applications for funding and report to Council. Council's City Performance Directorate will respond to written requests for financial assistance.

Details of the Policy will be available via Council's website at all times and an additional advertising will be undertaken in advance of the annual application

7. Review

This policy will be reviewed within one year of the election of every new Council, and other times when required.

8. Application of ESD Principles

None Applicable.



DRAFT Guidelines & Application Form

Community Donations Policy

Each financial year, Shoalhaven City Council makes funds available under its Annual Community Donations Program for local not-for-profit community groups and organisations. The aim is to support a wide range of activities that build community capacity, foster social networks and information exchange, facilitate cooperation and build on existing community strengths, and reflect the priorities of the Council's Strategic Planning documents.

Applications will be sought through advertising and on Council's website between February and April each year. Applications are to be made on the relevant form, and address all criteria outlined in these Guidelines.

The Annual Community Donations Program has the following categories that can be applied for:

- A. General (Culture, Community and Environment) Donations Program
- B. Sponsorship of Local Events
- C. Subsidised Rental, Rates and Use of Council Facilities

These Guidelines should be read in conjunction with Council's Community Donations Policy.

Definition

These guidelines are designed to assist applicants in the preparation of, and Council in the assessment of requests for, Donations which enhance the cultural, social, sporting or community services provision within the City.

The Annual Donations Program is funded and expended on a financial year basis, i.e. 1 July to 30 June.

The Donations Assessment Panel comprises representatives from Council and will be convened by Council's Business Assurance & Risk Manager. Staff representatives will be selected from the appropriate functional areas of Council to reflect the applications received. The Panel will recommend to Council those applications to receive financial assistance. All individuals involved in assessment and decision making must meet the requirements of Council's Code of Conduct.

Application Procedure for Funding

The Application for Financial Assistance Form with required supporting information should be submitted to Council by 5.00pm on the advertised closing date for consideration within Council's Annual Community Donations Program

The application form must be accompanied by supporting documents listed in the included checklist. If an application form is not completed, or insufficient information is included, it will be returned for completion and re-submission to Council.

Applicants may be required to provide additional information.

Subject to funding being available in the budget after funds have been allocated under the Annual Community Donations Program, Council may consider a qualifying application outside of the Program if it can demonstrate that:

- It could not have been foreseen in time to meet the Annual Community Donations Program deadline;
- There is a significant public interest or demand for the project, event or service;
- That funding is required prior to the donation program funding being available.

Upon receipt of an application, it will be submitted to Council's Community Donations Assessment Panel for consideration, or forwarded to another area of Council if appropriate.

Applications to be considered under this Policy will be assessed by a Community Donations Assessment Panel against the criteria listed below and with reference to the annual Community Donations budget. The Panel will make its recommendations to Council for determination, following which applicants will be advised whether they have been granted funding.

Persons or organisations making applications which do not meet these guidelines shall be advised that the request is not eligible for consideration.

Subject to funding available in the budget, Council will consider applications as they are received.

Funding Limitations

- Council resources are limited and not all applications will be funded.
- Council does not guarantee to fund any application and does not guarantee to fund any application to the full amount requested.
- Applicants are encouraged to seek further sources of funding.
- Applicants in receipt of Council donations or grants (whether funds or in-kind) in a given Financial Year are not eligible to apply for further Council donations or grants for the same project or program in that same year.
- Where Council funding is approved, this is not to be taken as an on-going commitment to funding for any following years.

Conditions

- The Application Form must be completed and submitted to Council in accordance with the directions of any advertising. Late applications will not be accepted.
- Applicants may be invited to attend an interview as part of the application process.
- Funds should be expended within the financial year of the sponsorship, donation or subsidy. Any unexpended funds must be returned to the Council. This may allow those funds to be reallocated to another group in that year.
- If an organisation wishes to modify its request or alter the proposed project, or event, the applicant should make this request in writing. It is at the discretion of the Chief Executive Officer (Director, City Performance) to determine whether the intention of the modified project meets Council's objectives of the original grant made by Council; and if not, the actions that are required.
- Recipient groups will be required to give public recognition to the donations, sponsorships and subsidies received from Council and acknowledge Council's financial assistance on any related promotional or other material. Failure to do so may result in the disqualification of the group or its affiliates from further funding.
- Recipients must provide an acquittal and/or evaluation report, where specified in the applicable category, by the end of the financial year in which the funding was provided (30 June). If acquittals/reports have not been received by the end of the financial year, the Council may choose not to consider applications submitted by that applicant in the next round of funding.
- The failure of any group to comply with these conditions may disqualify them from consideration for funding in a subsequent year.
- Where the request is for funds for an event, evidence (i.e. Certificate of Currency) of public liability insurance to a minimum value of \$20 Million must be provided, noting the interests of Council with an Insurer approved by the Australian Prudential Regulatory Authority. This provision is applicable where the activity or event is being conducted on Council owned and controlled land or facility.
- Events that receive donation funding from Council remain the property of the recipient organisation(s). Organisers retain responsibility for obtaining relevant permits, event logistics, marketing, and administration relating to planning and holding the event. The provision of funding by Shoalhaven City Council does not imply any ownership or management responsibility for the event being accepted by Council.
- Council may impose an additional condition on sponsorship, donation or subsidy recipients, which encourages links to major festivals or events, displays or performances.
- Council reserves the right to conduct an audit on the acquittal.
- Applicants are reminded of the impact of GST (see below)

Impact of GST

Unless recipients of grants after 1 July 2000 have an Australian Business Number (ABN), the supplier of the grants (i.e. Council) must remit 48.5% of the sponsorship, donation or subsidy total in withholding tax to the Australian Tax Office, unless a statement of supplier is provided. The recipient may receive part of that back when they submit their tax claim at the end of the year, but it is our understanding that most community organisations would not find half a grant to be a viable proposition. Although Council is not stating that you must have an ABN number, Council strongly recommends that your organisation have one.

Under the current Tax System, there are generally two options available to your organisation. They are listed as follows:

OPTION ONE (the preferred option)

Your organisation has an ABN number and is registered for GST. This means that if you are successful in gaining a sponsorship, donation or subsidy the funds you receive will be “grossed up” to include the GST component. You will then pay the GST to the Federal Government. As Council is in effect paying the GST on your sponsorship, donation or subsidy, Council will then claim back the GST through its monthly Business Activity Statement and will receive an Input Tax Credit.

Successful applicants who are registered for the Goods and Services Tax must supply Council with a tax invoice. Council will gross up the sponsorship, donation or subsidy by 10 per cent for successful applicants who are Goods and Services Tax registered.

OPTION TWO

Your organisation has an ABN number but is not registered for GST. This means that if you are successful in gaining a grant the funds you receive will not have a GST component included.



Application for Financial Assistance/Donation

File 4771E

Financial Year ____/____

- Please refer to the Community Donations Policy before completing this application form. This information is the minimum required for an application.
- Please attach additional information as requested in the Checklist of documents to be forwarded with application, as listed at the end of this form.
- Applications are due by 5.00pm on XX April 20XX.
- The decision of the Assessment Committee is final.
- Please contact the Governance Team on 4429 3316 for further details if required.

Date of Application:

- Category
 - ☐ General Donations (Culture, Community, Environment)
 - ☐ Sponsorship of Local Events
 - ☐ Subsidised Rental, Rates and Use of Council Facilities
 - ☐ Other / Not sure.....
- Title of Project or Event:
- Amount of assistance being sought: \$.....
- Please provide specific details of
 - a. how and on what the donation will be used
.....
.....
.....
 - b. this will include expenditure on
 - ☐ Plant and equipment
 - ☐ Purchase of goods and services
 - ☐ People and staffing
 - ☐ Engagement of service provider
 - ☐ Advertising / promotion
 - ☐ Other (please describe)
.....

Note: A detailed budget will be required with submission of your application

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Details of Organisation / Individual:

5. Name of Applicant / Organisation responsible for the event/activity:
- ABN (if applicable):
- Contact person
6. Mailing address:.....
7. Email:
8. Phone:
9. Type of Organisation (please tick all that apply):
- ☐ Not for Profit ☐ Registered Charity ☐ Incorporated
- ☐ Other (please specify)

Details of Event / Project

Does this event / project require Council approval? If so, please complete Question 9 below

10. Have you [applied for approval](#) with Shoalhaven City Council for this event? ☐ YES ☐ NO
11. (If yes) Date of submission
12. Date/s of the proposed event/project.....
13. Where will the event/project take place?
14. Brief description of the event/project:
15. Who will the target audience or participants be?
16. Is this proposed to be an annual event/project? ☐ YES ☐ NO
17. Will the proceeds of this event be donated to another organisation or charity? ☐ YES ☐ NO
- If YES, please specify:.....

Funding

18. Total cost of the event or project: \$
19. Funds held by the organisation that will be used to support the event or project: \$
20. Will there be a fee, charge or contribution payable by participants? ☐ YES ☐ NO

If so, please give details:

21. Has Council previously assisted your organisation with an event or project? ☐ YES ☐ NO

If YES, please give details:

Have you applied for funding for this event or project from others? ☐ YES ☐ NO

If YES, please state:

a. Other funding from Council:

<u>Source</u>	<u>Amount</u>	<u>Successful?</u>
.....	\$	<input type="checkbox"/> YES <input type="checkbox"/> NO
.....	\$	<input type="checkbox"/> YES <input type="checkbox"/> NO

b. Funding from other organisations:

<u>Source</u>	<u>Amount</u>	<u>Successful?</u>
.....	\$	<input type="checkbox"/> YES <input type="checkbox"/> NO
.....	\$	<input type="checkbox"/> YES <input type="checkbox"/> NO

If any applications were successful, what was the total amount allocated? \$.....

22. Is it anticipated this event/project will be self-funding in the future? ☐ YES ☐ NO

If YES, please provide details:

23. How do you intend to give public recognition to the financial assistance received from Council and acknowledge Council's financial assistance on any related promotional or other material?

.....

.....

.....

24. Please select the Community Strategic Plan Key Priorities that this event/project will meet:

1.1 Build inclusive, safe and connected communities

- ☐ Connectedness – people's sense of belonging
- ☐ Safety – emergency services, resilience ☐ Wellbeing and social support

Activate communities through arts, culture and events

- ☐ Visual and performing arts ☐ Cultural heritage
- ☐ Building social capital ☐ Public art projects

1.2 Support active, healthy liveable communities

- ☐ Sports and fitness ☐ Healthcare promotion

2.3 Protect and showcase the natural environment

- | | |
|--|---|
| <input type="checkbox"/> Community education | <input type="checkbox"/> Clean-up and beautification |
| <input type="checkbox"/> Animal / wildlife welfare | <input type="checkbox"/> Bushcare / Dunecare / Parkcare |

3.1 Maintain and grow a robust economy with vibrant towns and villages

- | | |
|--|---|
| <input type="checkbox"/> Markets and small producers | <input type="checkbox"/> Employment opportunities |
| <input type="checkbox"/> Other (please state) | |

25. Please provide any other information in support of this application (use a separate page if necessary):

.....
.....

If your application does not relate to rental, rates or use of Council facilities, please skip this section.

26. Please state for which property or facility the rental or rates subsidy is being sought:

.....

27. Does Shoalhaven City Council own or manage this facility? ☐ YES ☐ NO

How often will your organisation use this facility?

Please estimate the amount of time that your organisation uses the facility each month:.....

28. Please give a brief description of the project or activities for which the premises are being used:

By your organisation:

By others:

Checklist of documents to be forwarded with application:

- ☐ For first time applicants, a copy of their organisation's constitution and if that constitution changes then an updated copy of it is to be forwarded with any subsequent application.
- ☐ A copy of the most recent annual report (including financial statements of income and expenditure and balance sheet in support of application) – preferably audited.
- ☐ Copy of notification of ABN and GST registration (if applicable) from the Australian Tax Office.
- ☐ If the above does not apply, completed Statement by a Supplier (Form is provided at Attachment 1).
- ☐ Evidence of incorporation where applicable.
- ☐ For events, a copy of the applicant's current public liability insurance policy (Certificate of Currency).
- ☐ Where the applicant is a registered public charity, a copy of the registration certificate.
- ☐ Where the applicant is an unregistered not-for-profit organisation seeking rates subsidy, evidence of charitable purpose and details of occupancy of property.
- ☐ Detailed budget for the event or project. This should be a firm estimate if not the final budget.
- ☐ Detailed acquittal report of previous Council financial assistance received, if not already submitted.
- ☐ I / we certify the information provided is true and correct.

In making this application I / we confirm that:

- a. Where funding is being sought for an event, this event will comply with Council's Events policy.
- b. I / we will retain full responsibility for organising and hosting the project or event, including marketing, procurement, administration, obtaining all relevant permits, and supplying information as requested by Council.
- c. No financial assistance, other than that which is outlined in this application, is being received or sought from Council this financial year for this project or event.
- d. I / we undertake to provide an acquittal of the funding by the end of the financial year in which the donation is paid.

I have been authorised by (organisation) to make this application.

Full name:

Position in organisation:

Signature.....

Date.....

PLEASE RETURN COMPLETED APPLICATION AND SUPPORTING DOCUMENTATION TO:

The Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2041

Email: council@shoalhaven.nsw.gov.au



DRAFT Assessment Panel Guidelines Community Donations Policy

The objectives of the Assessment Panel are to recommend to Council the allocation of funding under the Community Donations Policy within the allocated budget and to ensure that the allocation of funding supports the Community Strategic Plan Key Priorities of Council.

The Assessment Panel will comprise representatives from Council and staff drawn from relevant Business Units. The Panel will be chaired by the ~~Mayor~~ **CEO or their delegate**.

- The Panel will consider all eligible applications received under the Community Donations Policy since the last meeting of the Panel.
- A list of ineligible applications received will also be presented to the Panel.
- All staff recommendations to the Panel will be consistent with the eligibility criteria and funding priorities as outlined in the Community Donations Policy and associated documents.
- Where the Assessment Panel chooses to make a recommendation (either to fund or not fund) that sits outside the Community Donations Policy and Guidelines, the rationale for such recommendation will be detailed in the minutes.
- The business conducted at each meeting will be recorded in the minutes and copies of the minutes will be distributed to Panel members, Councillors and the Council's Executive Team. Council may request a formal report from the Panel.
- Applications are to be scored using an assessment matrix against the appropriate criteria for the category.

Members of the Assessment Panel are required to:

- Impartially and transparently deal with all applications for financial assistance;
- Have reference to the Code of Conduct and to Council's core values of Respect, Integrity, Adaptability and Collaboration in their deliberations;
- Avoid conflicts of interest and the releasing of confidential information.

If a member identifies that they have a conflict of interest in a matter before the Panel, then that member must declare their interest immediately and not partake in any discussion or decision on the matter. The declaration will be recorded in the minutes of the meeting.

Assessment Criteria

The following criteria apply to all three categories:

- Applications should demonstrate how the project or program aligns with one or more of the Community Strategic Plan Key Priorities, which may include:
 - 1.1 Build inclusive, safe and connected communities
 - 1.2 Activate communities through arts, culture and events

1.3 Support active, healthy liveable communities

2.3 Protect and showcase the natural environment

3.1 Maintain and grow a robust economy with vibrant towns and villages

- If the project has a regional focus what benefit will occur for Shoalhaven residents?
- Does the application have a broad community focus?
- Who and how many benefit from the project/event (target group)?
- To what degree is the group/or project self-financing?
- Has the need for the project/event been demonstrated?
- Has the need for funding or subsidy been demonstrated?
- Is the organisation able to make a contribution either in monetary funds or in kind, e.g. labour, materials, etc?
- What efforts have been made to seek funds from other sources?
- Is it a 'one-off' request or likely to be a recurring request?
- What effect would a donation/subsidy only to the project/event make to the outcome?
- If the application is by an individual, is it accompanied by evidence of an agreement with a suitable auspicing organisation?

A. General Donations (Culture, Community & Environment)

These may include:

- community development projects that meet an identified community need, have been developed in consultation with the community and encourage community participation in the development of the project.
- heritage / environment projects.
- community development, training, education and awareness activities.
- co-funding for large or new cultural and community projects.

Applications will be assessed against the following additional considerations:

- Does the project have the potential to contribute to the community's sense of belonging?
- Where applicable, does the project have the potential to improve the natural environment or the community perception of the natural environment?
- Does the project have the potential to contribute to tourism, education, business and/or employment in the Shoalhaven?

B. Sponsorship of Local Events

Requests for in-kind sponsorship will be assessed based on the criteria outlined in this policy and will be given a dollar costing at the normal rate of Council for such services

or facilities. This value will be considered by the Community Donations Assessment Panel along with all other sponsorship applications.

All applicants will be required to abide by Council's Events Policy, and be responsible for obtaining all necessary permits and insurance policies and for payment of all fees and bonds that may be incurred by facilities bookings. Recipients of sponsorship funding are not eligible to apply for waivers of hire fees or other related charges for the same event.

Successful applicants will be advised of Council's sponsorship including conditions of sponsorship and the Sponsorship Agreement. This includes requirements for:

- Acknowledgement of Council (including logo) equivalent to other similar amount sponsors and/or as stated within Council's Sponsorship Agreement;
- The applicant to obtain and comply with all certificates and approvals required by law or Council policy to hold the proposed event;
- Council to have the opportunity to display banners (as supplied by Council) at events;
- Council to have the opportunity for a stall at all events.

Applications will be assessed against the following additional considerations:

- Who and how many people will attend the event?
- Does the event have the potential to contribute to tourism, education, business and/or employment in the Shoalhaven?
- Is the organisation able to make a contribution either in monetary funds or in kind, e.g. labour, materials, etc.?
- Does the application include all required supporting documentation, such as permits and insurance coverage?

Events not eligible for funding:

- Events already receiving support through another Shoalhaven City Council funding program;
- Local events that only target a specific sector or group and do not actively engage the general broader community;
- Fetes;
- Conferences/Dinners;
- Award presentations;
- Political events;
- Fundraising and charity events where the majority of funds raised go outside the Shoalhaven area;
- Any event with sponsorship assessed as actual, potential or perceived conflict of interest between Council and the applicant or another sponsor.

C. Subsidised Rental, Rates and Use of Council Facilities

Not-for-profit users of Council facilities (or other premises, subject to assessment) may apply to Council's Annual Community Donations Program for rental, hire fees or rates subsidies.

Rental Assistance: Applicants must be a not-for-profit organisation or community group to apply for Rental Assistance. Applicants must demonstrate that the activities or programs to be conducted at the premises provide benefit (or have the capacity to benefit) for the Shoalhaven community. Applications may not be eligible if the premises are being or will be rented at reduced or special hire rates.

Rates Subsidies: Council will consider donations towards rates levied on community halls which are used as public halls in a particular area, or other rateable premises which are solely used for charitable purposes. This category excludes properties that are exempt from rates under s556(1)(h) of the Local Government Act 1993. Applicants are required to submit evidence of use of the premises for charitable or not-for-profit purposes. Applications will be invited for rates or rent charges that fall due in the following financial year.

Facilities Hire: Organisations may apply for a Facilities Hire donation for use of a Council Facility that is able to be hired by the public, as outlined in Council's annual fees and charges. Applicants must be a not-for-profit organisation or community group to apply for a Facilities Hire donation. Applicants must demonstrate that the activities or programs to be conducted at the facility provide benefit (or have the capacity to benefit) for the Shoalhaven community.

Applications will be considered for venue hire only and not for related Council services such as bonds, staffing or equipment hire.

Applicants must have made a tentative booking for Council's facilities, and must complete the application form and attach the booking confirmation to the application. Additional documentation should be provided, including a copy of:

- Public Liability Insurance Certificate of Currency (minimum \$20,000,000 coverage), listing Council as an interested party, current for the term of the hires.
- Proof of not-for-profit status;
- Supporting documents, including project budget, marketing material, event plan, or membership documents.

Details of the venue hire requirements are set out in the Public Reserve/Building Hire Application Form available on the Council website.

Organisations in receipt of any previous donation or grant funding from Shoalhaven City Council must have submitted an acquittal report by the due date. Applications will not be considered for additional Facilities Hire funding for an activity or program where the organisation is already in receipt of a donation or grant covering venue hire for the same project.

Applications will be assessed against the following additional considerations:

- Who and how many use the facility/premises?
- How frequently will the premises be used?
- For what purpose is the facility/premises used?
- How is the activity taking place on the premises funded?
- Are the participants required to pay a fee for the activity held on the premises?
- Has the need for the use of the premises been demonstrated?

Recommendations for funding of \$1,000 or less may be approved by the CEO or their delegate Director City Performance, provided the financial assistance is in accordance with sections 356(3), 377(1A), and 378 of the Local Government Act 1993.

CL22.268 Loan Request - Murramarang Men's Shed Inc

HPERM Ref: D22/113980

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To consider a request from the Murramarang Men's Shed to provide a loan of \$25,000 to be used to complete Stage 2 of the construction of the Murramarang Men's Shed.

Recommendation

That Council grant an interest free loan of \$25,000 in accordance with the Loans (Advances) to Community Groups Policy (POL17/72) to the Murramarang Men's Shed Inc. to complete Stage 2 of the Murramarang Men's Shed construction as detailed in the report.

Options

1. That Council provide the requested loan amount in accordance with [the Loans \(Advances\) to Community Groups Policy \(POL17/72\)](#)
2. That Council does not provide the loan.
3. That Council adopt an alternative recommendation

Background

In May 2022, Council received a request from the Murramarang Men's Shed Inc for financial assistance to complete the construction of Stage 2 of the Murramarang Men's Shed. In 2016, the Murramarang Men's Shed completed Stage 1 of 2 stage project to construct a permanent shed for their organisation at 374 Murramarang Road, Bawley Point which is leased from the Council.

Stage 1 being the initial shed comprising of 3 bays (6m x 5m each) was funded by a loan of \$20,000 provided by Shoalhaven City Council (see MIN16.677). The Murramarang Men's Shed Inc have now repaid the original loan of \$20,000.

Stage 2, the shed extension consists of 2 bays (6m x 5m each) which has been quoted at \$52,272 with funding being provided as follows:

- | | |
|--|----------|
| • NSW Government Community Building Partnerships Grant | \$20,000 |
| • Murramarang Men's Shed Savings | \$10,000 |
| • Proposed Shoalhaven City Council Loan | \$25,000 |

Considering the excellent community work that the members of the Murramarang Men's Shed provide to the community, such as a significant contribution to the construction of the shared cycle/pedestrian concrete pathway which will eventually link the villages of Kioloa and Bawley Point, a loan of \$25,000 is recommended in accordance with Council's policy.

The Murramarang Men's Shed have DA consent for construction of Stage 2 and interim occupation for the first stage of the development. The Murramarang Men's Shed will require a Construction Certificate, however, this will be undertaken as part of the works following a successful loan from Shoalhaven City Council.

CL22.268

Policy Implications

The Application will be considered under the [Loans \(Advances\) to Community Groups Policy \(POL17/72\)](#) or as resolved by Council.

Financial Implications

The proposed loan will have nil impact on Council's unrestricted cash or Council's key financial indicators.

CL22.268

CL22.269 Ongoing Register of Pecuniary Interest Returns - May 2022

HPERM Ref: D22/186420

Department: Business Assurance & Risk

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 May to 31 May 2022 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Model Code of Conduct.

Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 May to 31 May 2022 be received for information.

Options

1. As Recommended.

Implications: The requirements of the new Code of Conduct will be adhered to.

2. The Chief Executive Officer take appropriate action in accordance with Council's Code of Conduct in respect of any Staff who are in contravention of the *Local Government Act 1993*.

Implications: Not known

Background

Under Section 440AAB of the *Local Government Act 1993* and Part 4.26 of the Model Code of Conduct, newly designated persons are required to complete an Initial Pecuniary Interest Return within 3 months of becoming a designated person.

Section 440AAB (2) of The Local Government Act 1993 states:

Returns required to be lodged with the general manager must be tabled at a meeting of the council, being the first meeting held after the last day specified by the code for lodgement, or if the code does not specify a day, as soon as practicable after the return is lodged.

Part 4.26 of the Model Code of Conduct states:

Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

This report is one of a series of reports of this nature which will be provided throughout the year to align with the legislative requirements.

Those persons who have submitted a return within the period in accordance with their obligation to lodge an initial pecuniary interest return are listed below:

CL22.269

Directorate	Name	Designated Position Start Date	Returned
City Development	James Ruprai	14/02/2022	05/05/2022
City Futures	Carey McIntyre	04/04/2022	10/05/2022

Advice provided to Council by the *Office of Local Government* in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is listed and tabled. Electronic versions of the documents may be viewed upon request.

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by a designated officer leaves Council at risk of non-compliance with legislative requirements, conflicts of interest and limited transparency. Staff who do not complete a return may be in breach of the Council's Code of Conduct.

CL22.269

CL22.270 Investment Report - May 2022

HPERM Ref: D22/236614

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Monthly Report - May 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 31 May 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.85% per annum for the month of May 2022, exceeding the benchmark AusBond Bank Bill Index (0.41% pa) by 44 basis points (0.44%).
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 31 May 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 May 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 May 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 30 June 2022.

Implications: Nil

Background

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

Portfolio Return

The Overall portfolio returned -0.18% p.a. for the month of May 2022, entirely due to the negative movement of the growth fund.

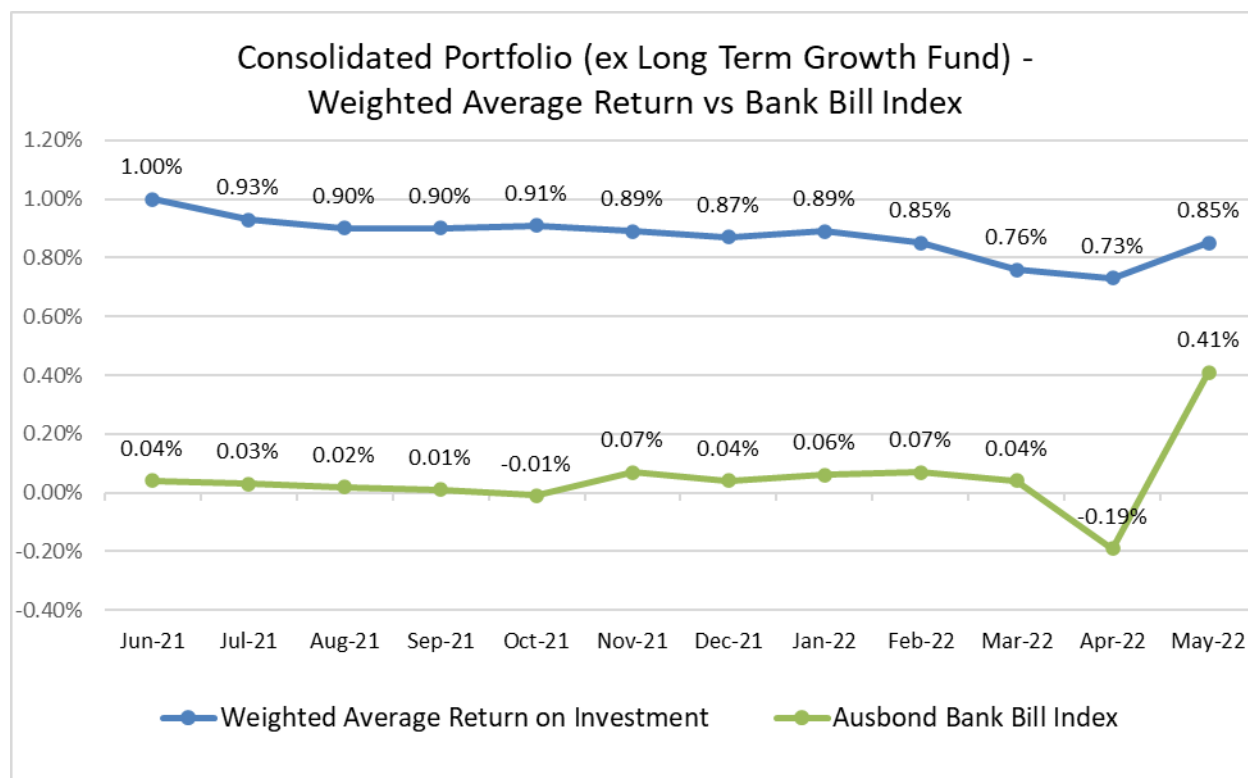
The investment returns excluding growth fund were a stable 0.85% p.a., exceeding the benchmark AusBond Bank Bill Index (0.41% p.a.) by +44bp p.a.

CL22.270

Strong average earnings in the first three months of 2022 could prompt the Reserve Bank of Australia to increase interest rates higher than expected.

Investments (Excluding Long Term Growth Fund)

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.



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Investment Interest Earned – May 2022

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

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	98,436	71,966	(26,470)
Water	64,208	43,726	(20,482)
Sewer	30,519	27,115	(3,404)
Total excluding Long-Term Growth Fund	193,163	142,807	(50,355)

The interest earned for the month of May, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$142,807 compared to the monthly budget of \$193,163.

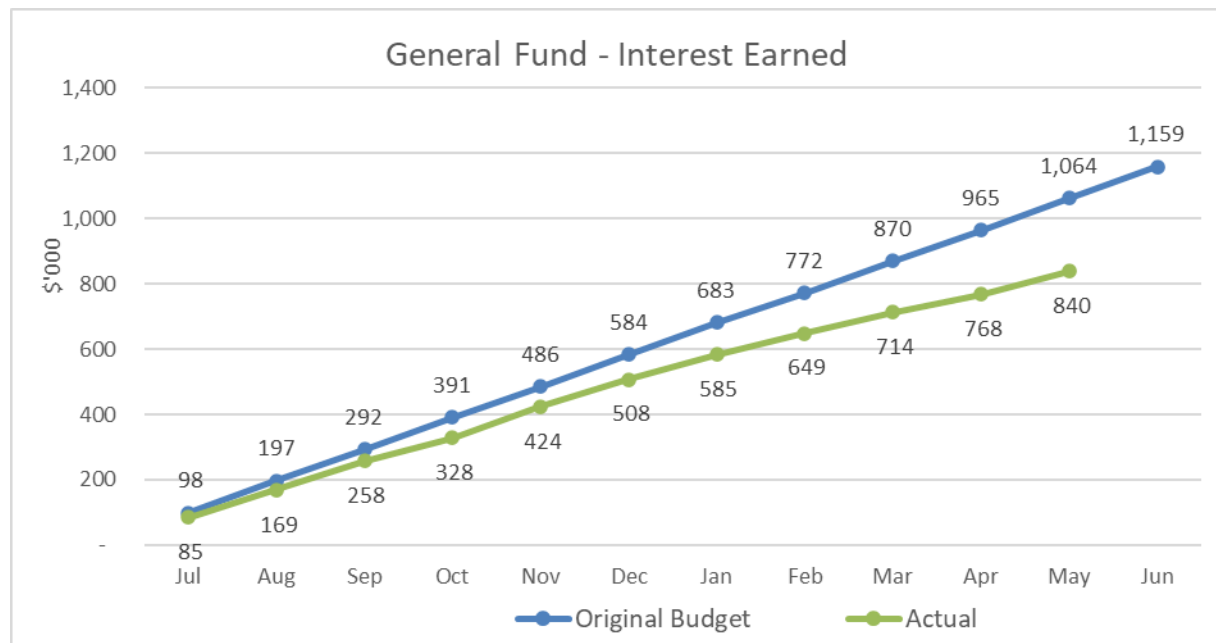
Investment Interest Earned - Year to Date

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

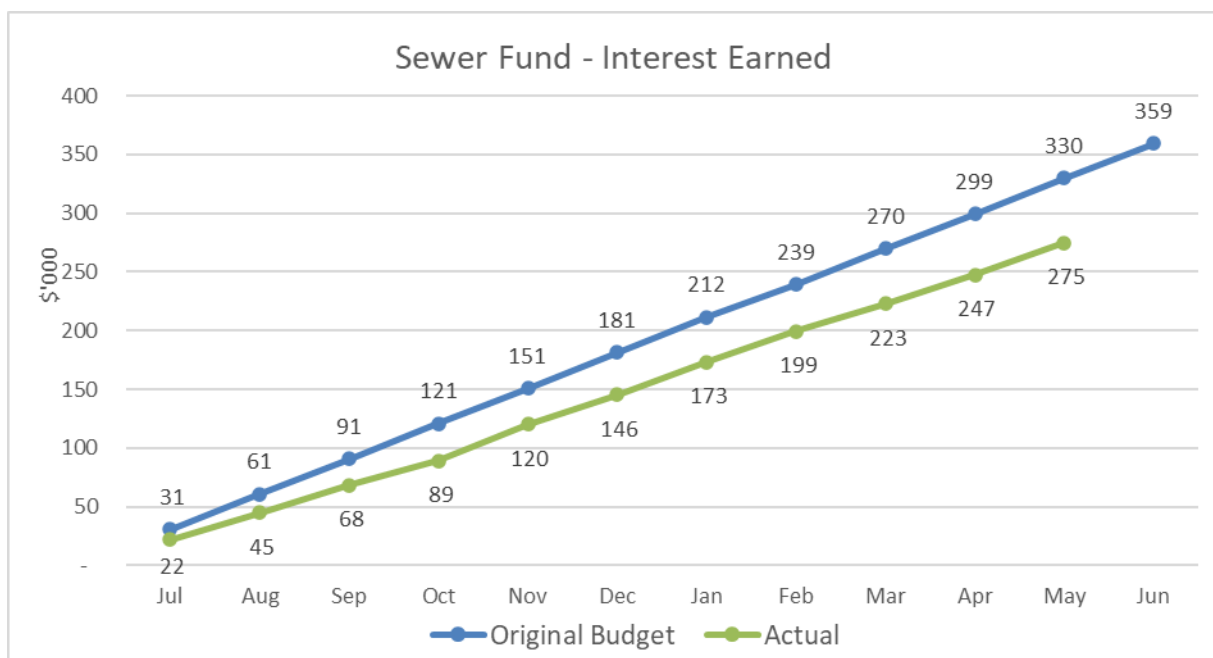
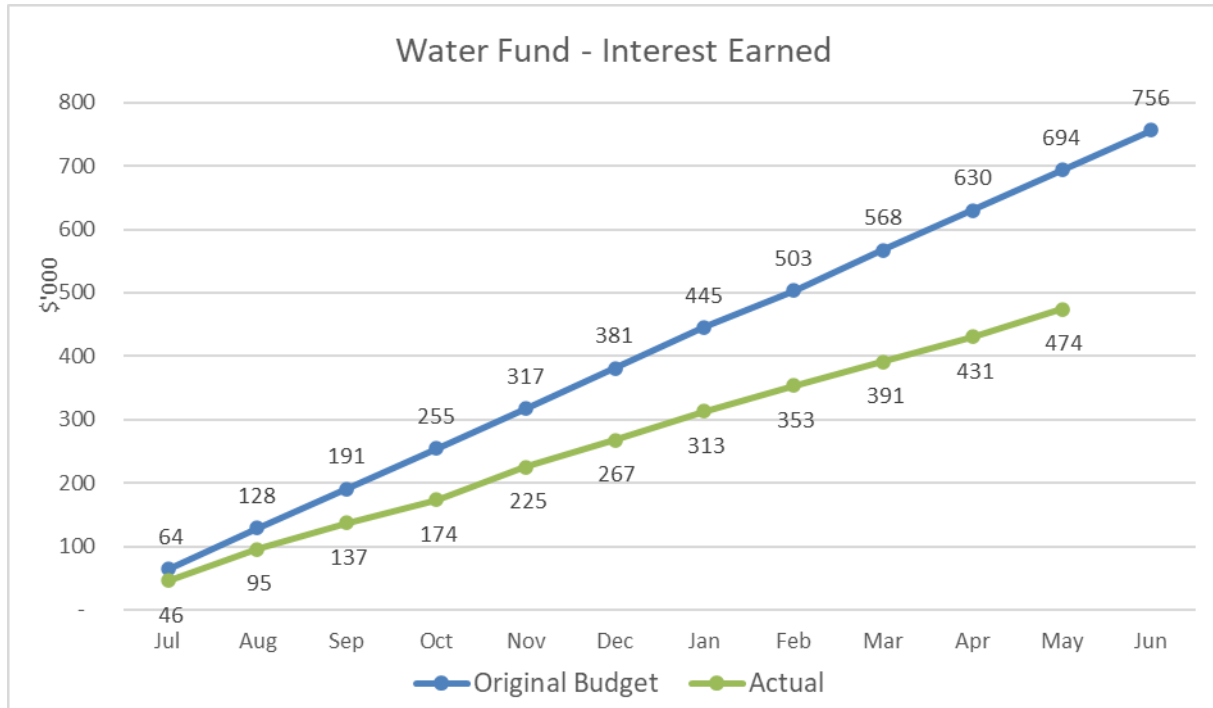
Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	839,546	72.44%
Water	756,000	474,269	62.73%
Sewer	359,333	274,595	76.42%
Total excluding Long-Term Growth Fund	2,274,333	1,588,410	69.84%

The interest earned to the month of May excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,588,410 which is 69.84% of the current full year budget.

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



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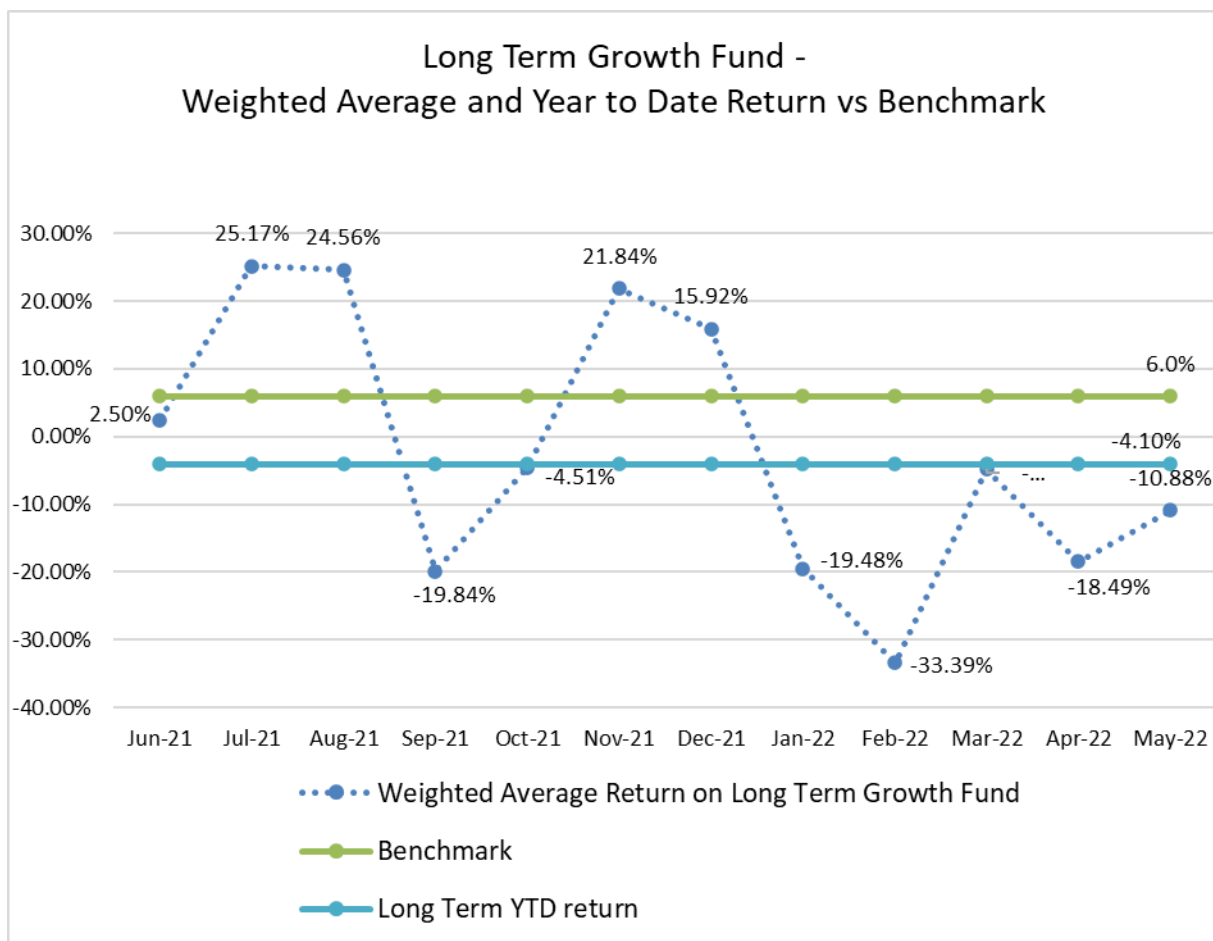
Long Term Growth Fund

Council's investment in Long-Term Growth Fund returned -10.88% (annualised) for the month of May 2022, further offsetting previous significant market gains, bringing the year-to-date return to -4.10% (-10.10% below the benchmark).

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.

Whilst year to date returns of the Long-Term Growth Fund is below the benchmark, the fund continues to exceed its long-term return objective (currently CPI+3.5% p.a. over 10 years = 4.19% benchmark) with the net return of 5.02% p.a. over the past 10 years.

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



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Long-Term Growth Fund Fair Value – May 2022

The following table shows movement in the fair value for the month of May 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
Long-Term Growth Fund	16,986	(189,713)	(206,700)

The fair value of TCorp Long-Term Growth Fund decreased in May by \$189,713. 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.

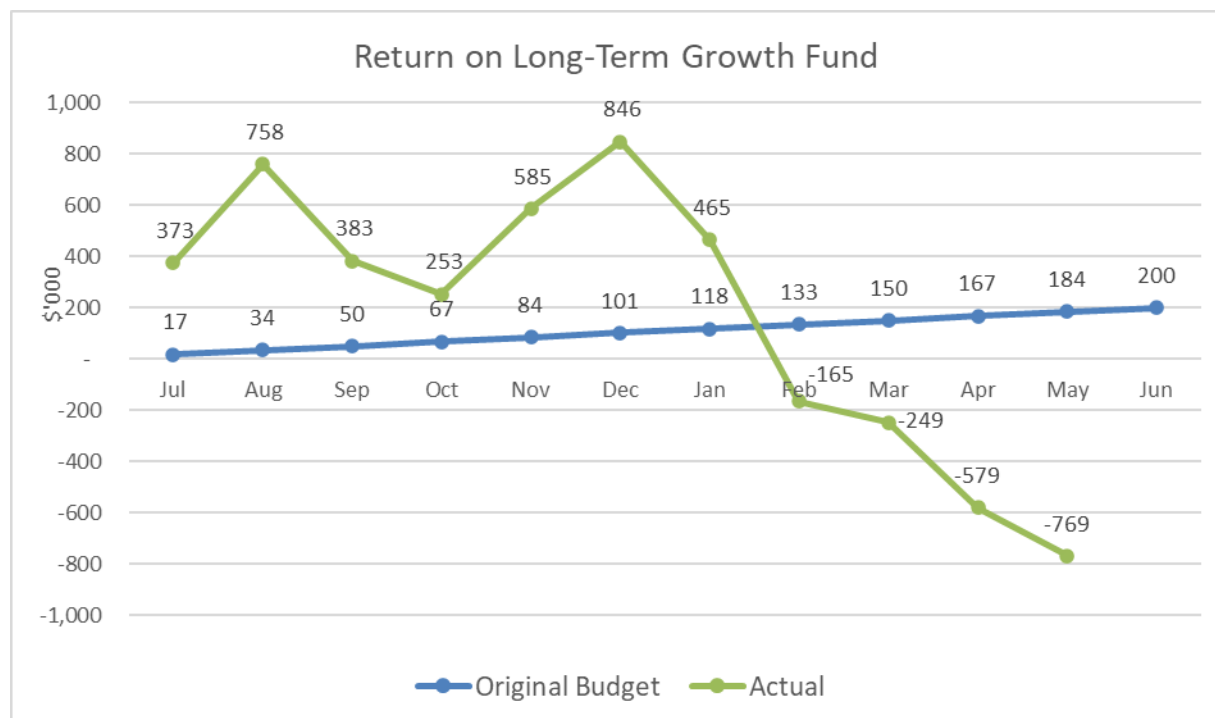
Long-Term Growth Fund Fair Value - Year to Date

The following table demonstrates how the fair value movement to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
Growth fund	200,000	(768,653)	(384.33%)

The fair value of TCorp Long-Term Growth Fund decreased in May by \$768,653 which is -384.33% of the current full year budget.

The graph below illustrates the fair value movement for the year of the Long-Term Growth Fund against budget:



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Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$ May 2022	\$ April 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	15,372,095	10,960,381
Cash on Hand	20,729	21,530
Other Cash and Investments	203,116,062	203,303,356
	218,508,886	214,285,267
Fair Value Adjustment	(160,868)	(114,968)
Bank Reconciliation	582,677	(6,962)
	421,809	(121,930)
Book Value of Cash and Investments	218,930,695	214,163,337
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,049,913	7,049,913
Critical Asset Compliance	580,836	659,485
Other Internal Reserves	3,972,895	3,692,949
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,633,995	4,707,116
Plant Replacement	2,551,800	2,280,972
S7.11 Recoupment	629,694	2,165,664
Commitment To Capital Works	1,662,409	2,238,398
Total Internally Restricted	21,392,711	23,105,666
Loans - General Fund	16,985,681	17,874,024
Self-Insurance Liability	2,975,174	2,820,030
Grant reserve	30,874,348	29,578,151
Section 7.11	20,663,852	20,303,373
Special Rate Variation	5,563,940	5,681,885
Storm Water Levy	500,608	708,080
Trust - Mayors Relief Fund	161,495	161,481
Trust - General Trust	3,904,109	3,810,548
Waste Disposal	3,249,672	2,610,542
Sewer Fund	31,141,790	31,959,070
Sewer Plant Fund	5,119,802	4,972,568
Section 64 Water	20,518,500	20,425,036
Water Fund	26,900,178	28,127,222
Water Communication Towers	4,434,270	4,422,803
Water Plant Fund	6,836,614	6,582,404
Total Externally Restricted	179,830,033	180,037,219
Total Restricted	201,222,743	203,142,885
Unrestricted Cash Balance - General Fund	17,707,952*	11,020,452

* \$3.9M Financial Assistance Grant Received in Advance will be restricted in June 2022, included in unrestricted balance for May.

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Restricted Asset Movements

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

Total Cash	4,767,359	May was a rates instalment month as well as receiving Financial Assistance Grant.
S7.11 Recoupment	(1,535,970)	Delivery of capital projects continues, including temporarily funding grant projects from this reserve in advance until grant claims have been lodged.
Commitment To Capital Works	(575,989)	Capital projects utilise this reserve as works continue: Basin Local Roads (\$0.2M), Southern Roads Tree Management (\$0.1M), and Development Services Equipment (\$0.1M)
Loans - General Fund	(888,343)	Delivery of major capital projects funded by loans such as Culburra Rd (\$0.1M), Materials Recovery Facility (\$0.1M) and SEC Upgrade & Cladding (\$0.4M).
Waste Disposal	639,130	May was a rates instalment month.
Grant reserve	1,296,197	Received Roads to Recovery Grant Payments
Sewer Fund	(817,281)	Various capital projects
Water Fund	(1,227,044)	Various capital projects
Unrestricted cash	6,687,501	May was a rates instalment month as well as receiving Financial Assistance Grant.

Liquidity Indicators

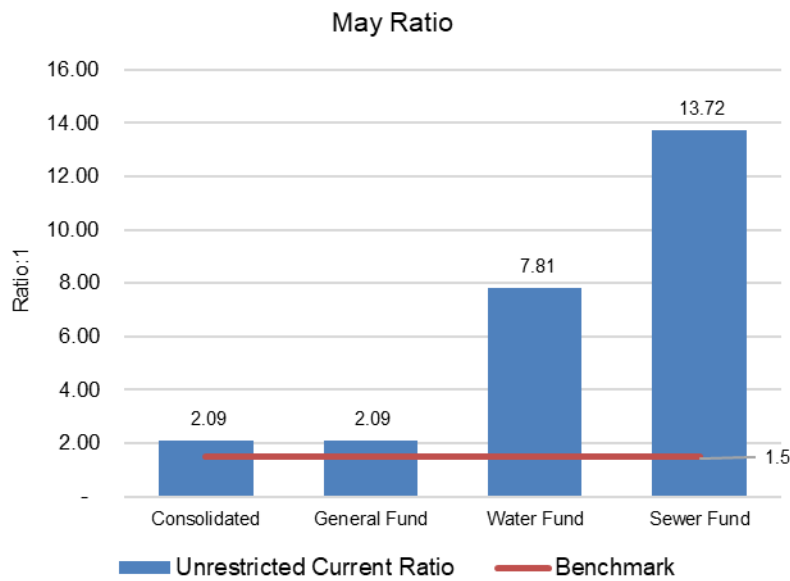
In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

Please note the historic trends for some key financial indicators such as Unrestricted Current Ratio, Cash Expense Cover Ratio and Unrestricted Cash were added below as requested by Council at the last meeting.

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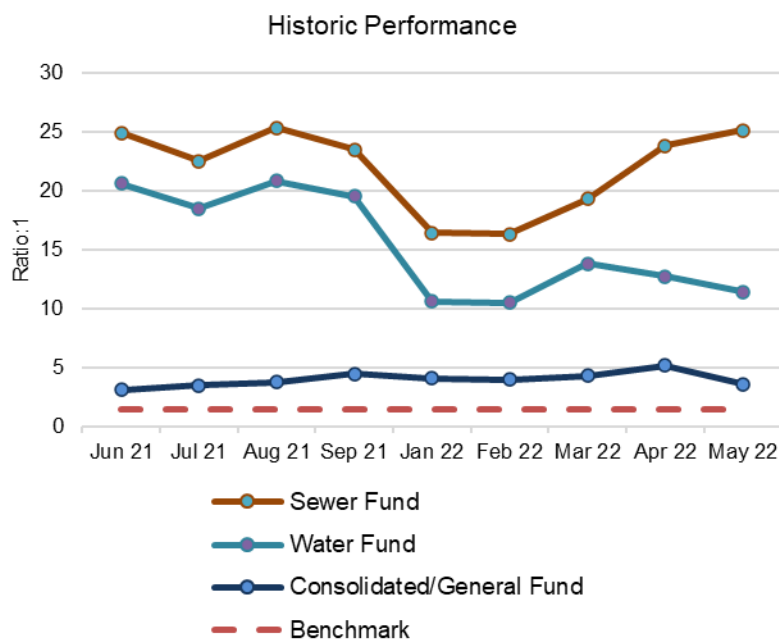
Unrestricted Current Ratio



The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio = (Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)

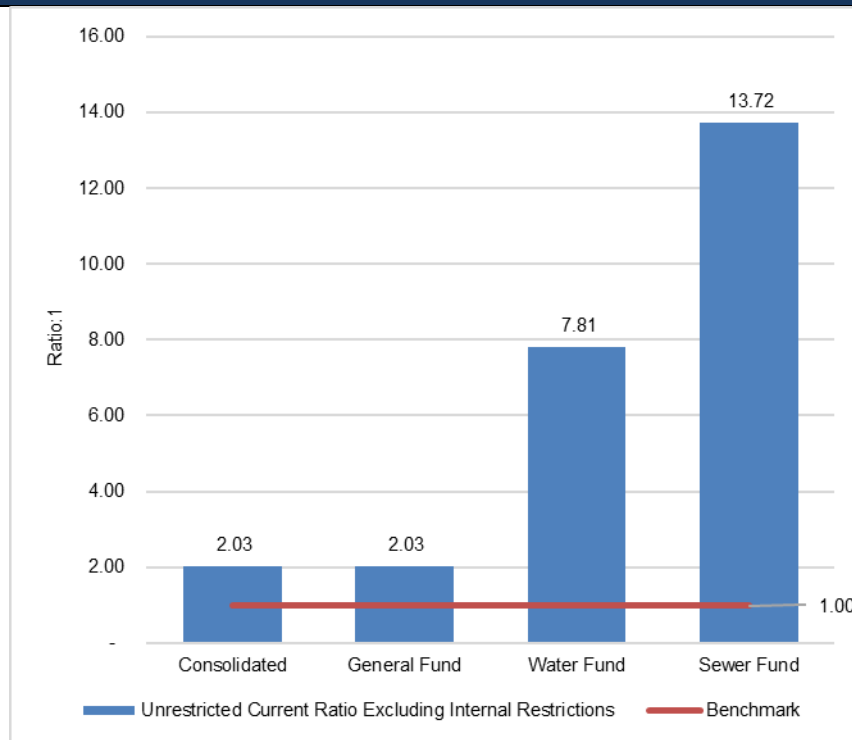
The ratio remains above the benchmark for all funds.



The first graph displays the May 2022 Unrestricted Current Ratio and, the second graph displays the previous rolling 12-months Unrestricted Current Ratio by fund.

CL22.270

Unrestricted Current Ratio Excluding Internal Reserves



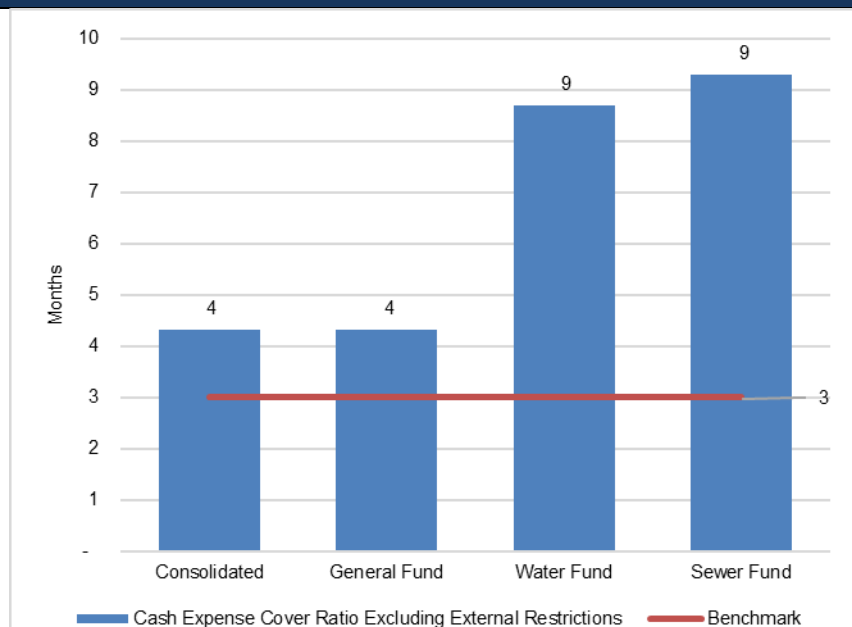
Unrestricted Current Ratio Excluding Internal Reserves is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves = $\frac{\text{Current Assets less all external and internal restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$

The ratio remains above the benchmark for all funds.

CL22.270

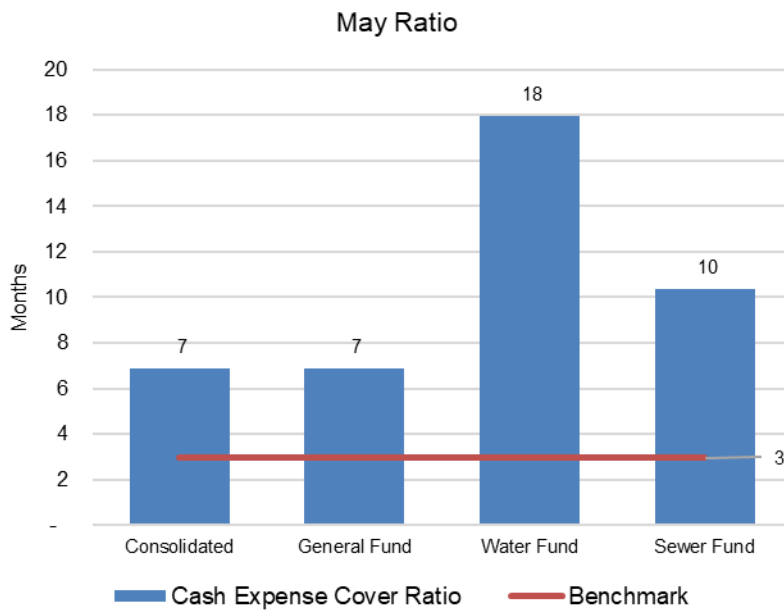
Cash Expense Cover Ratio Excluding External Restrictions



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 restrictions.

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

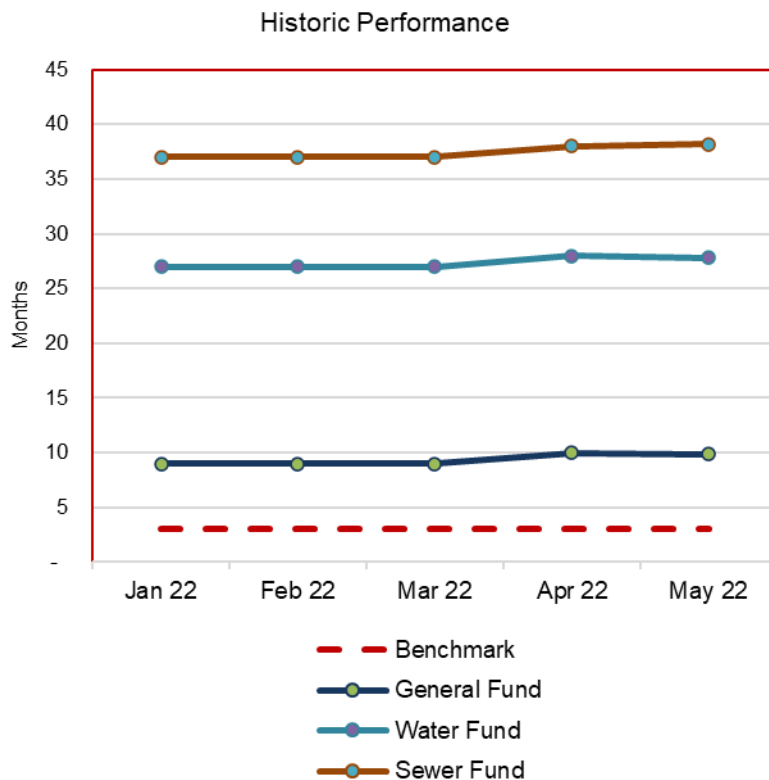
Cash Expense Cover Ratio



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

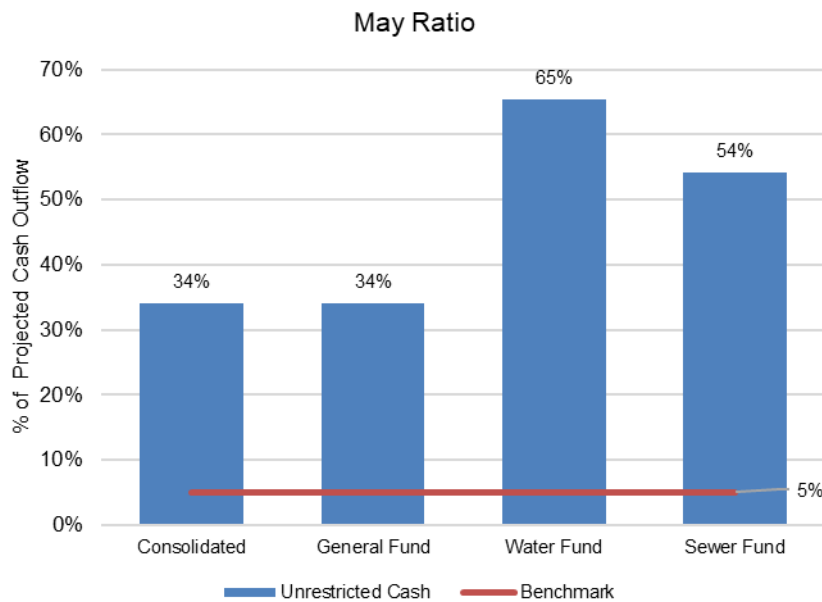
The ratio remains above the benchmark of 3 months as at the end of May 2022 for all funds.



The first graph displays the May 2022 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 5-months Cash Expenses Cover Ratio by fund.

CL22.270

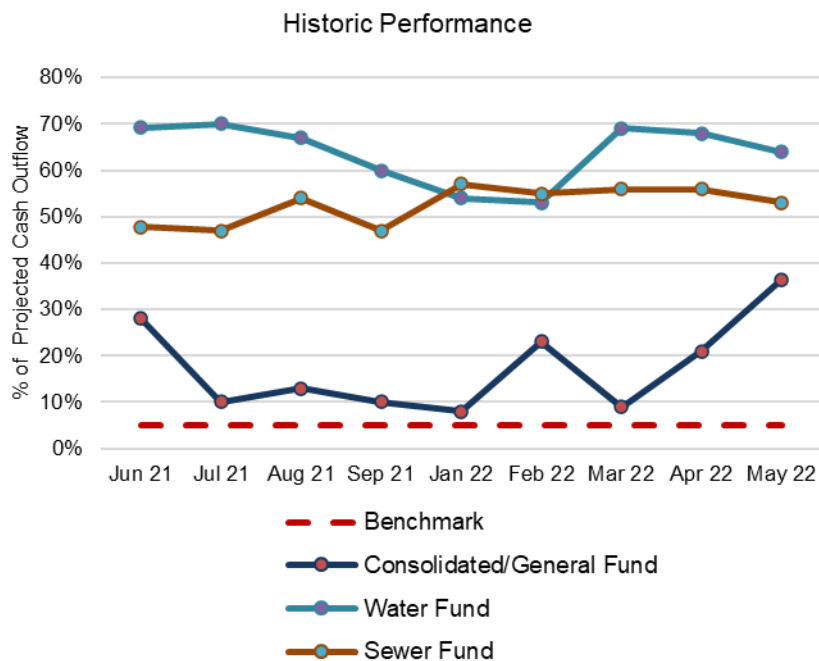
Unrestricted Cash



Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.

The unrestricted cash balance remains above the benchmark as at the end of May for all funds.

The benchmark is set up at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).



The first graph displays the May 2022 Unrestricted Cash Ratio and, the second graph displays the previous rolling 12-months Unrestricted Cash Ratio by fund.

CL22.270

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: 16 June 2022

CL22.270

CL22.271 Public Exhibition Outcomes and Finalisation - 2021 LEP Instrument Housekeeping Planning Proposal (PP062)

HPERM Ref: D22/194818

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

Reason for Report

- Report the outcomes of the public exhibition of Planning Proposal (PP) PP062 – 2021 Instrument Housekeeping for consideration.
- Enable the resultant amendments to Shoalhaven Local Environmental Plan (LEP) 2014 to proceed to finalisation.

Recommendation

That Council:

1. Adopt Planning Proposal (PP062) as exhibited and forward to the NSW Department of Planning and Environment for finalisation.
2. Notify the adoption and commencement of the Amendment in accordance with legislative requirements.
3. Advise key stakeholders, including relevant industry representatives, Community Consultative Bodies (CCB's) and those who made a submission, of this decision and when the Amendment will be made effective.
4. Consider the content of Submission No.4 relating to parking for medium density development as part of the foreshadowed Medium Density Review (MIN22.197).

Options

1. Adopt the recommendation.

Implications: This is the preferred option as it will enable the PP and the relevant matters it includes to be finalised and included in the LEP in a timely manner.

The PP is considered to have a minor impact as it enables permissible medium density development to benefit from clearly defined subdivision opportunities in the B4 Mixed Use zone, an outcome currently enjoyed by similar medium density development in residential zones. Subdivision opportunities for dual occupancy development in the R3 Medium Density Development zone will also be clarified in line with Council's longstanding intent. The PP also proposes a Natural Disaster Clause that is tailored to Shoalhaven to assist in the rebuilding of dwellings destroyed during a natural disaster event, which is considered beneficial following the 2019-2020 Bushfire and recent flood (natural disaster) events, and likely future natural disaster events.

2. An alternative recommendation.

Implications: Will depend on the extent of any changes and could delay the finalisation of the PP.

CL22.271

3. Not adopt the recommendation.

Implications: This is not the preferred option as the identified housekeeping matters will not be resolved.

Background

The Shoalhaven LEP 2014 is continuously updated to ensure that it aligns with strategic documents, is improved/corrected where necessary, relevant matters are resolved, and positive planning outcomes are delivered for the community. As a result, Council has an ongoing process of housekeeping amendments to improve the operation and maintain the accuracy of the LEP.

In this regard PP062 intends to make the following amendments to the LEP:

- Require a minimum parent lot size and extend greater subdivision opportunities for medium density development in the B4 Mixed Use zone by including multi dwelling housing and residential flat buildings in LEP Clause 4.1A (Minimum lot size for dual occupancies, multi dwelling housing and like).
- Clarify subdivision opportunities for dual occupancy development in the R3 Medium Density Residential zone, to which LEP Clause 4.1B (Dual occupancy development in zone R3) applies.
- Introduce a 'Natural Disaster Clause' that is more specific (than the State model) to the needs of Shoalhaven, to enable the rebuilding of the broader range of dwellings following a natural disaster.

On 7 September 2021, Council resolved (MIN21.620) to:

1. *Prepare the Instrument Housekeeping Planning Proposal based on the scope outlined in this report and submit to the NSW Department of Planning, Industry and Environment for an initial Gateway determination.*
2. *If the Gateway Determination requires formal public exhibition, proceed to public exhibition in accordance with the terms of the determination and legislative requirements and if any submissions are received, these are to be considered in a further report to enable finalisation of the Planning Proposal and subsequent Amendment to the LEP. If no submissions are received (or if exhibition is not required), proceed to finalise the Planning Proposal as exhibited to enable the subsequent Amendment to the LEP to occur, without any further reports.*
3. *Advise Development Industry Representatives and Community Consultative Bodies of the exhibition arrangements and when the Plan is finalised.*

The PP was submitted to then NSW Department of Planning, Industry and Environment (DPIE) and received a favourable Gateway determination on 30 November 2021. The determination received granted delegated authority to Council for this PP which means that Council can liaise directly with the NSW Government to prepare and finalise the resultant LEP amendment following exhibition.

Government Agency Feedback

Prior to the required public exhibition, the PP was referred to the NSW Rural Fire Service (RFS) in accordance with the Gateway determination. NSW RFS raised no objections to the PP subject to a requirement that the future development of bush fire prone land complies with Planning for Bush Fire Protection.

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Community Engagement

In accordance with the Gateway determination and Council resolution (MIN21.620) the PP was publicly exhibited for thirty (30) days, from 23 February to 25 March 2022 (inclusive) on Council's website.

Key stakeholders including Community Consultative Bodies (CCBs) and Industry Representatives were notified in writing.

The exhibition material remains available on [Council's website](#) and includes:

- Planning Proposal
- Explanatory Statement
- Gateway Determination
- Public Exhibition Notification

As a result of the exhibition, four (4) submissions were received. The following table provides a summary of the submissions received and comments from Council staff where relevant. Copies of the actual submissions can be made available to Councillors on request prior to the meeting if necessary.

No.	Submitter	Summary of Submission	Staff Comments
1	Allen Price & Scarratts	Supports the PP in its entirety.	Support noted. No change recommended.
2	Culburra Beach Progress Association	Requested an extension and that Council addresses the Association (or representatives from all CCBs) on the proposed changes. Subsequent correspondence noted that a meeting would not constitute community consultation due to the size of the Progress Association. Recommended that Council should arrange public community consultation meetings across the LGA and not rely on groups such as the CCBs to be the vehicle for community consultation on this matter of importance.	Feedback noted. No change recommended. Extension of time to comment granted until mid-April 2022. Staff confirmed availability to meet with the Association to discuss the proposal. The Progress Association resolved not to progress such a meeting. It is noted that this PP has been exhibited in the standard fashion and all CCBs were advised of the exhibition arrangements as a courtesy. It is not the intention that the CCBs will be the vehicle for community consultation.
3	WaterNSW	No objection to the proposal. Notes changes in Sydney Drinking Water SEPP to the Biodiversity and Conservation SEPP, and also the change in the former Ministerial Direction from Direction 5.2 to Direction 3.3. Both the Chapter 8 provisions of the new SEPP and the provisions of the new Direction apply to the same area and operate in the same way as before. It may be useful for the final Planning Proposal to note these changes.	No objection noted. No change recommended. Changes in the SEPPs (NSW Government SEPP consolidation reform) commenced on 1 March 2022, during the exhibition period of this PP. Changes to the PP for finalisation is not required, however the changes in the SEPPs and Ministerial Directions will be acknowledged in the Section 3.36 Planning Report that is provided to the NSW Department of Planning and Environment as part of the finalisation process of the PP.
4	Individual	Sees merit in the proposed amendments to clause 4.1A and 4.1B, however suggests that in relation to clause 4.1A, the remaining section of the lot should also have a	No change recommended. It is considered that a minimum lot size provision in the LEP for the resulting lots is not required as there are already

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		<p>minimum size dependent upon whether there will be one additional residence or two.</p> <p>Also raises concerns about overcrowding and resulting in vehicles/boats/caravans parking on the street. Two off street parking spaces are to be provided per dwelling.</p>	<p>controls in the DCP that manage density, scale, landscaping, private open space and the like, which ultimately shapes the size of the resulting lots. This is, however, something that Council may wish to look at in the future if considered of value.</p> <p>The DCP requires car parking to be provided at a rate comparable to the size of the dwelling, as follows:</p> <ul style="list-style-type: none"> • 1 space per one bedroom dwelling. • 1.5 spaces per two bedroom dwelling. • 2 spaces per dwelling containing three or more bedrooms. <p>A change to the existing parking rates in the DCP is considered beyond the scope of this proposed LEP amendment, however it would be appropriate to consider as part of the Medium Density Review that is foreshadowed as part of MIN22.197 (28 March 2022).</p>
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Conclusion

The submissions received do not raise any issues of substance that need to be reflected in or considered in the final PP. As such, no further changes are recommended to the PP as a result of state agency consultation or the public exhibition.

The PP can now be finalised as exhibited and the resulting LEP amendment can proceed to finalisation.

Policy Implications

Proposed Changes related to the B4 and R3 Zones

The proposal seeks to reinforce subdivision opportunities for permissible medium density development in the B4 and R3 zones. The subdivision of certain medium density development in these zones is considered an acceptable and logical outcome. The finalisation of the will enable Council's longstanding intent to be facilitated through clear provisions.

Natural Disaster Clause

Although most existing dwellings that are lost in a natural disaster circumstance would benefit from 'existing use' rights depending on their legal status, the finalisation of the PP will provide additional clarity (and comfort for landowners) that any dwelling can be rebuilt or repaired if the original lawful dwelling was destroyed or damaged in a natural disaster event.

The rebuild or repair cannot be refused on the basis of any development standards in the LEP, however a merit assessment is still required, including consideration of contemporary bushfire legislation/guidelines, for example.

Financial Implications

There are no immediate financial implications for Council. The finalisation of the LEP amendment will continue to be resourced from the Strategic Planning budget.

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CL22.272 Update & Next Steps - Planning Proposal PP045 - Sealark Road, Callala Bay

HPERM Ref: D22/204358

Department: Strategic Planning
Approver: Carey McIntyre, Director - City Futures

Attachments:

1. Development Committee Report 5/3/2019 Sealark Road PP request (under separate cover) [↗](#)
2. DPE cover letter 17/12/21 PP045 [↓](#)
3. DPE Gateway alteration (termination) PP045 [↓](#)
4. Updated Planning Proposal - Sealark Road, Callala Bay (PP045) (under separate cover) [↗](#)
5. DPE response to updated PP045 [↓](#)

Reason for Report

- To update Council on the Planning Proposal for Sealark Road, Callala Bay (PP045), which was terminated by the NSW Department of Planning and Environment (DPE) in December 2021; and
- To seek direction from Council in relation to seeking a new Gateway from DPE.

Recommendation

That Council

1. Receive the updated Planning Proposal for Sealark Road, Callala Bay (PP045) for information.
2. Seek a new Gateway determination from the NSW Department of Planning and Environment (DPE) for the updated Planning Proposal (PP045).
3. Seek feedback from the following Government agencies in respect of the relevant Ministerial directions under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.
 - a. The Floodplain and Estuaries Team in the Environment and Heritage Division of DPE regarding Ministerial Direction 4.1 (Flooding).
 - b. The NSW Rural Fire Service regarding Ministerial Direction 4.3 (Planning for Bushfire Protection).
4. If the outcomes of parts 2 and 3 are all favourable, publicly exhibit the PP.
5. If any outcomes of parts 2 and 3 are not favourable, receive a further report to determine if the PP should be continued.
6. Advise relevant stakeholders of this decision.

Options

1. Seek a new Gateway determination from DPE.

Implications: Subject to receiving a favourable Gateway determination, this would allow the updated Planning Proposal and the supporting studies (which were absent/deficient when this matter was previously considered by Council) to be publicly exhibited.

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The PP has been updated following completion of the supporting technical studies in late 2021. Subject to receiving a favourable Gateway determination and feedback from DPE's Floodplain and Estuaries Team and the RFS, this option would enable the community to be engaged before Council makes a final decision on whether to amend the Shoalhaven Local Environmental Plan 2014 (LEP) to rezone the land.

2. Not seek a new Gateway determination

Implications: The previous Gateway determination was terminated by the DPE in December 2021. Without a new Gateway determination, the Planning Proposal cannot proceed.

3. Take another course of action.

Implications: This depends on the proposed course of action. Advice can be provided should any alternative options be raised.

Background

A proponent-initiated Planning Proposal (PP) request was received in January 2019 seeking to rezone Lot 5 DP 1225356 at Sealark Road, Callala Bay, to allow for residential development on the site. The PP request was lodged by PRM Architects on behalf of the landowners, Hare Bay Consortia. A location map is shown in **Figure 1** and the subject land is shown in **Figure 2**.

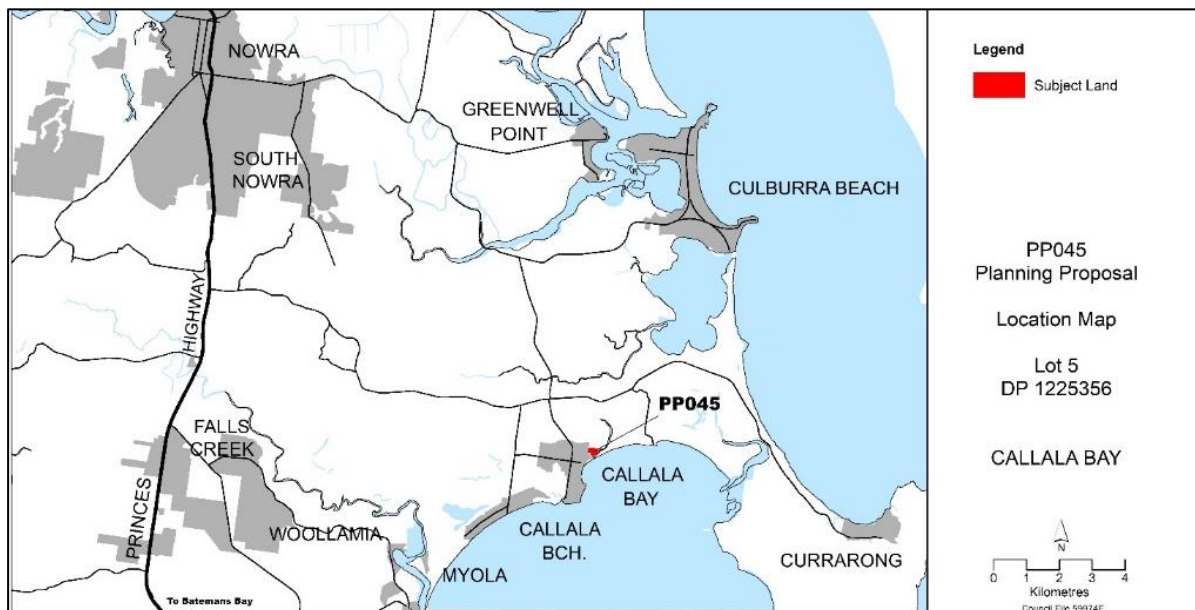


Figure 1 – Site location, PP045 – Sealark Road, Callala Bay

The subject land adjoins Jervis Bay National Park to the north, Wowly Creek to the east, Monarch Place and a Council foreshore reserve to the south and Sealark Road to the west. The subject land is currently undeveloped.

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Figure 2 – Subject land, PP045 – Sealark Road, Callala Bay

The land is currently zoned C3 Environmental Management as shown in **Figure 3**.

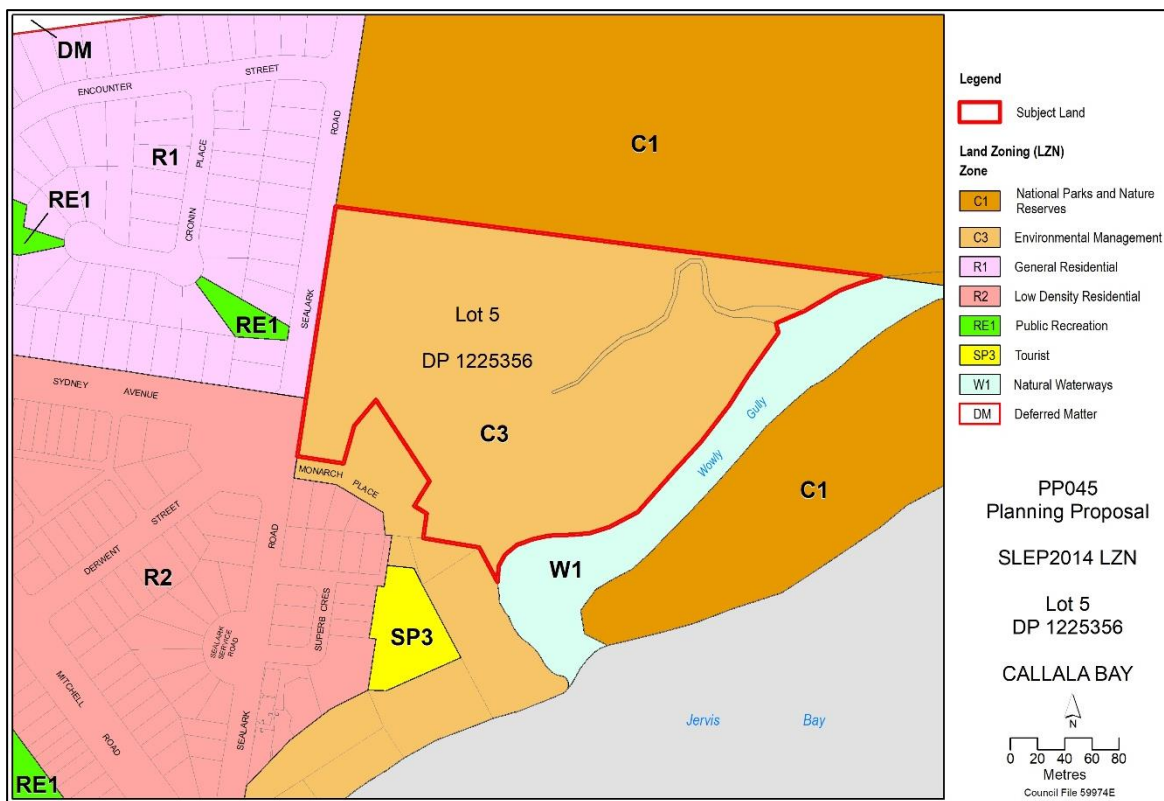


Figure 3 – Current zoning under Shoalhaven LEP 2014

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The PP request was reported to Council's Development Committee on 5 March 2019. A copy of the staff report is provided at **Attachment 1** (under separate cover). Council resolved to support the PP request, resolving as follows (MIN19.111):

That Council:

1. *Support the proponent initiated Planning Proposal request to rezone Lot 5 DP 1225356, Sealark Road, Callala Bay to a mix of residential, recreation and environmental protection zones on the basis that it is considered to be 'minor' in nature and significance in accordance with Council's Planning Proposal (rezoning) Guidelines given the scale of the development that could result.*
2. *Submit the Planning Proposal to the NSW Department of Planning & Environment requesting the initial Gateway determination, noting that additional and updated studies will be undertaken post Gateway to support the Planning Proposal*
3. *Dependent on the outcome of the Gateway determination receive a further report on the Planning Proposal*
4. *Advise the proponents and submitters of this decision.*

A Gateway determination was issued by the NSW Department of Planning Industry and Environment (DPIE) on 2 May 2019, authorising the PP to proceed, subject to completing a range of technical studies including:

- Biodiversity Assessment.
- Flood Study.
- Integrated Water Quality Management Study – to demonstrate Neutral or Beneficial Impact on water quality.
- Aboriginal Cultural Heritage Assessment.
- Traffic Study.
- Geotechnical Study (including Acid Sulfate Soils).
- Stage 1 Preliminary Contaminated Site Assessment.
- Bushfire Hazard Risk Assessment.

Comments on supporting study requirements

There were some significant gaps and/or deficiencies in the technical studies included in the proponent's submitted PP package (e.g., the flora and fauna work was completed in 2005, a flood assessment was not included). At the time however, the NSW Government's PP process was deliberately designed to allow PPs to proceed through the Gateway step with preliminary/incomplete information. While this approach had financial and risk management benefits (especially for proponents), it often meant extended 'post-gateway' timeframes to allow the required technical studies to be completed and proposals adjusted, if necessary. Consistent with this approach, the Department rarely refused extension requests.

The NSW Government has moved away from this approach over the past two years, culminating in release of DPE's new LEP Making Guideline in December 2021, which effectively requires technical studies to be completed pre-gateway.

The original Gateway for the Sealark Road Planning Proposal was issued on 2 May 2019 and lapsed on 2 May 2021.

Links to the supporting studies, date of completion and authorship are provided in **Table 1** below.

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Table 1 – Supporting studies and hyperlinks for PP045

Title	Author/date/commission by?
Biodiversity Development Assessment Report (BDAR)	Eco Logical Australia, 10/12/2020. Proponent managed
Flood Study	Footprint (NSW) 22/11/2021. Proponent managed.
Integrated Water Cycle Assessment	Footprint (NSW) 22/11/2021. Proponent managed.
Aboriginal Cultural Heritage Assessment (sensitive information redacted for public release)	AMBS Ecology & Heritage, March 2020. Council managed.
Traffic Study	PTC, 4/11/2019. Proponent managed.
Geotechnical Study (including Acid Sulfate Soils)	Terra Insight, August 2019. Proponent managed.
Stage 1 Preliminary Contaminated Site Assessment	Terra Insight, August 2019. Proponent managed.
Bushfire Hazard Risk Assessment	Eco Logical Australia, 27/7/2020. Proponent managed.

Apart from the Aboriginal Cultural Heritage Assessment, which was directly managed by Council and completed in March 2020, most of the required studies were commission and managed by the proponent. Due to complications associated with the land's low elevation and gentle slope, the flood study and water cycle assessment (stormwater management) were significantly delayed – final copies of these reports were not received until November 2021. As noted earlier, the original proponent's PP did not identify any flooding constraints on the land as no information was available. Flooding is discussed later in this report.

Gateway terminated on 17 December 2021

A detailed update on the findings of the supporting studies and other Gateway conditions was provided to DPE in early December 2021 in support of a Gateway extension request. However, on 17 December 2021, DPE declined the extension request and instead, altered the Gateway determination, terminating the PP. This decision was consistent with DPE's decision to terminate 5 'legacy' PPs in December 2020 and focus on clearing the backlog of old PPs in the NSW planning system.

DPE's cover letter and Gateway alteration are provided in **Attachment 2** and **Attachment 3** respectively. DPE's cover letter stated:

I acknowledge that significant progress has been made on the planning proposal including completion of studies and investigations required to satisfy Gateway conditions. Unfortunately, I cannot agree to Council's request for an extension of time due to the significant time lapsed to date and further work required to exhibit and finalise the planning proposal.

I have therefore determined as the delegate of the Minister, in accordance with section 3.34(7) of the Environmental Planning and Assessment Act 1979, to alter the Gateway determination dated 2 May 2019 for PP-2021-990 to not proceed. The Alteration of Gateway determination is enclosed.

The Department would be willing to consider a revised planning proposal on the Planning Portal when outstanding matters have been addressed. I can advise that work completed to date on the proposed rezoning of the site, including Gateway studies, will

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be taken into consideration by the Department should a new Gateway determination be sought.

Updated PP referred to DPE for comment

Consistent with Council's resolution of 5 March 2019, staff updated the PP and submitted it to DPE for comment on 6 April 2022, so that the updated PP and DPE's comments could be presented to Council for consideration. The updated PP is provided as **Attachment 4** (under separate cover).

DPE's response dated 6 May (**Attachment 5**) states:

I can see that significant work has been undertaken to address outstanding issues with the planning proposal including preparation of several environmental and other studies and addressing relevant Section 9.1 Ministerial Directions and State Environmental Planning Policies. I also understand Council has obtained the agreement of the NSW Environment Minister for the proposed C2 Environmental Conservation land to be dedicated as an addition to the Jervis Bay National Park which is proposed to be facilitated via a voluntary planning agreement.

I can advise that, subject to detailed assessment at gateway determination stage, the Department is prepared to consider issuing a gateway determination for the planning proposal to enable the proposal to be placed on public exhibition.

Description of the site and surrounds

The vegetation in the eastern portion of the subject land includes a Threatened Ecological Community (TEC): Bangalay Sand Forest. The heath vegetation in the north-western portion of the site was periodically slashed over a 20 year period, up until April 2019. An open drain traverses the site and discharges water from two stormwater outlets under Sealark Road into Wowly Creek (also known as Wowly Gully). Photographs of the site are on pages 9 to 12 of the updated PP provided as **Attachment 4** (under separate cover).

The subject land is bordered by Jervis Bay National Park to the north and Wowly Creek to the east. Wowly Creek is classed as an *Intermittently Closed and Open Lake / Lagoon* (ICOLL) and forms part of the Jervis Bay Marine Park. The lower reach of the Creek (adjacent to the inlet) is a popular swimming spot. The Jervis Bay foreshore and the lower reach of the Creek are accessed from Monarch Place. The proponent's [Integrated Water Cycle Assessment](#) indicates that the proposal is capable of achieving a Neutral or Beneficial Effect (NorBE) on the receiving waterway.

Development to the south and west of the subject site is residential and is primarily detached housing (single dwellings). Callala Bay shops are located approximately 1 km west of the site (about a 10 - 15 minute walk).

The land is bushfire prone and a [Bushfire Hazard Assessment](#) has been undertaken to assess the level of bushfire risk that would apply to future development and to propose risk reduction and management methods.

The land is low lying, with a maximum elevation of 6.0 m AHD at the north-western corner and slopes gently in a south-easterly direction toward Wowly Creek. The eastern boundary of the land has elevation of approx. 2.0 m AHD. The land is partly flood-affected. A site-specific [Flood Study](#) has been prepared to understand flood risks and constraints for development. The results of the flood modelling are summarised in **Figure 4**.

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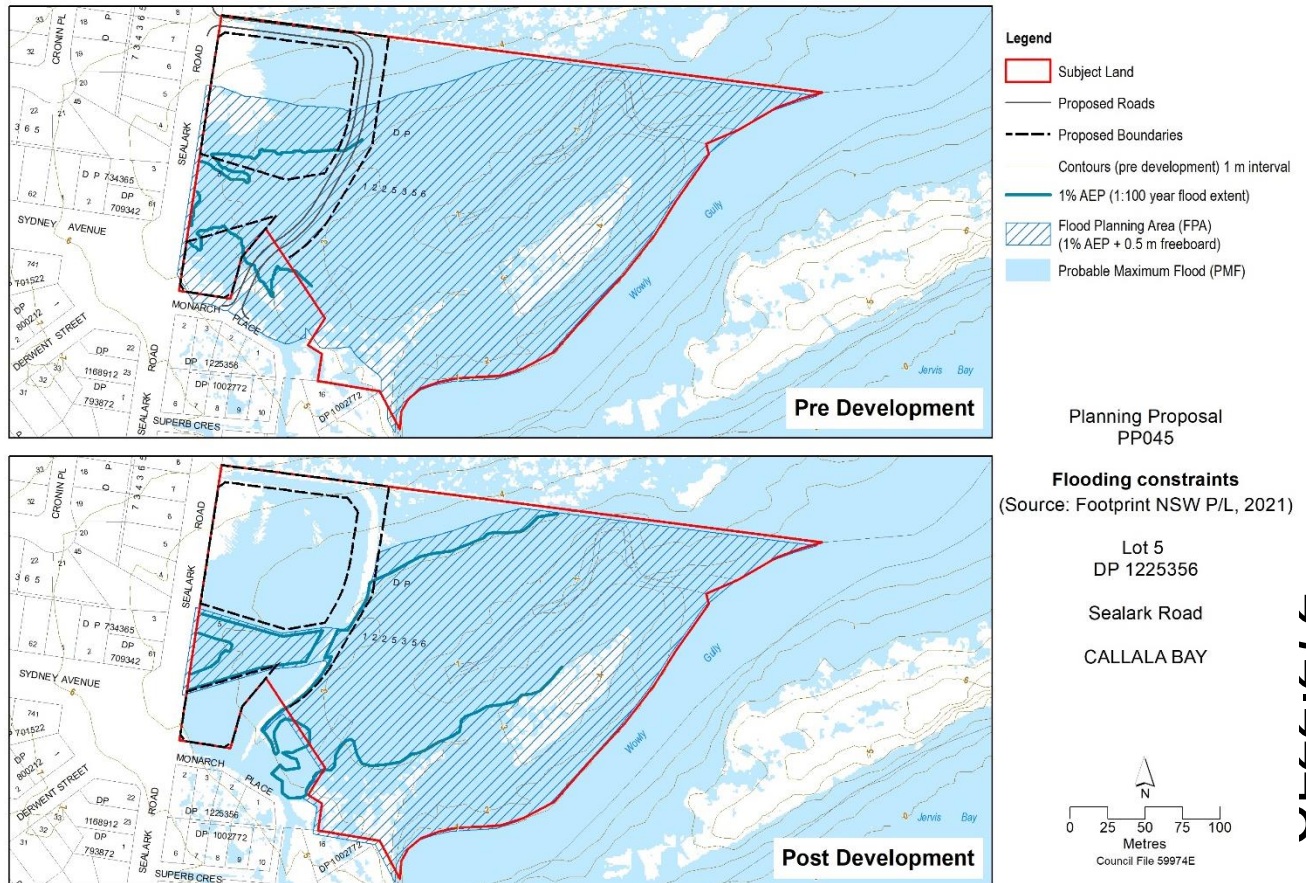


Figure 4 – Flooding constraints, pre (top) and post-development (bottom)

The proponent's proposed post development scenario involves excavating 860m³ of material from the drainage channels that dissect the proposed residential area, and applying a total fill volume of 10,540m³ over the proposed residential area to an average depth of 700-800mm. It is understood that the proposed excavation and filling is necessary from a water quality and stormwater management perspective, i.e., to provide sufficient fall to the proposed stormwater treatment system. Further detail is provided on page 29 of the updated PP provided as **Attachment 4** (under separate cover).

Intended outcomes of the Planning Proposal

Approx. 1.7 ha of land adjacent to Sealark Road is proposed to be rezoned from *C3 Environmental Management* to *R1 General Residential*. The balance of the subject land is proposed to be rezoned to *C2 Environmental Conservation* and the minimum lot size is proposed to be reduced to 4ha to ensure that it can be subdivided from the residential land and added to the Jervis Bay National Park (which is to be secured via a Voluntary Planning Agreement). The current and proposed land use zoning is shown in **Figure 5**.

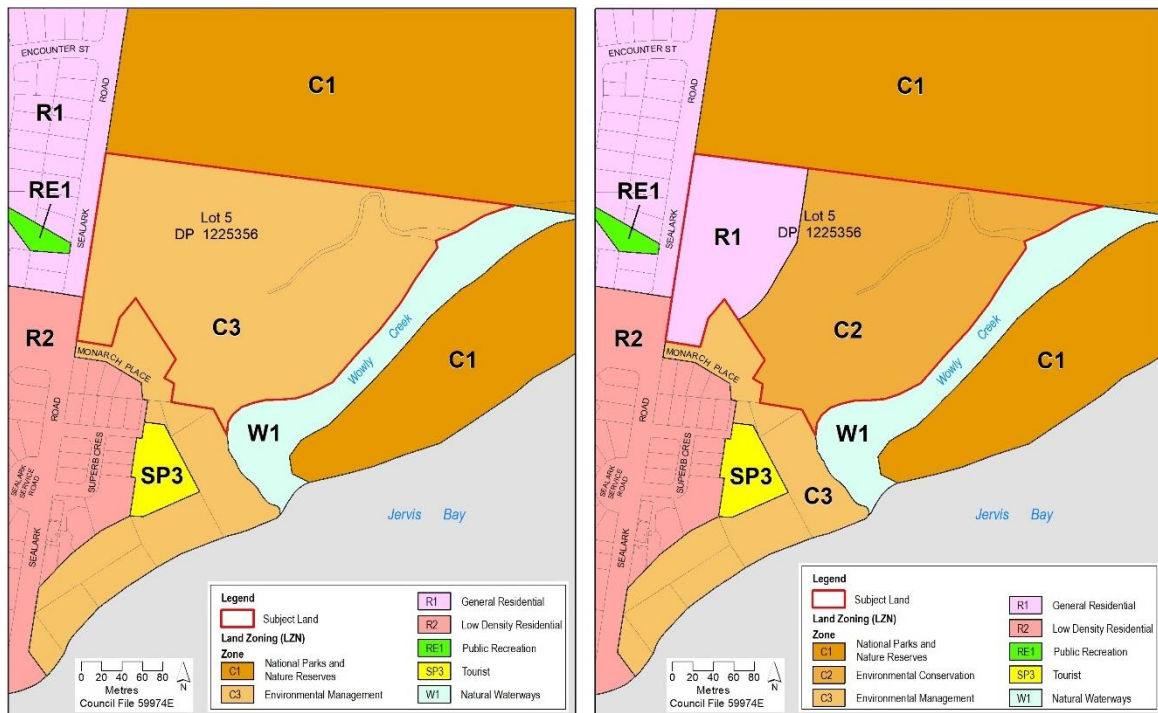


Figure 5 – Current (left) and proposed (right) land use zoning under Shoalhaven LEP 2014. Note: the subject land boundary includes a small tidal tributary of Wowly Creek (which is not part of Lot 5) to avoid creating a zone anomaly, i.e., to ensure the tributary is also rezoned from C3 to C2.

The proposed minimum lot size for the R1 land is intended to be reduced from 40 ha to 500m². The maximum allowable height of buildings for the residential area is proposed to be reduced from 11m (under clause 4.3(2A) of Shoalhaven LEP 2014) to 8.5m.

Conclusion

This report has been prepared consistent with Council's resolution on 5 March 2019 to support a proponent-initiated Planning Proposal over Lot 5 DP 1225356. Large information gaps in original PP request have been addressed and the proposal has been updated accordingly.

Despite terminating the PP due to lengthy delays experienced by the proponent in completing the required studies, DPE has encouraged Council to seek a new Gateway determination for the updated PP. If Council resolves to seek a new Gateway determination, the proposal will come back to Council for final consideration.

Community Engagement

Should a new Gateway determination be issued by DPE that allows the PP to proceed to exhibition, subject to satisfying any conditions, community feedback would be invited on the updated PP and supporting information. The PP would be exhibited for a minimum of 28 days.

Financial Implications

Council has fees and charges in place for progressing proponent-initiated Planning Proposals. These seek to recoup costs incurred by Council in progressing the matter, including the costs associated with staff time. Any unpaid costs incurred by Council (as prescribed in Council's adopted Fees and Charges) would need to be invoiced to, and paid by, the Proponent before the PP proceeds to exhibition.

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Planning,
Industry &
Environment

Our ref: PP-2021-990/(IRF21/5084)
Your ref: 59974E (D21/519517)

Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council

By Email: council@shoalhaven.nsw.gov.au

Attention: Eric Hollinger, City Futures

Dear Stephen

**Planning proposal PP_2019_SHOAL_001_00 (PP-2021-990) - Alteration of Gateway
Determination GA-2021-173**

I refer to your letter seeking an extension of time to complete planning proposal PP_2019_SHOAL_001_00 (PP-2021-990) to rezone part of Lot 5 DP 1225356 Sealark Road Callala Bay for residential, recreation and environmental purposes.

I acknowledge that significant progress has been made on the planning proposal including completion of studies and investigations required to satisfy Gateway conditions. Unfortunately, I cannot agree to Council's request for an extension of time due to the significant time lapsed to date and further work required to exhibit and finalise the planning proposal.

I have therefore determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 2 May 2019 for PP-2021-990 to not proceed. The Alteration of Gateway determination is enclosed.

The Department would be willing to consider a revised planning proposal on the Planning Portal when outstanding matters have been addressed. I can advise that work completed to date on the proposed rezoning of the site, including Gateway studies, will be taken into consideration by the Department should a new Gateway determination be sought.

If you have any questions in relation to this matter, I have arranged for Mr George Curtis to assist you. Mr Curtis can be contacted on [REDACTED].

Yours sincerely

A black rectangular redaction box covering the signature of Sarah Lees.

17 December 2021

Sarah Lees
Director, Southern Region
Local and Regional Planning

Encl: Alteration of Gateway Determination



**Planning,
Industry &
Environment**

Alteration of Gateway Determination GA-2021-173

Planning proposal (Department Ref: no.PP_2019_SHOAL_001_00 (PP-2021-990))

I, the Director, Southern Region, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 2 May 2019 for the proposed amendment to the Shoalhaven Local Environmental Plan 2014 as follows:

1. delete paragraph 2:

"I, the Director, Regions, Southern at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should proceed subject to the following conditions:"

and replace with a new paragraph 2:

"I, the Director, Southern Region, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act* (the Act) 1979 that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should not proceed."

2. Delete conditions 1-10.

Dated 17th day of December 2021.



Sarah Lees
Director, Southern Region
Local and Regional Planning
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

PP-2021-990 (IRF21/5084)



Our ref: IRF22/1344
Your ref: 59974E (D22/144251)

Mr Eric Hollinger
Coordinator – Special Projects Team
Shoalhaven City Council
By Email: council@shoalhaven.nsw.gov.au

Dear Mr Hollinger

Sealark Road, Callala Bay Planning Proposal PP-2022-1276 (Council ref: PP045)

Thank you for providing a revised Sealark Road Callala Bay Planning Proposal for the Department's preliminary comment. I note your request for advice on whether the updated planning proposal and supporting studies would be allowed to proceed to public exhibition if a new Gateway determination is requested by Council.

I can see that significant work has been undertaken to address outstanding issues with the planning proposal including preparation of several environmental and other studies and addressing relevant Section 9.1 Ministerial Directions and State Environmental Planning Policies. I also understand Council has obtained the agreement of the NSW Environment Minister for the proposed C2 Environmental Conservation land to be dedicated as an addition to the Jervis Bay National Park which is proposed to be facilitated via a voluntary planning agreement.

I can advise that, subject to detailed assessment at gateway determination stage, the Department is prepared to consider issuing a gateway determination for the planning proposal to enable the proposal to be placed on public exhibition.

I note that the flood study prepared in support of the proposal shows that the site is subject to flooding which is proposed to be managed by excavating the drainage channels on the eastern side of Sealark Road and applying fill over the proposed development footprint. I understand Council's flood engineer has reviewed the flood study and has not raised any significant concerns from a flooding perspective.

I suggest that Council consults with the Department's Floodplain and Estuaries Team in the Environment and Heritage Division prior to lodgement of the planning proposal to reduce the potential for issues to arise at a later date with respect to these matters. You can contact Mr John Bucinkas, Senior Team Leader on [REDACTED] or john.bucinkas@environment.nsw.gov.au.

If you have any more questions, please contact Mr George Curtis, Senior Planner, at the Department on [REDACTED]

Yours sincerely

[REDACTED]

6/5/22

Graham Towers
Manager, Southern Region
Local and Regional Planning

CL22.273 Update on Proposed Strategic Property Purchase in Bomaderry

HPERM Ref: D22/231619

Department: Strategic Property

Approver: Carey McIntyre, Director - City Futures

Reason for Report

The purpose of this report is to provide Council with the outcome of the auction for the potential purchase of the property formally owned by the Bomaderry RSL at 5-11 Bunberra Street, Bomaderry.

Recommendation

That Council receive the report providing an update on the potential purchase of 5-11 Bunberra Street, Bomaderry.

Options

1. Receive the report

Implications: Council will be informed and updated on the results of the sale process for the property.

Background

Council considered a Confidential Report (D22/217686) at an Extraordinary Meeting on 26 May 2022 to negotiate the purchase of 5-11 Bunberra Street, Bomaderry (RSL site) prior to public auction. Council resolved at this meeting (MIN22.361C) to proceed with the strategic property purchase in Bomaderry as Option 1 in the report.

Council submitted an offer to the RSL, however, was advised the Trustees determined they would proceed to auction. The delegations provided to the CEO at the time did not provide for participation in an auction or indeed any negotiations beyond the auction.

Therefore, a further Confidential Report (D22/224793) was submitted to Council at another Extraordinary Meeting on 31 May 2022 to confirm if Council still wished to pursue the purchase and if so, obtain approval for the CEO or nominee to bid at auction on Council's behalf. Council resolved a bidding cap amount.

The auction was held on 1 June 2022 at 5:30pm in the Bomaderry RSL building. There were three bidders (including Council). The other two were by agencies via phone. Council was unsuccessful in bidding in that its resolved bidding cap was reached and exceeded, with the final bid of \$4,000,000 (ex GST) being made by an unknown bidder via phone.

It was subsequently publicly reported that the owner of a chain of Sydney-based childcare centres purchased the property.

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CL22.274 Lease Renewal Part Lot J DP 39259 Egans Lane, Nowra to Egans Lane Pty Ltd

HPERM Ref: D22/163544

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To provide Council with an opportunity to consider granting a three (3) year retail lease with an option for a further two (2) years to Egans Lane Pty Ltd for the lease of that part of Lot J in DP 39259 comprising the building, improvements and curtilage, and located at Egans Lane, Nowra.

Recommendation

That Council:

1. Enters a three (3) year lease plus a two (2) year option to Egans Lane Pty Ltd for the lease of that part of Lot J in DP 39259 comprising the building, improvements, and curtilage, and located at Egans Lane, Nowra for the purpose of a covered dining area for use as part of a café and restaurant operated by the Lessee on adjoining land at a commencement rent of \$6,300 (plus GST) per annum adjusted annually to CPI.
2. Approves the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed otherwise the Chief Executive Officer be authorised to sign any documentation necessary to give effect to this resolution.

Options

1. Adopt the recommendation

Implications: Council enters a lease with Egans Lane Pty Ltd for a three (3) year lease with a two (2) year option and receive \$6,300 per annum (plus GST) rental income for the property with annual CPI increases.

2. Not adopt the recommendation

Implications: The building on part Lot J DP 39259 is physically connected to the building on the adjacent lot and owned by Egans Lane Pty Ltd. Access to the leased area is through the adjoining property. The viability of leasing this parcel to another party is very low.

Background

In 1997 the then owner of 9 Egans Lane, being the property adjacent to Lot J DP 39259, received Building Approval from Council to construct a covered deck/outdoor dining area over Council owned land (Lot J DP 39259). A condition of which was to enter into a lease with Council for the affected land. Council has leased part Lot J DP 39259 since that time to owners of the adjoining property.

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Figure 1: Site location



Figure 2: Aerial view of Lot J with built infrastructure connected to 9 Egans Lane (Lot 1 DP 42870)

Egans Lane Pty Ltd purchased 9 Egans Lane, Nowra on 20th August 2021. A new lease is required to legally formalise access to, and clarify responsibilities and liabilities associated with the built infrastructure on Lot J DP 39259.

A key condition of the proposed lease is that *'If at any time during the term of this lease or any renewal or holding over, the Landlord proposes to reconstruct or redevelop the property or the building of which the property forms part and the demolition of the property is required to effect the said reconstruction or redevelopment, the Landlord may terminate this lease by giving not less than twelve months written notice to the Tenant.'* This ensures that Council can develop/improve the site while providing the lessee with ample notice should circumstances change in the future.

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An alternative to entering a lease may be that Council instructs the removal of infrastructure on Lot J DP 39259. Legal advice would be required on this matter to determine if Council would be liable for compensation to the new owner and/or liable for costs associated with removal.



Lease schedule

Lessee	Egans Lane Pty Ltd PO Box 1120, Nowra, NSW, 2541 ACN: 650 203 848
Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Tel: 02 4429 3111 Email: Council@shoalhaven.nsw.gov.au
Premises	That part of Lot J in DP39259 comprising the building, improvements and curtilage and located at Egans Lane, Nowra, NSW, 2541
Site area	Approx 60m ²
Term	Three (3) years with an option for a further two (2) years
Rent	\$6,300 plus GST per annum, payable six monthly in advance in equal instalments
Rent Review	Annually to CPI
Percentage of Outgoings	0%
Permitted Use	As a covered dining area for use as part of a café and restaurant operated by the Lessee on adjoining land.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)
Security Deposit	The amount equivalent to three (3) months' rent plus GST
Guarantor	Not applicable
Amount of Public Liability Insurance	A minimum of \$20 million

Community Engagement

Community engagement is not required as the site is classified as Operational Land.

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Internal comments were sought. The Manager of Strategic Planning relayed the need to be able to resume control of the site should the area be redeveloped. The condition described above satisfies this need.

Policy Implications

Leasing the site helps achieve Delivery Program Operational Plan 2021/22 Goal 3.1.06 – Make our CBD's and town centres active places.

Financial Implications

Should Council resolve to enter into a new lease, Council will receive an annual rental income commencing at \$6,300 (excluding GST). This will be indexed annually with CPI. Council is not responsible for the upkeep of the built infrastructure so there will be no costs incurred regarding maintenance etc.

Risk Implications

Entering a lease

Risks are minimal should Council resolve to enter into a lease. Conditions within the lease mitigate risk.

Not entering a lease

As Council does not have a lease with Egans Lane Pty Ltd it is unclear as to which party is currently responsible for public liability and building maintenance relating to the use of part Lot J DP 39259. The previous lessee was in a holding over period at the time of sale of the adjoining property. As such, the lease, along with any lessee responsibilities did not transfer on sale.

Not entering into a lease and demolishing the infrastructure

Council is not privy to the negotiations regarding the sale of 9 Egans Lane Nowra. However, it could be assumed that the new owner has an expectation that Council will enter a new lease. As the buildings on 9 Egans Lane and Council owned Lot J DP 39259 are physically joined it could be expected that apart from the costs associated with demolition, there may be some costs incurred rehabilitating the exterior. It is not clear to what extent Council would be liable for the costs of demolition and rehabilitation, nor if Council is liable for compensation relating to the decreased building footprint. It is suggested that Council seek legal advice if considering this option.

CL22.275 Proposed Lease to Currarong Arts and Crafts Society Incorporated - Part 23-25 Walton Way, Currarong

HPERM Ref: D22/144890

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider options for the proposed lease renewal for a period of ten years to Currarong Arts and Crafts Society Incorporated (Currarong Arts) at part 23-25 Walton Way, Currarong from 1 July 2022 at a commencing rental of \$510 per annum.

Recommendation

That Council;

1. Note the property strategy for this site (part Lot 22, DP16854 part 23-25 Walton Way, Currarong) is to retain the existing tenant, finalise a lease and improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the ten-year lease term.
2. Approve the Lease of part Lot 22, DP16854 part 23-25 Walton Way, Currarong to Currarong Arts and Crafts Society Incorporated for a period of ten years commencing 1 July 2022 at a rental of \$510 plus GST per annum with annual CPI increases and authorise the Chief Executive Officer to execute relevant documentation.
3. Note the estimated cost to Council of this arrangement over the next 10 years is \$175,827, (today's dollars), the key components being
 - a. Rental income of \$5,100 over the lease term. Note \$510 per annum
 - b. An operational budget of \$137,400 over the lease term for non-recoverable costs, reactive and scheduled maintenance repairs will be required in the 22/23 FY and beyond. This equates to an average of \$13,740 per annum.
 - c. A capital budget of \$43,527 for building works comprising of external painting, upgrades to the flooring, kitchen and bathroom required in the 23/24 FY and beyond. This equates to an annual average expense of \$4,353 per annum

Options

1. As Recommended

Council approves the Recommendation for a Lease renewal for a term of ten years which provides for a minimum rental to be applied and additional maintenance responsibilities to Council.

Implications: Currarong Arts and Crafts Society Inc. will have security of tenure and be able to request for grants to undertake upgrades to the tenancy/building which will assist with reducing Council's financial exposure. The total cost to Council represents \$175,827 (*Table 1*) over the lease term.

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2. 100% Cost Recovered Rental Option (Note could be any variant up to 100% cost recovery)

Approve the Lease of part Lot 22, DP16854 part 23-25 Walton Way, Currarong to Currarong Arts and Crafts Society Incorporated for a period of five years commencing 1 July 2022 at a rental of \$17,582 plus GST per annum plus annual 3% increases, and authorise the Chief Executive Officer to execute relevant documentation,

Implications: Currarong Arts and Crafts Society Inc have provided a financial statement which reflects that whilst they can afford the minimum rental, they have very limited funds. They also do not obtain other funding from the government for the operation of the community facility. Applying a cost recovery rental is not consistent with POL19/40 which advises that a statutory minimum rental is to be charged for this tenant as a result of the above.

3. Opportunities for a new tenant

Advertising for alternate leasing of the property to the community occurs.

That Council seek tenants (via a public advertising process) to lease part Lot 22, DP16854 part 23-25 Walton Way, Currarong for a period of five years commencing 1 July 2022 at a rental of \$1,700 plus GST per annum, and report back to Council on a preferred tenant. The rental of \$1,700 per annum was determined by valuers Walsh and Monaghan 1 July 2014 and have recently advised that no increase is relevant.

Implications: There has been no objections to the community advertising which has occurred for the proposed lease renewal to Currarong Arts and therefore this is not recommended. The building has been occupied and improvements have been made by Currarong Arts and Crafts since occupation in 1983. A significant number of local objections would therefore be anticipated should this advertising occur.

Background

Currarong Arts occupy the ex-Rural Fire Station site owned by Council which is classified as Community Land.

Currarong Arts have been in occupation of the site since 1983 and are currently on holdover from their lease which commenced 1 July 1995 and expired 30 April 1999. The new committee now has a focus to increase membership and community engagement and would like to occupy the premises on a long-term basis and ensure security of tenure by entering into a ten-year lease renewal.

Currarong Arts was formed in 1982 with the support of the local community, local members of parliament and Council and was incorporated in 1990. The main purpose of the group is to provide a creative outlet for the residents of Currarong and surrounding areas and to encourage artistic pursuits but to also create a place for social interaction, support, teaching of arts and for the promotion of the area to visitors.

They have a retail shop at the front of the premises with a working area, kitchen, storage and amenities to the rear. The shop is a focal point for tourism in the village opening on the weekends and during the week for members. Funds raised by Currarong Arts via the sale of art products from the premises, are donated to local and wider charities and to pay for costs for the operation of the facility.

Property

The site comprises of 1,795 square metres and is an irregular shaped allotment falling slightly to the rear which fronts Currarong Creek. The land to the south is an intermittent

watercourse/drainage line and is heavily vegetated. Public access from Walton Way to the creek is provided and the site contains a large amount of vegetation.

It is located within a residential area and zoned RE1 Public Recreation which limits how the site can be used however permits community facilities. This zoning also restricts the value of the premises and rental which can be achieved.

Currarong Arts have been in occupation since 1983 after relocation by Rural Fire occurred. The original building was rebuilt with local volunteer labour and donated materials and a toilet and storeroom was added with a loan from Council which was fully repaid.

The building comprises of an original ex rural fire shed built in approximately 1970 constructed of external corrugated galvanised iron, concrete slab and corrugated iron roof with no onsite parking available. The lettable area is approximately 85 square metres and includes an open plan retail area, small original kitchen, storeroom and bathroom all of which require updating.

Capital works over the term of the lease include upgrades to the flooring, kitchen and amenities and external painting. Operational works include repairs to the external façade, windows and doors all of which continue to be the responsibility of Council.

Aerial of the Site



Property Strategy

The property strategy for this site is to retain the existing tenant, finalise a lease, and to improve the condition of the building by allocating additional funds to the Operational and Capital budgets during the ten year lease term.

This is the only Council owned community run facility within Currarong, the site is classified as community land and therefore continued occupation by the community is required. The best use for the building is the existing tenant as the building size and condition is restrictive and there are limited suitable community groups in this location.

Community and Internal Engagement

In accordance with the Local Government Act 1993 – Section 47, the proposed Licence has been advertised for a period of 28 days and no objections have been received.

Council staff are investigating the parking on the street to ensure compliance with current standards and mitigate risk to protect Council as a roads authority. The site offers no parking

and consultation will occur with Currarong Arts and surrounding occupants regarding any proposed safety improvements.

Policy Implications

POL19/40 Occupation of Council owned or Managed Land.

Clause 5.8 Cost Recovery provides that Council *“is to ensure that agreements do not impose an unreasonable burden on general revenue. Council is to obtain a reasonable dividend and at a minimum, cost neutrality from the use of its property, i.e. the tenancy is to be at no cost to Council.”*

Implication - This is not feasible for the majority of community facilities where no federal government funding is provided. The statutory minimum rental plus the non-recoverable costs incurred by Council result in a negative impact. The Recommendation provides for additional funds of \$175,827 to maintain the facility to a suitable standard. This aims to ensure that the condition of Council properties are at an acceptable standard and the property is properly maintained and building and tenant issues minimised on a long term basis.

Clause 5.9 and 5.11 Defined Lease Term and Asset Plan notes that *“no lease is for a term greater than five years unless under exceptional circumstances..”* and that *“unless an asset management plan it is prepared indicating cost of structural or minor repairs likely during the term..”*

Implication - The proposed lease term is for a period of ten years given that the tenant has been in occupation for the past forty years and proposes to remain on a long-term basis. The site is classified as community use and is not proposed to be divested and does not provide an opportunity for many uses in its current configuration. The tenant is proposing to undertake an upgrade to their fit out on receipt of grant funds. Operational and capital works have been identified in the Long-Term Financial Plan (Annexure 1) which are required over the term of the lease.

Clause 5.17 Rental and Other Fees and Charges provides that *“Only in exceptional circumstances where the community group can demonstrate that it essentially functions as a self-help group (with no funding from State or Federal Government) with the local community, will Council consider a rent equivalent to the minimum statutory rent.”*

Implication – The tenant has demonstrated that they do not receive any state or federal funding and therefore, the Recommendation is consistent with this Policy.

Clause 6 Review provides for *“It will be reviewed within one year of the election of every new Council, or earlier if required.”*

Implication - We are currently reviewing the Policy and will be providing a number of recommendations for consideration by Council.

Financial Implications

Council will continue to receive a rental equivalent to statutory minimum, for a term of ten years with annual cpi increases. The Lessee will be required to keep the premises in a clean and tidy condition, including their tenancy fit out and maintain that part of the land surrounding the building.

The lease which expired in 1999 provides for Currarong Arts to be responsible for the building and tenancy maintenance, however it was evident after a site inspection, tenancy

discussions, and a review of financial information, that this community group is not able to fund larger repairs and some maintenance to the site.

Council will therefore be managing the maintenance of the air conditioning, cleaning of gutters and fire compliance costs as a result of the Lessee's position.

The Long Term Financial Plan for the premises and the financial implications total \$175,827 as a result of the proposed lease include the following (Refer to **Table 1 – Long Term Financial Plan Summary**).

- Rental income of \$5,100 over the lease term. Note \$510 per annum
- An operational budget of \$137,400 over the lease term for non-recoverable costs, reactive and scheduled maintenance repairs will be required in the 22/23 FY and beyond. This equates to an average of \$13,740 per annum.
- A capital budget of \$43,527 for building works comprising of external painting, upgrades to the flooring, kitchen and bathroom required in the 23/24 FY and beyond. This equates to an annual average expense of \$4,353 per annum

Note that Council will require the amount of \$175,827 over the lease term to create a cost neutral position as required in **Clause 5.8 Cost Recovery POL/40 Occupation of Council owned or Managed Land**.

Table 1 - Long Term Financial Plan Summary

Refer to Annexure 1 – Long Term Financial Plan for additional information.

FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2023/24	Y4 2024/25	Y5 2025/26	Y6 2026/27	Y7 2027/28	Y8 2028/29	Y9 2029/30	Y10 2030/31	TOTALS
RENTAL INCOME											
Income - Total											\$ 5,100
Rent	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 5,100
EXPENDITURE (NON RECOVERABLE)											
Operational - Reactive R&M	\$ 4,500	\$ 14,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 55,000
Operational - Scheduled	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 82,400
Operational - TOTAL	\$ 12,740	\$ 22,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 137,400
Capital Renewal	\$ -	\$ 13,680	\$ 9,422	\$ -	\$ 7,425	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ 43,527
SURPLUS / (LOSS)	\$ (12,230)	\$ (35,910)	\$ (21,652)	\$ (12,230)	\$ (19,655)	\$ (25,230)	\$ (12,230)	\$ (12,230)	\$ (12,230)	\$ (12,230)	\$ (175,827)

Risk Implications

No risks identified. Currarong Arts have a strong presence within the local community and propose to continue to remain within the premises on a long-term basis.

The Lessee's year-end financial statements have been reviewed to determine their financial capacity to pay rental and maintain the premises which largely occurs with the help of volunteers. Further information can be provided, noting that the Recommendation to Council takes this information into consideration, as their financial details have been excluded for privacy reasons.

In the event that no additional Opex or capital funding is provided, the building condition will condition to decline.

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ANNEXURE 1 - LONG TERM FINANCIAL PLAN

FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2023/24	Y4 2024/25	Y5 2025/26	Y6 2026/27	Y7 2027/28	Y8 2028/29	Y9 2029/30	Y10 2030/31	TOTALS
RENTAL INCOME											
Income - Total											\$ 5,100
Rent	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 510	\$ 5,100
EXPENDITURE (NON RECOVERABLE)											
Operational - Reactive R&M	\$ 4,500	\$ 14,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500	\$ 55,000
Existing Budget	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 855	\$ 8,550
Additional Budget Required	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 3,645	\$ 36,450
Additional One Off Cost - External Repairs		\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Operational - Scheduled	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 8,240	\$ 82,400
Existing Budget	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 700	\$ 7,000
Programmed Repairs	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 2,770	\$ 27,700
Programmed Maintenance	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 4,770	\$ 47,700
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operational - TOTAL	\$ 12,740	\$ 22,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 12,740	\$ 137,400
Capital Renewal	\$ -	\$ 13,680	\$ 9,422	\$ -	\$ 7,425	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ 43,527
Kitchen	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,000	\$ -	\$ -	\$ -	\$ -	\$ 13,000
Flooring	\$ -	\$ -	\$ 9,422	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,422
Painting External	\$ -	\$ 13,680	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 13,680
Bathroom	\$ -	\$ -	\$ -	\$ -	\$ 7,425	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,425
SURPLUS / (LOSS)	\$ (12,230)	\$ (35,910)	\$ (21,652)	\$ (12,230)	\$ (19,655)	\$ (25,230)	\$ (12,230)	\$ (12,230)	\$ (12,230)	\$ (12,230)	\$ (175,827)

Lease Terms	
Commencement Date	01-Jul-22
Duration (years)	10
Expiry Date	28-Jun-32
Annual Rent (\$ / year)	\$ 510
Rental Review (% / year)	0%
Indexation Rate Applied to Expenditure	0%

Lease Performance	
Return on investment (year 1)	-9.71%
Return of investment (whole lease)	-139.5%
Total Operating Cost to Council	\$ 175,827

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ANNEXURE 2

Proposed Lease Terms

Item 1	Premises	Part 23-25 Walton Way, Currarong comprising the building, improvements and curtilage Part Lot 22, DP16854
Item 2	Lessee	Currarong Arts and Crafts Incorporated 23-25 Walton Way, Currarong Contact Diana Perkins, President Email: dianaperkins@bigpond.com Tel: 0409 983844
Item 3	Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Property Officer, Building Services Tel: 02 4429 3111 Email Council@shoalhaven.nsw.gov.au
Item 4	Permitted Use	Community meeting place, arts and crafts and tourism activities
Item 5	Term	Ten (10) Years
Item 6	Commencement Date	1 July 2022
Item 7	Termination Date	30 June 2032
Item 8	Option	Not applicable
Item 9	Rent	\$510 plus GST per annum, payable annually in advance
Item 10	Rent Reviews	Annual cpi increases
Item 11	Outgoings	100% of the following outgoings which is related to your occupancy including; <ul style="list-style-type: none"> • Garbage disposal • Power, gas and internet • Water usage and sewerage costs
Item 12	Lessors Improvements	The Lessor owns all buildings, structures, and equipment on the Premises comprising of the ex RFS Station.
Item 13	Lessees Improvements	The Lessee owns the fit out within the building installed by the Lessee.
Item 14	Lessors Maintenance	The Lessor is responsible for structural works and the integrity of the building and site including roof repairs, replacement of fencing, and all costs associated with existing vegetation and clearing of the land. The Lessor will also undertake cleaning of the gutters, maintenance of any air conditioning units owned by Council and all fire services equipment.
Item 15	Lessees Maintenance	The Lessee is responsible for repairs, maintenance of the Premises including the Lessee's Improvements, general lawn and garden maintenance of the cleared land only, and ensuring that the Premises are presented and accessible in a condition suitable to the use.
Item 16	Redecoration	Redecoration will include internal repainting of the premises where relevant, three months prior to expiry/vacation and ensuring that all maintenance obligations are undertaken.
Item 17	Makegood	Upon Licence expiry or vacation, the Lessee will vacate the Premises and hand back the Premises to the Lessor in a suitable condition taking into consideration redecoration and maintenance responsibilities.
Item 18	Public Risk Insurance	Twenty million dollars (\$20,000,000) Lessor to be noted as interested party on the policy

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Item 19	Bank Guarantee/Guarantor	Not applicable
Item 20	Documentation and preparation costs	External lease preparation costs to be shared by the Lessee/Lessor
Item 21	Interest	Not applicable
Item 22	Percentage of Rental Subsidy	Not applicable
Item 23	Land Classification	Community Land

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CL22.276 Proposed Lease Renewals - Buildings 1, 2 and 3, 78 St. Vincent St. Ulladulla

HPERM Ref: D22/140015

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider options for the proposed renewals with all existing community tenants occupying buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla. The four tenants currently have five leases with differing commencing/expiry dates and all leases have expired and are now on holdover. All community tenants have existing market rental subsidies in place, the site is owned by Council and classified as operational land.

Recommendation

That Council;

1. Note the property strategy for this site (Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla) is to retain the existing tenants, finalise four lease renewals and align the lease expiry dates to 30 June 2026 and improve the condition of the buildings by allocating additional funds to the Operational and Capital budgets during the five-year lease term.
2. Approve the lease renewals at Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla Buildings for a period of approximately five years expiring 30 June 2026 and authorise the Chief Executive Officer to execute relevant documentation for the following community leases. All leases provide for fixed increases and subsidised rentals for the following tenants;
 - a. Ulladulla and Districts Community Resources Centre
Building 1
Subsidised Rental \$6,131.18 per annum
Commencement date 1 July 2021
 - b. Mission Australia
Building 2
Subsidised Rental \$2,307.53 per annum
Commencement date 1 July 2021
 - c. Southern Shoalhaven Zone Meals on Wheels
Suites 1 and 3, Building 3 – occupation 43%
Subsidised Rental \$1,810.00 per annum
Commencement date 1 July 2021
 - d. Australian Unity Homecare Service Pty Limited
Suite 2, Building 3 – occupation 57%
Subsidised Rental \$10,706.50 per annum
Commencement date 1 May 2022
3. Note the estimated total cost to Council for this arrangement over a five years is \$124,997 (today's dollars), the key components being;
 - a. A total rental subsidy of \$105,856 per annum or \$519,806 over the lease terms expiring 30 June 2026.
 - b. A total operational budget of \$39,334 per annum or \$190,443 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be

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required in the 2022/23 FY and beyond.

- c. A capital budget of \$30,413 for building works comprising of a kitchen replacement and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$6,083 per annum.

1. As Recommended

Council approves the Recommendation for the lease renewals expiring 30 June 2026 for the recommended terms which include subsidised rentals.

Implications: Council will secure existing tenants and align lease expiry dates which will provide further opportunities for a consistent review across the site which is strategic, timely and may provide cost reduction opportunities. The total cost to Council represents \$117,480 over the lease term.

2. Determined Rental Option (Providing a cost neutral position or profit to Council)

1. Council approve the lease renewals at Lot 1, DP1005058 part Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla for a period of approximately five years expiring 30 June 2026 and authorise the Chief Executive Officer to execute relevant documentation for the following community leases. All leases provide for fixed increases and determined rentals with no rental subsidies;

- Ulladulla and Districts Community Resources Centre
Building 1
Determined Rental \$44,950.00 per annum
Commencement date 1 July 2021
- Mission Australia
Building 2
Determined Rental \$42,340.00 per annum
Commencement date 1 July 2021
- Southern Shoalhaven Zone Meals on Wheels
Suites 1 and 3, Building 3
Determined Rental \$39,522.00 per annum
Commencement date 1 July 2021
- Australian Unity Homecare Service Pty Limited
Suite 2, Building 3
Determined Rental \$21,413.00 per annum
Commencement date 1 May 2022

Implications: Applying a full determined rental is not consistent with POL19/40 which advises that a subsidised rental is to be applied for these community tenants. Whilst the community groups are able to fund the recommended rentals, they will not be able to afford the full determined rentals and the cost of operating the facility.

3. Opportunities for new tenants

Investigate opportunity for new lessee's (via a public advertising process) for the leasing of Buildings 1, 2 and 3 at 78 St Vincent Street Ulladulla and report back to Council on the responses and recommendation which would provide for a lease term of five years.

Implications: This is not recommended. The existing community groups have been in operation for a number of years and it is anticipated that significant opposition to this Option will be received by the four tenants and the community.

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Property Details

The site comprises of 3,292 square metres and is generally rectangular in shape with a gentle fall to the north. It is within the commercial area of Ulladulla and zoned B3 Commercial Core. It is located on the fringe of the commercial area, and as a result surrounded by diverse development including surrounding professional suites, commercial developments and a High School opposite.

It comprises of three separate buildings constructed in approximately 2005, with a carpark located to the south which contains reserved spaces for these buildings together with community parking. The purpose-built office buildings are single level, constructed of brick veneer, tile and colour bond roof and are fairly consistent in appearance with rear courtyards.

Two buildings are solely occupied whilst the third is divided into three suites occupied by two tenants (not located adjacently). This report provides further details regarding each tenancy however a summary is provided below and includes the Valuation Rent from Walsh and Monaghan 24 August 2021 which has been used to determine the proposed subsidised rentals.

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Table 1 – Lease Summary

PREMISES 78 ST VINCENT ST ULLADULLA	AREA /M2	TENANT	CURRENT EXPIRY DATE	PROPOSED EXPIRY DATE	COUNCIL SUBSIDY %	CURRENT RENT \$	VALUATION RENT \$	VALUATION RENT \$ / M2	PROPOSED RENT \$	COMMENTS
Building 1	310	Ulladulla & Districts Community Resources Centre	31-Dec-19	30-Jun-26	86.36	8218.88	44950	145	6131.18	Rental decreased
Building 2	310	Mission Australia	30-Jun-20	30-Jun-26	94.55	1237	42340	145	2307.53	Rental doubled
Suite 3 , Building 3	103.48	Southern Shoalhaven Zone Meals on Wheels	30-Jun-18	30-Jun-26	90	2056	18109	175	1810.9	Rental decreased Building proportion 43%
Suite 2, Building 3	138.15	Australian Unity Homecare Service P/L	30-Apr-22	30-Jun-26	50	11728.38	21413	155	10706.5	Rental decreased Building proportion 57%
Suite 1, Building 3	103.48	Southern Shoalhaven Zone Meals on Wheels	30-Jun-21	30-Jun-26	90	749	see above	175	see above	One lease for Suites 1 and 3
TOTALS	965.11					\$23,989	\$126,812	\$159	\$20,956	Rental decrease \$3,031 pa

Note - A separate Memorandum of Understanding for the occupation of car parking on the site is currently in place and will need to be reviewed as part of these renewals.

SITE LOCATION



Property Strategy

The property strategy for this site is to retain the existing tenants and align the leases which have expired and are on holdover to an expiry date of 30 June 2026. This will ensure that a consistent property strategy for the site occurs with all tenants, and provides efficiencies of scale for future lease renewals costs.

The site is owned by Council and classified as operational land and due to the size and location of the land, maybe considered as having future development potential.

Community and Internal Engagement

Community engagement is not required as the site is classified as Operational Land.

The Principal Transport Engineer, City Futures has advised that they will be investigating some improvements for disabled access between our site and the adjacent rear site owned by Sheffield Crest. The works proposed would include a concrete ramp between the carpark and the adjacent pathway which has been approved by them.

Policy Implications

POL19/40 Occupation of Council owned or Managed Land

Clause 5.8 Cost Recovery provides that “Council is to ensure that agreements do not impose an unreasonable burden on general revenue. Council is to obtain a reasonable dividend and at a minimum, cost neutrality from the use of its property, i.e. the tenancy is to be at no cost to Council.”

Implication - This is not feasible for the majority of community facilities where they have limited funds for building maintenance. The Recommendation provides for additional funds to maintain the facility to a suitable standard to provide for cost neutrality in accordance with this policy. This initiative will ensure that the condition of Council properties are at an acceptable standard and the property is properly maintained and building and tenant issues minimised on a long term basis.

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Clause 5.9 and 5.11 Defined Lease Term and Asset Plan notes that “*no lease is for a term greater than five years unless under exceptional circumstances..*”

Implication - The proposed lease term is for a period of five years or less, which is consistent with this policy.

Clause 5.17 Rental and Other Fees and Charges provides that “*All rentals charged in the first instance are to be determined in accordance with market values and Community Groups – rental figure is determined through a rental assessment framework (RAF).*”

Implication – These community tenants have been paying a subsidised market rental since their occupation and is recommended in this report for the lease renewals. The Recommendation is therefore consistent with this Policy.

Clause 6 Review provides for “*It will be reviewed within one year of the election of every new Council, or earlier if required.*”

Implication - We are currently reviewing the Policy and will be providing a number of recommendations for consideration by Council.

Financial Implications

Financial details for each lessee are provided separately in **Annexure A – Long Term Financial Plans**, however a combined table showing the implications for all lease renewals is provided below.

Council will continue to receive subsidised market rentals, for a term of approximately five years for each tenant with fixed annual increases of 3.5%. Lease terms and commencement dates may vary slightly due to the dates being inconsistent. The tenants will be required to keep the premises in a clean and tidy condition, including their tenancy fit out and maintain that part of the land surrounding the building.

The leases for each tenant provides for them to be responsible for the building and tenancy maintenance, however it was evident after site inspections that some maintenance is not occurring. This largely consists of the cleaning out of gutters which can cause issues with the buildings over time. It is therefore proposed that Council take on this responsibility to minimise major repairs or capital works in the future. Note that air conditioning units have been installed by the tenants and are therefore not Councils responsibility.

The estimated total cost to Council for this arrangement over a five years is \$124,997 (today’s dollars), the key components summarised below (**Table 2 – Summary Long Term Financial Plan**) and detailed further in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**);

- A total rental subsidy of \$105,856 per annum or \$519,806 over the lease terms expiring 30 June 2026.
- A total operational budget of \$39,334 per annum or \$190,443 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$30,413 for building works comprising of a kitchen replacement and external painting which is required in the 23/24 FY and beyond. This equates to an annual average expense of \$6,083 per annum.

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Table 2 – Summary Long Term Financial Plan

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (96,382)	\$(105,856)	\$(105,856)	\$(105,856)	\$(105,856)	\$ (519,806)
Rent	\$ 12,035	\$ 20,956	\$ 20,956	\$ 20,956	\$ 20,956	\$ 95,859
Determined Rent	\$ 108,417	\$ 126,812	\$ 126,812	\$ 126,812	\$ 126,812	\$ 615,665
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 16,413	\$ 19,500	\$ 19,500	\$ 19,500	\$ 19,500	\$ 94,413
Operational - Scheduled	\$ 16,694	\$ 19,834	\$ 19,834	\$ 19,834	\$ 19,834	\$ 96,030
Operational - TOTAL	\$ 33,107	\$ 39,334	\$ 39,334	\$ 39,334	\$ 39,334	\$ 190,443
Capital Renewal	\$ -	\$ -	\$ 3,613	\$ -	\$ 26,800	\$ 30,413
SURPLUS / (LOSS)	\$ (21,072)	\$ (18,378)	\$ (21,991)	\$ (18,378)	\$ (45,178)	\$ (124,997)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$(117,454)	\$(124,234)	\$(127,847)	\$(124,234)	\$(151,034)	\$ (644,803)

LESSEE DETAILS

ULLADULLA AND DISTRICTS COMMUNITY RESOURCES CENTRE Building 1, 78 St Vincent Street Ulladulla

Ulladulla and Districts Community Resources Centre (UDCRC) are currently on holdover from their lease which expired 31 December 2019. They have been in occupation of the site since May 2006 after being located in other buildings within the area from 1983.

UDCRC aims and philosophies include: *To research and identify the needs and issues concerning different groups in the area. To develop networks, services and activities, which address the needs of disadvantaged people in the area, to bring local residents together around issues of concern, and endeavour to change to meet the needs of our community.*

Financial Implications

Council will continue to receive determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 to their expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition. The kitchen has been noted as requiring replacement during the lease term together with some minor external painting which is the responsibility of Council. The Lessee has recently painted internally and has added a number of air conditioning units which they are required to maintain. They are also reviewing grant opportunities to enhance the external area to the rear and side of the building.

The estimated cost to Council is \$60,147 with a lost income opportunity of \$194,094 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (Annexure A – Long Term Financial Plans)

- A total rental subsidy of \$38,819 per annum or \$194,094 over the lease term expiring 30 June 2026.
- A total operational budget of \$13,564 per annum or \$60,390 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget of \$30,413 for building works comprising of a kitchen replacement and external painting which is required in the 23/24 FY and beyond.

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FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (194,094)
Rent	\$ 6,131	\$ 6,131	\$ 6,131	\$ 6,131	\$ 6,131	\$ 30,656
Determined Rent	\$ 44,950	\$ 44,950	\$ 44,950	\$ 44,950	\$ 44,950	\$ 224,750
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 20,070
Operational - Scheduled	\$ 7,064	\$ 7,064	\$ 7,064	\$ 7,064	\$ 7,064	\$ 40,320
Operational - TOTAL	\$ 13,564	\$ 13,564	\$ 13,564	\$ 13,564	\$ 13,564	\$ 60,390
Capital Renewal	\$ -	\$ -	\$ 3,613	\$ -	\$ 26,801	\$ 30,413
SURPLUS / (LOSS)	\$ (7,433)	\$ (7,433)	\$ (11,045)	\$ (7,433)	\$ (34,233)	\$ (60,147)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (46,252)	\$ (46,252)	\$ (49,864)	\$ (46,252)	\$ (73,052)	\$ (254,241)

Risk Implications

No risks identified. UDCRC have a strong presence within the local community and propose to continue to remain within the premises on a long-term basis.

The Lessee's year-end financial statements have been reviewed to determine their financial capacity to pay rental and maintain the premises. Further information can be provided, noting that the Recommendation to Council takes this information into consideration.

MISSION AUSTRALIA

Building 2, 78 St Vincent Street Ulladulla

Mission Australia are currently on holdover from their lease which expired 30 June 2020. They have been in occupation of the site since approximately 2015 after taking over management of the Southern Shoalhaven Youth Services/Ulladulla Youth Centre and have since expanded the support and operations from the facility including Transition to Work, Brighter Futures and Grandparents Raising Grandchildren services.

Mission Australia is a major nationwide community service and have significant support and government funding for the running of a number of services to the community.

Main Purpose: To provide support for young people in the Ulladulla region. We work closely with Ulladulla High School, providing skills programs for student groups and providing case management of at risk youth. We also operate a drop in program 3 days a week and school holiday programs. The programs are available for all young people in the community and provide a safe environment for youth to connect with youth workers at the centre.

Financial Implications

Council will continue to receive a determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 to their expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with no major works required by Council over the lease term. The fit out is generally outdated and the tenant is looking at minor upgrades only.

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The estimated cost to Council is \$49,395 with a lost income opportunity of \$200,160 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (Annexure A – Long Term Financial Plans)

- A total rental subsidy of \$40,032 per annum or \$200,160 over the lease term expiring 30 June 2026.
- A total operational budget of \$12,187 per annum or \$60,935 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget has not been identified as being required during the lease term.

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (40,032)	\$ (40,032)	\$ (40,032)	\$ (40,032)	\$ (40,032)	\$ (200,160)
<i>Rent</i>	\$ 2,308	\$ 2,308	\$ 2,308	\$ 2,308	\$ 2,308	\$ 11,540
<i>Determined Rent</i>	\$ 42,340	\$ 42,340	\$ 42,340	\$ 42,340	\$ 42,340	\$ 211,700
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 32,500
Operational - Scheduled	\$ 5,687	\$ 5,687	\$ 5,687	\$ 5,687	\$ 5,687	\$ 28,435
Operational - TOTAL	\$ 12,187	\$ 12,187	\$ 12,187	\$ 12,187	\$ 12,187	\$ 60,935
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (49,395)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (49,911)	\$ (49,911)	\$ (49,911)	\$ (49,911)	\$ (49,911)	\$ (249,555)

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Risk Implications

No risks identified. Mission Australia have a strong presence within the local community and nationwide and partner with a number of government agencies and bodies to obtain funding to provide services across the community. They propose to continue to remain within the premises on a long-term basis.

The Lessee's link to the first online Annual Report including financial information for the year ending 30 June 2021 is <https://www.missionaustralia.com.au/annual-report-2021>. This shows Income as \$304.7M and Expenditure \$291.7M which reflects that 88% of income was invested back into the Community.

SOUTHERN SHOALHAVEN ZONE MEALS ON WHEELS Suites 1 and 3, 78 St Vincent Street Ulladulla

Southern Shoalhaven Zone Meals on Wheels (MonW) are currently on holdover on two leases which expired 30 June 2018 and 30 June 2021. They have been in occupation of Suite 1 since approximately 2006 and Suite 3 from 2013 which they initially shared with Milton Ulladulla Historical Society until the completion of the Ulladulla Civic Centre.

MonW is a worldwide organisation which originated in Britain during World War II by assisting frail older people who wanted to stay in their own homes, but needed help to do so. MonW started in Australia in 1952 in Melbourne where meals were delivered by a lady on a tricycle at a cost of 2 shillings per meal. There are now approximately 500 not for profit facilities within Australia independently run.

Meals on Wheels Australia Mission Statement: *Building the capacity of a network of self-managed not for profit community organisations that provide (food and other community services) that re-able and support people in their community.*

Financial Implications

Council will continue to receive a determined market rental with the previously agreed rental subsidy applied from their lease commencement date 1 July 2021 to their expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with no major works required by Council over the lease term. The tenancy has a kitchen for meal preparation and the other area is being used for meal seating and food bag storage/collection.

The estimated cost to Council is \$21,200 with a lost income opportunity of \$81,490 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (Annexure A – Long Term Financial Plans) noting that they occupy 43% of the building.

- A total rental subsidy of \$16,298 per annum or \$81,490 over the lease term expiring 30 June 2026.
- A total operational budget of \$6,055 per annum or \$30,275 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget has not been identified as being required during the lease term.

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (81,490)
Rent	\$ 1,811	\$ 1,811	\$ 1,811	\$ 1,811	\$ 1,811	\$ 9,055
Determined Rent	\$ 18,109	\$ 18,109	\$ 18,109	\$ 18,109	\$ 18,109	\$ 90,545
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 13,975
Operational - Scheduled	\$ 3,260	\$ 3,260	\$ 3,260	\$ 3,260	\$ 3,260	\$ 16,300
Operational - TOTAL	\$ 6,055	\$ 6,055	\$ 6,055	\$ 6,055	\$ 6,055	\$ 30,275
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (21,220)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (102,710)

Risk Implications

No risks identified. MonW have a strong presence within the local community and nationwide and partner with a number of government agencies and the public to provide services across the community. They propose to continue to remain within the premises on a long-term basis.

The link to Meals on Wheels Australia's Annual Report including financial information for the year ending 30 June 2021 is <https://mealsonwheels.org.au/wp-content/uploads/2021/10/MOWA-Annual-Report-2021-FINAL-Digital.pdf>. This shows Income as \$1,372,818 (\$1,039,792 government grants) and Expenditure \$1,278,024 which reflects that 93% of income was invested back into the Community. Net Assets are \$256,309 and Cash \$102,480.

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AUSTRALIAN UNITY HOMECARE SERVICE PTY LIMITED

Suite 2, 78 St Vincent Street Ulladulla

Australian Unity Homecare Service Pty Limited (AUHS) have a lease which expires 30 April 2022. They have been in occupation of the site since approximately 2017 when they took over the Ulladulla and Nowra sites from FACS.

AUHS was established in 1840, and were Australia's first member-owned wellbeing company, offering members and customers health, wealth and care services. Being a member-owned company, also called a mutual, gives greater flexibility to invest money into the services and solutions that matter most to members, customers and the Australian community.

Purpose: We are here to help people thrive in the areas of health, wealth and living. We enable customers to live independently in their own home by tailoring support in consultation with customer needs, funding program budget and provisions.

Financial Implications

Council will continue to receive a determined rental with the previously agreed rental subsidy applied from their lease commencement date 1 May 2022 until the expiry date 30 June 2026. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building.

An inspection occurred as part of the transaction negotiations which identified that the premises are generally in good condition with no major works required by Council over the lease term. The tenancy is located in the middle of the building between Meals on Wheels and therefore has less natural light. With COVID, there appeared to be a number of desks which looked permanently vacated at the time of the inspection.

The estimated surplus to Council is \$13,280 with a lost income opportunity of \$44,058 as a result of the proposed lease and is summarised below and detailed in the Long Term Financial Plan (Annexure A – Long Term Financial Plans) noting that they occupy 57% of the building.

- A total rental subsidy of \$10,706 per annum or \$44,058 over the lease term commencing 1 May 2022 and expiring 30 June 2026.
- A total operational budget of \$7,508 per annum or \$31,333 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- A capital budget has not been identified as being required during the lease term.

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (1,234)	\$ (10,706)	\$ (10,706)	\$ (10,706)	\$ (10,706)	\$ (44,058)
Rent	\$ 1,785	\$ 10,707	\$ 10,707	\$ 10,707	\$ 10,707	\$ 44,613
Determined Rent	\$ 3,018	\$ 21,413	\$ 21,413	\$ 21,413	\$ 21,413	\$ 88,670
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 618	\$ 3,705	\$ 3,705	\$ 3,705	\$ 3,705	\$ 15,438
Operational - Scheduled	\$ 683	\$ 3,803	\$ 3,803	\$ 3,803	\$ 3,803	\$ 15,895
Operational - TOTAL	\$ 1,301	\$ 7,508	\$ 7,508	\$ 7,508	\$ 7,508	\$ 31,333
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ 484	\$ 3,199	\$ 3,199	\$ 3,199	\$ 3,199	\$ 13,280
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (750)	\$ (7,507)	\$ (7,507)	\$ (7,507)	\$ (7,507)	\$ (30,778)

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Risk Implications

No risks identified. AUHS have a strong presence within the local community and nationwide propose to continue to remain within the premises on a long-term basis.

AUHS have provided a link to their Annual Report including financial information for the year ending 30 June 2021:

https://www.australianunity.com.au/-/media/rebrandcorporate/documents/annual-reports/fy21_australian_unity_annual_report.pdf.

The Report reflects a profit of \$32.9 m for the year end, please review the link for more information if required. I have also been verbally advised that profits are expected to reduce by 50% within the next year due to the effects of covid.

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Annexure A – Long Term Financial Plans

ULLADULLA AND DISTRICTS COMMUNITY RESOURCES CENTRE Building 1, 78 St Vincent Street Ulladulla

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (38,819)	\$ (194,094)
<i>Rent</i>	\$ 6,131	\$ 6,131	\$ 6,131	\$ 6,131	\$ 6,131	\$ 30,656
<i>Determined Rent</i>	\$ 44,950	\$ 44,950	\$ 44,950	\$ 44,950	\$ 44,950	\$ 224,750
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 20,070
<i>Existing Budget</i>	\$ 8,986	\$ 8,986	\$ 8,986	\$ 8,986	\$ 8,986	\$ 44,930
<i>Additional Budget Required</i>	\$ (2,486)	\$ (2,486)	\$ (2,486)	\$ (2,486)	\$ (2,486)	\$ (24,860)
Operational - Scheduled	\$ 7,064	\$ 7,064	\$ 7,064	\$ 7,064	\$ 7,064	\$ 40,320
<i>Existing Budget</i>	\$ 686	\$ 686	\$ 686	\$ 686	\$ 686	\$ 3,430
<i>Programmed Repairs</i>	\$ 5,378	\$ 5,378	\$ 5,378	\$ 5,378	\$ 5,378	\$ 26,890
<i>Programmed Maintenance</i>	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 10,000
Operational - TOTAL	\$ 13,564	\$ 13,564	\$ 13,564	\$ 13,564	\$ 13,564	\$ 60,390
Capital Renewal	\$ -	\$ -	\$ 3,613	\$ -	\$ 26,801	\$ 30,413
<i>Kitchen Replacement</i>	\$ -	\$ -	\$ -	\$ -	\$ 31,530	\$ 31,530
<i>Painting External</i>	\$ -	\$ -	\$ 4,250		\$ -	\$ 4,250
SURPLUS / (LOSS)	\$ (7,433)	\$ (7,433)	\$ (11,045)	\$ (7,433)	\$ (34,233)	\$ (60,147)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (46,252)	\$ (46,252)	\$ (49,864)	\$ (46,252)	\$ (73,052)	\$ (254,241)
Lease Terms			Lease Performance			
Commencement Date	01-Jul-21		Return on investment (year 1)		-0.99%	
Duration (years)	5		Return of investment (whole lease)		-8.05%	
Expiry Date	30-Jun-26		Total Rental Subsidy		-\$ 194,094.10	
			Total Operating Cost to Council		-\$ 60,147.10	
Annual Rent (\$ / year)	\$ 6,131					
Determined Rent (\$ / year)	\$ 44,950					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

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MISSION AUSTRALIA
Building 2, 78 St Vincent Street, Ulladulla

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (42,642)	\$ (40,032)	\$ (40,032)	\$ (40,032)	\$ (40,032)	\$ (202,770)
<i>Rent</i>	\$ 2,308	\$ 2,308	\$ 2,308	\$ 2,308	\$ 2,308	\$ 11,540
<i>Determined Rent</i>	\$ 44,950	\$ 42,340	\$ 42,340	\$ 42,340	\$ 42,340	\$ 214,310
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 32,500
<i>Existing Budget</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Additional Budget Required</i>	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 6,500	\$ 32,500
Operational - Scheduled	\$ 5,687	\$ 5,687	\$ 5,687	\$ 5,687	\$ 5,687	\$ 28,435
<i>Existing Budget</i>	\$ 686	\$ 686	\$ 686	\$ 686	\$ 686	\$ 3,430
<i>Programmed Repairs</i>	\$ 4,001	\$ 4,001	\$ 4,001	\$ 4,001	\$ 4,001	\$ 20,005
<i>Programmed Maintenance</i>	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 5,000
Operational - TOTAL	\$ 12,187	\$ 12,187	\$ 12,187	\$ 12,187	\$ 12,187	\$ 60,935
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Nil</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (9,879)	\$ (49,395)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (52,521)	\$ (49,911)	\$ (49,911)	\$ (49,911)	\$ (49,911)	\$ (252,165)
Lease Terms		Lease Performance				
Commencement Date	01-Jul-21	Return on investment (year 1)				-1.32%
Duration (years)	5	Return of investment (whole lease)				-6.61%
Expiry Date	30-Jun-26	Total Rental Subsidy				-\$ 202,770.00
		Total Operating Cost to Council				-\$ 49,395.00
Annual Rent (\$ / year)	\$ 2,308					
Determined Rent (\$ / year)	\$ 42,340					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

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SOUTHERN SHOALHAVEN ZONE MEALS ON WHEELS
Suites 1 and 3, 78 St Vincent Street, Ulladulla

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (16,298)	\$ (81,490)
<i>Rent</i>	\$ 1,811	\$ 1,811	\$ 1,811	\$ 1,811	\$ 1,811	\$ 9,055
<i>Determined Rent</i>	\$ 18,109	\$ 18,109	\$ 18,109	\$ 18,109	\$ 18,109	\$ 90,545
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 13,975
<i>Existing Budget</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Additional Budget Required</i>	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 2,795	\$ 13,975
Operational - Scheduled	\$ 3,260	\$ 3,260	\$ 3,260	\$ 3,260	\$ 3,260	\$ 16,300
<i>Existing Budget</i>	\$ 686	\$ 686	\$ 686	\$ 686	\$ 686	\$ 3,430
<i>Programmed Repairs</i>	\$ 2,144	\$ 2,144	\$ 2,144	\$ 2,144	\$ 2,144	\$ 10,720
<i>Programmed Maintenance</i>	\$ 430	\$ 430	\$ 430	\$ 430	\$ 430	\$ 2,150
Operational - TOTAL	\$ 6,055	\$ 6,055	\$ 6,055	\$ 6,055	\$ 6,055	\$ 30,275
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<i>Nil</i>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (4,244)	\$ (21,220)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (20,542)	\$ (102,710)
Lease Terms		Lease Performance				
Commencement Date	01-Jul-21	Return on investment (year 1)				-0.57%
Duration (years)	5	Return of investment (whole lease)				-2.84%
Expiry Date	30-Jun-26	Total Rental Subsidy				-\$ 81,490.00
		Total Operating Cost to Council				-\$ 21,219.90
Annual Rent (\$ / year)	\$ 1,811					
Determined Rent (\$ / year)	\$ 18,109					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

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AUSTRALIAN UNITY HOMECARE SERVICE P/L
Suite 2, 78 St Vincent Street, Ulladulla

FINANCIAL YEAR	Y1 2021/22	Y2 2022/23	Y3 2023/24	Y4 2024/25	Y5 2025/26	TOTALS
RENTAL INCOME						
Rental Subsidy	\$ (1,234)	\$ (10,706)	\$ (10,706)	\$ (10,706)	\$ (10,706)	\$ (44,058)
Rent	\$ 1,785	\$ 10,707	\$ 10,707	\$ 10,707	\$ 10,707	\$ 44,613
Determined Rent	\$ 3,018	\$ 21,413	\$ 21,413	\$ 21,413	\$ 21,413	\$ 88,670
EXPENDITURE (NON RECOVERABLE)						
Operational - Reactive R&M	\$ 618	\$ 3,705	\$ 3,705	\$ 3,705	\$ 3,705	\$ 15,438
Existing Budget	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Additional Budget Required	\$ 618	\$ 3,705	\$ 3,705	\$ 3,705	\$ 3,705	\$ 15,438
Operational - Scheduled	\$ 683	\$ 3,803	\$ 3,803	\$ 3,803	\$ 3,803	\$ 15,895
Existing Budget	\$ 114	\$ 391	\$ 391	\$ 391	\$ 391	\$ 1,678
Programmed Repairs	\$ 474	\$ 2,842	\$ 2,842	\$ 2,842	\$ 2,842	\$ 11,842
Programmed Maintenance	\$ 95	\$ 570	\$ 570	\$ 570	\$ 570	\$ 2,375
Operational - TOTAL	\$ 1,301	\$ 7,508	\$ 7,508	\$ 7,508	\$ 7,508	\$ 31,333
Capital Renewal	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Nil	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ 484	\$ 3,199	\$ 3,199	\$ 3,199	\$ 3,199	\$ 13,280
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (750)	\$ (7,507)	\$ (7,507)	\$ (7,507)	\$ (7,507)	\$ (30,778)
Lease Terms			Lease Performance			
Commencement Date	01-May-22		Return on investment (year 1)			0.06%
Duration (years)	4.168		Return of investment (whole lease)			1.78%
Expiry Date	30-Jun-26		Total Rental Subsidy			-\$ 44,057.67
			Total Operating Cost to Council			\$ 13,279.84
Annual Rent (\$ / year)	\$ 10,707					
Determined Rent (\$ / year)	\$ 21,413					
Rental Review (% / year)	0%					
Indexation Rate Applied to Expenditure	0%					

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Annexure B Proposed Lease Terms – All Tenants

Note - Some anomalies maybe relevant in the existing leases current lease terms which will be adopted

Item 1	Premises	Buildings 1, 2 and 3, 78 St Vincent Street Ulladulla Part Lot 1, DP1005058
Item 2	Lessee	Ulladulla and Districts Community Resources Centre Mission Australia Southern Shoalhaven Zone Meals on Wheels Australian Unity Homecare Service Pty Limited
Item 3	Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Property Officer, Building Services Tel: 02 4429 3111 Email Council@shoalhaven.nsw.gov.au
Item 4	Permitted Use	Commercial offices and operations related to the Lessee's community use
Item 5	Term	Refer to each Lessee's Asset Table
Item 6	Commencement Date	Refer to each Lessee's Asset Table
Item 7	Termination Date	30 June 2026
Item 8	Option	Nil
Item 9	Rent	Refer to each Lessee's Asset Table
Item 10	Rent Reviews	Annual 3.5% increases
Item 11	Outgoings	100%/47%/53% of the following outgoings which is related to your occupancy including; <ul style="list-style-type: none"> • Garbage disposal • Power, gas and internet • Water usage and sewerage costs • Fire compliance • Cleaning of gutters
Item 12	Lessors Improvements	The Lessor owns all buildings, structures, and equipment on the Premises including the kitchen, amenities.
Item 13	Lessees Improvements	The Lessee owns the office fit out within the building installed by the Lessee and may include air conditioning units.
Item 14	Lessors Maintenance	The Lessor is responsible for structural works and the integrity of the building and site including roof repairs, replacement of fencing and maintenance of owned equipment.
Item 15	Lessees Maintenance	The Lessee is responsible for repairs, maintenance of the Premises including the Lessee's Improvements, general lawn and garden maintenance, cleaning of gutters and ensuring that the Premises are presented and accessible in a condition suitable to the use.
Item 16	Redecoration	Redecoration will include internal repainting of the premises where relevant, three months prior to expiry/vacation and ensuring that all maintenance obligations are undertaken.
Item 17	Makegood	Upon expiry or vacation, the Lessee will vacate the Premises and hand back the Premises to the Lessor in a suitable condition taking into consideration redecoration and maintenance responsibilities.
Item 18	Public Risk Insurance	Twenty million dollars (\$20,000,000) Lessor to be noted as interested party on the policy
Item 19	Bank Guarantee/Guarantor	Not applicable
Item 20	Documentation and preparation costs	Lease preparation costs to be funded by the Lessee
Item 21	Interest	Not applicable
Item 22	Percentage of Rental Subsidy	Refer to Lessee's Asset Table

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Item 23	Land Classification	Operational Land
Item 24	Other	Some leases may contain other terms which maybe relevant for each Lessee and will be adopted as part of this renewal

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CL22.277 Occupation of Part Lot A DP 343373, 173 Jacobs Drive, Sussex Inlet.

HPERM Ref: D22/173374

Department: Building Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider options for the following proposed leases for a period of five years at part Lot A DP 343373, 173 Jacobs Drive, Sussex Inlet which will commence 1 August 2022.

1. Sussex Inlet Cinema Australia P/L (Cinema Area)
2. Sussex Inlet Pottery Group Inc. (Rear Tenancy Behind Cinema)

Recommendation

That Council approve;

1. The leases for part Lot A DP343373, 173 Jacobs Drive Sussex Inlet for a period of five years commencing 1 August 2022 and authorise the Chief Executive Officer to execute relevant documentation for the following leases;
 - a. Sussex Inlet Cinema Australia P/L (Commercial lease)
Cinema area
Determined Rental \$7,379 per annum
Determined Rent Review commencement of Year 3
Fixed 3.5% increases
 - b. Sussex Inlet Pottery Group Inc (Community lease)
Rear tenancy in the same cinema building
Subsidised Rental \$492 per annum
Fixed 3% increases
2. The estimated cost to Council of this arrangement over five years is \$159,411 (today's dollars), the key components being
 - a. Rental income of \$39,360 over the lease term. Note \$7,872 per annum.
 - b. A total operational budget of \$143,471 over the lease term for non-recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond. This equates to an average of \$28,694 per annum.
 - c. A capital budget of \$55,300 for building works comprising of a replacement kitchen, external painting and replacement flooring which is required in the 24/25 FY and beyond. This equates to an annual average expense of \$11,060 per annum.

Options

1. As Recommended

Council approves the Recommendation for the lease renewals for a term of five years which provides for the stipulated rentals and terms to be applied.

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Implications: Council will secure a new and very experienced operator for the Cinema and generate increased community use. This lease provides for the commercial tenant to maintain the building and does not provide for Council to incur additional costs.

The lease to the existing Sussex Inlet Pottery Group will be renewed at a continued subsidised rental and existing reduced maintenance obligations.

Note that Council will require the amount of \$159,411 over the lease term to create a cost neutral position as required in **Clause 5.8 Cost Recovery POL/40 Occupation of Council owned or Managed Land.**

2. Determined Rental Option

Council approve the leases for part Lot A DP343373, 173 Jacobs Drive Sussex Inlet for a period of five years commencing 1 August 2022 and authorise the Chief Executive Officer to execute relevant documentation for the following leases;

- Sussex Inlet Cinema NSW P/L
Cinema area
Determined Rental \$7,379 per annum
Determined Rental Review Year 3
- Sussex Inlet Pottery Group Inc
Rear tenancy in the same cinema building
Determined Rental \$720 per annum
Fixed 3% increases

Implications: The Recommendation provides for a determined rental to be applied to Sussex Inlet Cinema based on a valuation from Walsh and Monaghan in 2014 and annual increases applied. It also includes the requirement for a market review at the commencement of year 3. Securing the new operator at the current rental is recommended.

Sussex Inlet Pottery Group have an existing subsidised rental percentage of 64.55% which has been applied to the determined rental. This is consistent with 19/40 - 5.17 Rental and other Fees and Charges.

3. Opportunities For New Tenants

Investigate opportunity for new lessee's (via a public advertising process) for the leasing of both tenancies within the Cinema building at part 173 Jacobs Drive Sussex Inlet and report back to Council on the responses and recommendation which include a lease term of five years.

Implications: This is not recommended. The Recommendation provides for a new experienced operator to run the Cinema and any advertising will remove the opportunity of the existing tenant to sell their business which is provided under their existing lease. The Pottery Group have also been in occupation for over twenty years and it is anticipated that significant opposition to this Option will be received. The financial outcome of this option provides only a minor rental increase from the Recommendation.

Background

It is proposed to enter into leases for the Sussex Inlet Cinema NSW Pty Limited and Sussex Inlet Pottery Group Incorporated (Potters) for a term of five years commencing 1 August 2022. The property is owned by Council and classified as operational land.

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The Sussex Inlet Cinema building is currently leased to Movies @ 2540 Pty Limited, who operate the cinema, and Potters who run a community pottery group in a small tenancy at the rear of the building. Both tenants are holding over under their current leases which have expired.

The Lions Club lease a small storage building behind the Council amenities building which expires 28 February 2023. A separate report for the renewal of this lease will provide for a lease renewal consistent with the leases in the Recommendation which expire 31 July 2027.

Strategic Property are currently in the market investigating opportunities for community groups who require accommodation in the area which needs to be noted as part of this report. These groups include the Library, a neighbourhood centre in the main street and a community health group who have been given notice to vacate from premises leased from NSW Health.

Property

The site comprises of 1,378.46 square metres and is a rectangular shaped allotment with frontage on Jacobs Drive and located on the eastern fringe of the Sussex Inlet CBD. The site includes the main cinema building, rear public amenities and adjacent kiln room, separate building leased for storage to the Lions Club and a portion of the rear public carpark.

Surrounding developments consist of an adjacent church site to the east and beyond the Kalua Caravan Park, Council park to the west and commercial premises opposite to the south.

The site is zoned SP2 Infrastructure with objectives of the zone;

- To provide for infrastructure and related uses
- To prevent development that is not compatible with or that may detract from the provision of infrastructure

The main building is constructed of a fibro clad exterior and a colour bond roof measuring approximately seventy eight feet by thirty four feet. It was constructed in approximately 1947 to cater for the small local population however the showing of pictures was not approved until 1948. The building area totals 342 square metres and now provides accommodation for the cinema occupying approximately 295 square metres with frontage to Jacobs Drive, and the Potters located at the rear in the balance of 47.85 square metres.

A Conservation Management Plan exists for the site identifying that it has local heritage significance and notes the cinema building and cinema fit out has high and moderate significance.

LOCATION



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Property Strategy

The leases for the Cinema, Pottery Group and separate Lions Club have previously had different lease expiry dates which will now be aligned to 31 July 2027. Negotiations for the lease renewal with the Lions Club will form part of a separate report with a lease term commencing 1 March 2023 and expiry date 31 July 2027.

Strategic Property have advised they are investigating the potential purchase of the adjacent site at 175 Jacobs Drive Sussex Inlet. If this purchase proceeds, this will provide an opportunity for a strategic review for the best use and activation of both sites noting the operational land classification.

Community Engagement

This site is classified as operational land and community engagement for the proposed leases is not required. We have engaged with Strategic Property as part of these renewals.

Policy Implications

POL19/40 Occupation of Council owned or Managed Land

Clause 5.8 Cost Recovery provides that Council *“is to ensure that agreements do not impose an unreasonable burden on general revenue. Council is to obtain a reasonable dividend and at a minimum, cost neutrality from the use of its property, i.e. the tenancy is to be at no cost to Council.”*

Implication – Cost Recovery is A market rental and commercial maintenance obligations are proposed for the Cinema tenancy who occupy approximately 85% of the building. The balance of the building (15%) is occupied by a community tenant who does not obtain government funding as consistent with Clause 5.17 (below).

Clause 5.9 Defined Lease Term notes that *“no lease is for a term greater than five years unless under exceptional circumstances*

Implication - The Recommendation for the lease term of five years is consistent with this requirement.

Clause 5.17 Rental and Other Fees and Charges provides in clause 5.17.1 for *“All rents charged in the first instance are to be determined in accordance with market values...”*

Implication - The Recommendation for the lease term of five years is consistent with this requirement.

Clause 5.17.2 “Rental figure is determined through a rental assessment framework (RAF). Only in exceptional circumstances where the community group can demonstrate that it essentially functions as a self-help group (with no funding from State or Federal Government) with the local community, will Council consider a rent equivalent to the minimum statutory rent.”

Implication – The tenant has demonstrated that they do not receive any state or federal funding and have previously been provided with a rental subsidy percentage of 64.55% in order to determine the rental. The Recommendation is consistent with this requirement however the charging of a full market rental under Option 2 will not be consistent with this Policy.

Clause 6 Review provides for *“It will be reviewed within one year of the election of every new Council, or earlier if required.”*

Implication - We are currently reviewing the Policy and will be providing recommendations for consideration by Council.

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PROPOSED LEASES

Sussex Inlet Cinema

Movies @ 2540 are currently on holdover from their lease which expired 31 August 2020. They are also the lessee's for the Huskisson Cinema which is leased from Council and also subject to a renewal as a part of a separate report.

They originally advised that they required a lease renewal after the effects of covid were determined, however subsequently approached Council advising that they wished to sell their business due to personal commitments.

As a result of the lease being on holdover, a new lease will be required with the proposed new operator/lessee. Clause 10 of the current lease provides for a transfer of the lease subject to approval by the Lessor, which cannot be unreasonably withheld. Relevant financial details and experience have been received in confirmation that the proposed new lessee has significant experience and financial capacity to pay rental and maintain the premises.

Three Directors currently run Empire Cinemas in Bowral, which has won several awards, and have over seventy combined years' experience in the industry. The financial statements for the years ending 30 June 2021 and 30 June 2020 for their Bowral cinemas have been reviewed showing significant profit and demonstrating that they have financial capacity. This information has been excluded for privacy reasons.

The new owners have offered a rental consistent with the current lease being \$7,379.50 per annum and it is recommended that this is adopted in order to secure the new operator. A market rental at the beginning of year three is proposed, rather than at the expiry of the lease term 31 May 2027, and will include a ratchet clause restricting the rental to decrease.

It is noted that the last valuation was undertaken by Walsh and Monaghan in 19 December 1997 which provided for a market rental of \$5,200 per annum. The current rental of \$7,379.50 per annum relates to subsequent increases which have been applied over the years.

The lease commencement date is proposed as 1 August 2022 however may change due to the sale of the business but the expiry date will remain as 31 July 2027.

Financial Implications

Council will continue to receive rental for a term of five years which will increase annually by 3.5% and be reviewed at the commencement of year 3. They will be required to keep the premises in a clean and tidy condition, maintain all equipment and that part of the land surrounding the building. Council is responsible for the structural integrity, replacement of owned equipment.

An inspection occurred as part of the transaction negotiations which highlighted that whilst the building is older, it is generally in good condition. The Lessee is required to maintain the building and equipment as part of the lease conditions.

The estimated total cost to Council is \$77,552 as a result of the proposed lease - as summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**)

- a. No rental subsidy is relevant for this transaction
- b. An operational budget of \$19,533 per annum or \$99,152 over the lease term for both non recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.

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- c. A capital budget of \$15,300 for building works comprising of external painting and floor replacement which is required in the 24/25 FY and beyond. This equates to an annual average expense of \$3,060 per annum

Note that Council will require the amount of \$77,552 over the lease term to create a cost neutral position as required in **Clause 5.8 Cost Recovery POL/40 Occupation of Council owned or Managed Land.**

FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2024/25	Y4 2025/26	Y5 2026/27	Y6 2027/28	TOTALS
RENTAL INCOME							
Income - Total							\$ 36,900
Rent	\$ 6,765	\$ 7,380	\$ 7,380	\$ 7,380	\$ 7,380	\$ 615	\$ 36,900
EXPENDITURE (NON RECOVERABLE)							
Operational - Reactive R&M	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 629	\$ 38,389
Operational - Scheduled	\$ 11,840	\$ 11,981	\$ 11,981	\$ 11,981	\$ 11,981	\$ 998	\$ 60,763
Operational - TOTAL	\$ 19,392	\$ 19,533	\$ 19,533	\$ 19,533	\$ 19,533	\$ 1,628	\$ 99,152
Capital Renewal	\$ -	\$ -	\$ 11,900	\$ -	\$ 3,400	\$ -	\$ 15,300
SURPLUS / (LOSS)	\$ (12,627)	\$ (12,153)	\$ (24,053)	\$ (12,153)	\$ (15,553)	\$ (1,013)	\$ (77,552)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (12,627)	\$ (12,153)	\$ (24,053)	\$ (12,153)	\$ (15,553)	\$ (1,013)	\$ (77,552)

Risk Implications

There is some risk that the change in the way movies can now be streamed at home together with covid could have a long-term effect on the cinema business. The new owners however have significant experience in the industry and are located in a unique heritage building and propose to continue to remain within the premises on a long-term basis.

Comments regarding the new operators financial position are provided above and note that a bank guarantee for six months will also be obtained as part of the new lease.

Sussex Inlet Pottery Group Incorporated (Potters)

The lease to the Potters expired 31 October 2019 and they are currently on holdover. It is proposed to enter into a lease renewal for a term of five years from 1 August 2022 and have been in occupation of the premises since approximately 2001 for a subsidised rental of \$492 per annum which is the current rental being paid.

The Potters previously advised Council that they did not want to renew their lease due to reduced member numbers and the impacts from COVID. They have now advised that they wish to proceed with a lease if Council prepare and pay for lease documentation, which will be included in the operational budget required by Building Services.

The Potters are a local community group that provide classes and membership to the local community. They currently have approximately 35 members and run limited classes during the week and weekends. COVID has affected the member numbers and class attendance and their profitability, hence the ability to pay a limited rental.

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Leased Area



Financial Implications

Council will continue to receive a subsidised determined rental for a term of five years of \$492 per annum. The Lessee will be required to keep the premises in a clean and tidy condition and maintain that part of the land surrounding the building. Council will be responsible for fire compliance, cleaning of their proportion of the guttering.

An inspection occurred as part of the transaction negotiations which highlighted that a number of works are required by Council during the term of the lease including installation of air conditioning and some improvements to the amenities and kitchen which are beyond their lifecycle.

The estimated total cost to Council is \$81,859 as a result of the proposed lease -as summarised below and detailed in the Long Term Financial Plan (**Annexure A – Long Term Financial Plans**)

- a. A total rental subsidy of \$228 per annum or \$1,140 over the lease term
- b. An operational budget of \$8,864 per annum or \$44,319 over the lease term for both non recoverable costs and reactive/scheduled maintenance and repairs will be required in the 2022/23 FY and beyond.
- c. A capital budget of \$40,000 for building works comprising of a kitchen replacement which is required in the 24/25 FY. This equates to an annual average expense of \$13,334 per annum

Note that Council will require the amount of \$81,859 over the lease term to create a cost neutral position as required in **Clause 5.8 Cost Recovery POL/40 Occupation of Council owned or Managed Land.**

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FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2024/25	Y4 2025/26	Y5 2026/27	Y6 2027/28	TOTALS
RENTAL INCOME							
Income - Total							\$ 2,460
Rent	\$ 451	\$ 492	\$ 492	\$ 492	\$ 492	\$ 41	\$ 2,460
EXPENDITURE (NON RECOVERABLE)							
Operational - Reactive R&M	\$ 4,680	\$ 5,105	\$ 5,105	\$ 5,105	\$ 5,105	\$ 425	\$ 25,525
Operational - Scheduled	\$ 3,446	\$ 3,759	\$ 3,759	\$ 3,759	\$ 3,759	\$ 313	\$ 18,794
Operational - TOTAL	\$ 8,125	\$ 8,864	\$ 8,864	\$ 8,864	\$ 8,864	\$ 739	\$ 44,319
Capital Renewal	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ 40,000
SURPLUS / (LOSS)	\$ (7,674)	\$ (8,372)	\$ (48,372)	\$ (8,372)	\$ (8,372)	\$ (698)	\$ (81,859)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (7,674)	\$ (8,372)	\$ (48,372)	\$ (8,372)	\$ (8,372)	\$ (698)	\$ (81,859)

Risk Implications

Minimal. The Potters are a small group who have been in occupation for over twenty years and propose to remain in the premises on a long term basis. Whilst they have no government financial support they have sufficient funds to remain operational based on a subsidised rental and Council continuing to assist with building maintenance.

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Annexure A Long Term Financial Plan, Sussex Inlet Cinemas Australia P/L

FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2024/25	Y4 2025/26	Y5 2026/27	Y6 2027/28	TOTALS
RENTAL INCOME							
Income - Total							\$ 36,900
Rent	\$ 6,765	\$ 7,380	\$ 7,380	\$ 7,380	\$ 7,380	\$ 615	\$ 36,900
EXPENDITURE (NON RECOVERABLE)							
Operational - Reactive R&M	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 629	\$ 38,389
Existing Budget	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 7,552	\$ 629	\$ 38,389
Additional Budget Required	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operational - Scheduled	\$ 11,840	\$ 11,981	\$ 11,981	\$ 11,981	\$ 11,981	\$ 998	\$ 60,763
Existing Budget	\$ 1,546	\$ 1,687	\$ 1,687	\$ 1,687	\$ 1,687	\$ 141	\$ 8,435
Programmed Repairs	\$ 10,294	\$ 10,294	\$ 10,294	\$ 10,294	\$ 10,294	\$ 858	\$ 52,328
Programmed Maintenance		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Operational - TOTAL	\$ 19,392	\$ 19,533	\$ 19,533	\$ 19,533	\$ 19,533	\$ 1,628	\$ 99,152
Capital Renewal	\$ -	\$ -	\$ 11,900	\$ -	\$ 3,400	\$ -	\$ 15,300
Flooring	\$ -	\$ -	\$ -	\$ -	\$ 4,000		\$ 4,000
Painting External	\$ -	\$ -	\$ 14,000	\$ -	\$ -	\$ -	\$ 14,000
SURPLUS / (LOSS)	\$ (12,627)	\$ (12,153)	\$ (24,053)	\$ (12,153)	\$ (15,553)	\$ (1,013)	\$ (77,552)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (12,627)	\$ (12,153)	\$ (24,053)	\$ (12,153)	\$ (15,553)	\$ (1,013)	\$ (77,552)

Lease Terms	
Commencement Date	01-Aug-22
Duration (years)	5
Expiry Date	31-Jul-27
Annual Rent (\$ / year)	\$ 7,380
Rental Review (% / year)	0%
Indexation Rate Applied to Expenditure	0%

Lease Performance	
Return on investment (year 1)	-2.23%
Return of investment (whole lease)	-13.7%
Total Operating Cost to Council	\$ 77,552

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Long Term Financial Plan, Sussex Inlet Potters Inc

FINANCIAL YEAR	Y1 2022/23	Y2 2023/24	Y3 2024/25	Y4 2025/26	Y5 2026/27	Y6 2027/28	TOTALS
RENTAL INCOME							
Income - Total							\$ 2,460
<i>Rent</i>	\$ 451	\$ 492	\$ 492	\$ 492	\$ 492	\$ 41	\$ 2,460
EXPENDITURE (NON RECOVERABLE)							
Operational - Reactive R&M	\$ 4,680	\$ 5,105	\$ 5,105	\$ 5,105	\$ 5,105	\$ 425	\$ 25,525
<i>Existing Budget</i>	\$ 784	\$ 855	\$ 855	\$ 855	\$ 855	\$ 71	\$ 4,275
<i>Additional Budget Required</i>	\$ 3,896	\$ 4,250	\$ 4,250	\$ 4,250	\$ 4,250	\$ 354	\$ 21,250
							\$ -
Operational - Scheduled	\$ 3,446	\$ 3,759	\$ 3,759	\$ 3,759	\$ 3,759	\$ 313	\$ 18,794
<i>Existing Budget</i>	\$ 642	\$ 700	\$ 700	\$ 700	\$ 700	\$ 58	\$ 3,500
<i>Scheduled Maintenance</i>	\$ 917	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 83	\$ 5,000
<i>Programmed Repairs</i>	\$ 1,887	\$ 2,059	\$ 2,059	\$ 2,059	\$ 2,059	\$ 172	\$ 10,294
						\$ -	\$ -
Operational - TOTAL	\$ 8,125	\$ 8,864	\$ 8,864	\$ 8,864	\$ 8,864	\$ 739	\$ 44,319
Capital Renewal	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ 40,000
<i>Kitchen Replacement</i>	\$ -	\$ -	\$ 40,000	\$ -	\$ -	\$ -	\$ 40,000
	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SURPLUS / (LOSS)	\$ (7,674)	\$ (8,372)	\$ (48,372)	\$ (8,372)	\$ (8,372)	\$ (698)	\$ (81,859)
SURPLUS / (LOSS) INCL RENTAL SUBSIDY	\$ (7,674)	\$ (8,372)	\$ (48,372)	\$ (8,372)	\$ (8,372)	\$ (698)	\$ (81,859)

Lease Terms

Commencement Date	01-Aug-22
Duration (years)	5
Expiry Date	31-Jul-27
Annual Rent (\$ / year)	\$ 492
Rental Review (% / year)	0%
Indexation Rate Applied to Expenditure	0%

Lease Performance

Return on investment (year 1)	-1.35%
Return of investment (whole lease)	-14.4%
Total Operating Cost to Council	\$ 81,859

CL22.277

Annexure B - Terms Schedule

Sussex Inlet Cinema NSW P/L

Item 1	Premises	Part 173 Jacobs Drive, Sussex Inlet Part Lot A DP343373 As detailed in lease plan
Item 2	Lessee	Sussex Inlet Cinema NSW Pty Limited ABN TBC
Item 3	Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Property Officer, Building Services Tel: 02 4429 3111 Email Council@shoalhaven.nsw.gov.au
Item 4	Permitted Use	Cinema. Conservation Management Plan – The building maybe used for general community purposes such as meetings of community groups, education and arts and crafts.
Item 5	Term	5 years (or as amended depending on the commencement date)
Item 6	Commencement Date	1 August 2022 (or as subsequently agreed to align with the sale of the business)
Item 7	Termination Date	31 July 2027 (To be static)
Item 8	Option	Nil
Item 9	Rent	\$7,379.00 plus GST per annum, payable in advance
Item 10	Rent Reviews	Annual 3.5% increases Market rent review 1 August 2024 or at the beginning of year 3 of the Term
Item 11	Outgoings	Comprising of the following outgoings noting that 85% of the building is occupied; <ul style="list-style-type: none"> • Local Council Rates and Charges • Water, Sewerage and Drainage Charges • Building insurance • Garbage Removal • Fire Services costs • Cleaning of guttering • Any charges referenced in the current unregistered lease expiring 31 August 2020
Item 12	Lessors Improvements	The Lessor owns all buildings, structures, and equipment comprising of the Premises including the air conditioning units, kitchen and amenities.
Item 13	Lessees Improvements	The Lessee owns any equipment already in the premises forming the Lessee's fit out for the operation of the Permitted Use
Item 14	Lessors Maintenance	The Lessor is responsible for structural works and the integrity of the building including roof repairs and any equipment including air conditioning.
Item 15	Lessees Maintenance	The Lessee is responsible for repairs, cleaning and maintenance of the Premises including any equipment owned by the Lessor including air conditioning units, and ensuring that the Premises are presented and accessible in a condition suitable to the use. In the event that the Lessor maintains any equipment, costs are to be recovered from the Lessee.
Item 16	Redecoration	Three months prior to vacation

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Item 17	Makegood	Upon Licence expiry or vacation, the Lessee will vacate the Premises and hand back the Premises to the Lessor in a suitable condition which includes the removal of the Lessee's fit out, furniture and equipment.
Item 18	Public Risk Insurance	Twenty million dollars (\$20,000,000) Lessor to be noted as interested party on the policy
Item 19	Bank Guarantee/Guarantor	A bank guarantee equivalent to six months rental plus personal guarantees
Item 20	Documentation and preparation costs	Lease preparation costs incurred by the Lessor are to be paid by the Lessee which includes the lease preparation by an external party. The Lessee notes that the new lease will not be in the same format as the current lease to Movies @ 2540 Pty Limited however may contain similar terms and conditions
Item 21	Interest	Not applicable
Item 22	Land Classification	Operational Land
Item 23	Other	The lease will reference that the building and site has heritage significance and any repairs, replacements, or new works to the building will need to be reviewed by the Lessor to determine the impact on the site and if heritage approvals are required. Any costs associated with the Lessees works will be at their cost including the appointment of heritage consultants.

Sussex Inlet Potters Inc

Item 1	Premises	Part 173 Jacobs Drive, Sussex Inlet Part Lot A DP343373 As detailed in lease plan
Item 2	Lessee	Sussex Inlet Potters Inc
Item 3	Lessor	Shoalhaven City Council Administration Building 42 Bridge Road, Nowra, NSW, 2541 Property Officer, Building Services Tel: 02 4429 3111 Email Council@shoalhaven.nsw.gov.au
Item 4	Permitted Use	Community group for the purpose of arts and crafts Conservation Management Plan – The building maybe used for general community purposes such as meetings of community groups, education and arts and crafts.
Item 5	Term	5 years
Item 6	Commencement Date	1 August 2022
Item 7	Termination Date	31 July 2027
Item 8	Option	Nil
Item 9	Rent	\$492.36 plus GST per annum, payable in advance
Item 10	Rent Reviews	Annual 3.0% increases
Item 11	Outgoings	Comprising of the following outgoings noting that 15% of the building is occupied; <ul style="list-style-type: none">• Local Council Rates and Charges• Water, Sewerage and Drainage Charges• Building insurance• Garbage Removal

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Item 12	Lessors Improvements	The Lessor owns all buildings, structures, and equipment comprising of the Premises including the air conditioning units, kitchen and amenities.
Item 13	Lessees Improvements	The Lessee owns any equipment already in the premises forming the Lessee's fit out for the operation of the Permitted Use
Item 14	Lessors Maintenance	The Lessor is responsible for structural works and the integrity of the building including roof repairs and any equipment including air conditioning, fire services, cleaning of gutters.
Item 15	Lessees Maintenance	The Lessee is responsible for repairs, cleaning and maintenance of the Premises including any equipment owned by the Lessor including air conditioning units, and ensuring that the Premises are presented and accessible in a condition suitable to the use.
Item 16	Redecoration	Not applicable
Item 17	Makegood	Upon Licence expiry or vacation, the Lessee will vacate the Premises and hand back the Premises to the Lessor in a suitable condition which includes the removal of the Lessee's fit out, furniture and equipment.
Item 18	Public Risk Insurance	Twenty million dollars (\$20,000,000) Lessor to be noted as interested party on the policy
Item 19	Bank Guarantee/Guarantor	Not applicable
Item 20	Documentation and preparation costs	Lease preparation costs are to be incurred by the Lessor
Item 21	Interest	Not applicable
Item 22	Land Classification	Operational Land
Item 23	Other	The lease will reference that the building and site has heritage significance and any repairs, replacements, or new works to the building will need to be reviewed by the Lessor to determine the impact on the site and if heritage approvals are required. Any costs associated with the Lessees works will be at their cost including the appointment of heritage consultants.

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CL22.278 Transport for NSW Acquisition - Jervis Bay Road Intersection

HPERM Ref: D22/69271

Department: Technical Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Area for acquisition by TfNSW [↓](#)

Reason for Report

This report provides Council with an opportunity to consider an acquisition by agreement with Transport for NSW (TfNSW) for approximately 11,314m² of land shown as pink highlight on Attachment 1 (D22/67913) located at Jervis Bay Road, Old Princes Highway and Princes Highway, Falls Creek.

The subject Lots are:

- Lots 35, 36 & 37 DP1088614 – Jervis Bay Road Falls Creek;
- Lot 38 DP24409 – Jervis Bay Road Falls Creek;
- Lot 1 DP15507 – Old Princes Highway Falls Creek;
- Lot 1 DP578303 – Princes Highway Falls Creek.

Recommendation

That Council:

1. Authorise the acquisition by agreement with TfNSW for Lots 35, 36 & 37 DP1088614, Lot 38 DP24409, Lot 1 DP15507 and Lot 1 DP578303 as shown in Attachment 1 (D22/67913) for compensation of \$725,000 plus GST if applicable, (seven hundred and twenty-five thousand dollars) in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. Authorise all proceeds of the acquisition to be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

Options

1. Adopt as recommended

Implications: This will allow TfNSW to proceed with the Jervis Bay Road Intersection Upgrade in a timely manner and distribution of funds to be allocated to the Property Reserve for future use in accordance with the Roads Act 1991 and the Local Government Act 1993,

2. Not adopted as recommended

Implications: Reject the acquisition by agreement forcing TfNSW to pursue compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991 and the valuation of land will be determined by the Valuer General. The acquisition will still occur

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but there will be a delay in the process. Notwithstanding this, under Section 175 of the Roads Act 1993, TfNSW may take possession of land for the purpose of carrying out road works. Should compulsory acquisition be actioned by TfNSW, Council is required to submit a formal claim outlining reasons for such claim.

Background

NSW Government have committed funding to allow construction of the Jervis Bay Road Intersection as part of the Princes Highway Upgrade Program. Construction is due to commence in 2023. TfNSW requires acquisition of the lots (as shown in attachment 1) to facilitate construction. TfNSW has provided Council with a copy of the Valuation Report which was undertaken by an independent Registered Valuer.

Council has received a Letter of Offer from TfNSW with the value of compensation as outlined below:

- 35,36,37 DP1088614 and Lot 38 DP24409 (Compensation offered - \$700,000 - 10,540m2)
- Lot 1 DP15507 (Compensation offered - \$20,000 – 690m2)
- Lot 1 DP578303 (Compensation offered - \$5,000 – 84m2)

Lots 35, 36, 37 DP1088614 and Lot 38 DP24409 are classified as Community land categorised as Natural Area – Bushland. TfNSW is seeking Council's concurrence to all the land being compulsory acquired on agreed terms so that the land transfer can proceed facilitating the timely construction of the Jervis Bay Road Intersection Upgrade.

Lots 1 DP 578303 and Lot 1 DP 15505 Princes Highway are both operational land and are zoned SP2 Infrastructure – Road.

Community Engagement

Community Engagement is being undertaken by TfNSW. Consultation reports can be found on TfNSW Jervis Bay Road and Princes Highway Intersection project page.

No engagement is required by Council.

Internal comments were sought and have been received. Internal comments did not identify any barriers to acquisition, nor any attributes of the land to be acquired that would vary the compensation offered.

Policy Implications

There are no policy implications.

Financial Implications

TfNSW agreed to use Council's preferred valuer being Walsh and Monaghan and agreed to a joint valuation. Joint instructions for Valuation were issued by Council and TfNSW. Compensation was assessed at \$725,000 in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. The Valuation Report has been reviewed and is a fair reflection of compensation.

All proceeds will be allocated to the Property Reserve with \$700,000 being allocated the Property Reserve – General and \$25,000 being allocated to the Property Reserve – Roads.

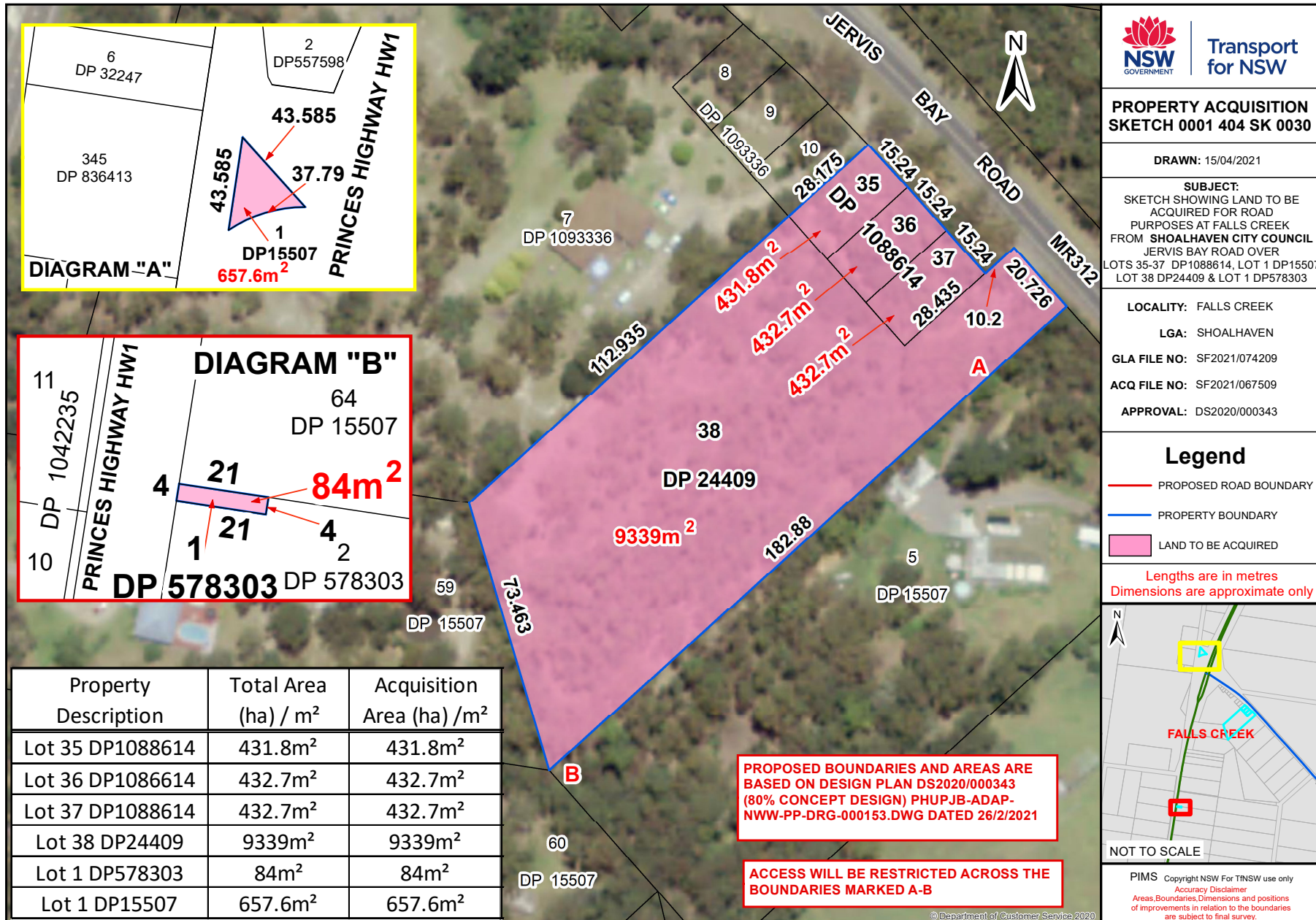
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Lot	DP	Area	Valuation	Classification/categorisation
35	1088614	427m ²	See below	Community Land – Natural Area
36	1088614	434m ²	See below	Community Land – Natural Area
37	1088614	438m ²	See below	Community Land – Natural Area
38	22409	9241m ²	See below	Community Land – Natural Area
Subtotal		10,540m ²	\$700,000	
1	578303	84m ²	\$5,000	Operational Land
1	15507	690m ²	\$20,000	Operational Land
Grand Total		11,314m²	\$725,000	

Risk Implications

There is a reputational risk to Council should Council not agree to the terms contained in the Letter of Offer as this will delay construction of the intersection as TfNSW will move to compulsory acquisition of the lots in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

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CL22.279 Classification of Land - Lot 319 DP 1265359 Somerset Avenue, South Nowra

HPERM Ref: D22/183531

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

The reason for this report is to provide Council with an opportunity to consider the classification of land being Lot 319 DP 1265359 Somerset Avenue, South Nowra, described as drainage reserve, as 'Operational Land' within the meaning of the Local Government Act 1993.

Recommendation

That Council classify the land described as Lot 319 DP 1265359 Somerset Avenue, South Nowra, as Operational Land within the meaning of the Local Government Act 1993.

Options

1. As recommended.

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

2. Not resolve as recommended.

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

Background

As part of approved subdivision SF9822, Lot 319 DP 1265359 was dedicated to Council as Drainage Reserve. Land registration date was 5 April 2022.

The described lot is 1.343 Ha in size, and zoned C2 – Environmental Conservation and is highlighted in the Site Plan below. It is vacant land and densely vegetated with Browns Creek traversing the lot from South to North. Browns Creek also passes through the adjoining lot to the South (Lot 322), which is also Council owned Drainage Reserve and classified as Operational land. It is the presence of Browns Creek, indicating the lowest point in the surrounding catchment, that triggers the designation as Drainage Reserve.

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Site plan



The classification of Lot 319 as Operational is appropriate to retain the authority of Council to undertake drainage related works within the lot should the need arise in the future. That classification will also maintain consistency with the adjoining Lot 322 for future planning and operational considerations.

Community Engagement

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

Policy Implications

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

There are two classifications available:

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

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

Financial Implications

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

Risk Implications

Not applicable.

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CL22.280 Exemption to Tendering - Basin Boardwalk Urgent Repairs

HPERM Ref: D22/242087

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider an exemption to the Procurement Policy and enter into direct negotiations with the preferred contractor for the urgent repairs required to the Basin Boardwalk following the storm damage experienced during the first half of 2022.

Recommendation

That Council

1. Approves an exemption from tender in accordance with Section 55(3)(i) of the Local Government Act 1993, for the repair of the Basin Boardwalk, noting that a satisfactory result would not be achieved by inviting tenders due to:
 - a. Extenuating circumstances existing due to:
 - i. The current unsafe state of the boardwalk requires urgent repairs due to damage experienced from the Feb-March 2022 extreme weather event as to alleviate Council of liability and negligence should injury occur.
 - ii. The repairs are funded through an insurance claim made to the value which the preferred contractor has provided to complete the works.
 - iii. The repairs will directly interface with works the preferred contractor has completed which are currently under a defects liability period
2. Authorises the CEO (Director of City Services) to negotiate and enter into a new contract with GC Civil Contracting Pty Ltd for the repair of the Basin Boardwalk.

Options

1. Resolve to adopt the recommendation.

Implications: This is recommended due to the urgency of these repairs to be undertaken. GC Civil Contracting has sound knowledge and experience on the site following the recent completion of some of the affected boardwalk and the adjoining boardwalk. It has been confirmed that Council would be receiving value for money through comparison to rates received from another recent tender of similar scale and complexity.

2. Council chooses not to accept the recommendation and resolve to undertake a full open tender process.

Implications: This is not recommended as a full open tender process will be lengthy and likely result in either an equal or greater cost to that provided by the preferred contractor. Any cost over and above the current agreed amount with the insurer will be borne by Council. Further delay in commencing repairs may also be met with backlash from the community which is unable to utilise the newly constructed boardwalk sections.

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Background

Following the extreme weather events during February-March 2022 resulting in the flooding of many areas including St Georges Basin, many sections of a recreational boardwalk located along the Basin's edge were either heavily damaged or completely lost.

Some of the damage was on newly constructed Basin Walk Stage 2 works undertaken by the contractor - GC Civil as part of the Sustainable Tourism Infrastructure Grant projects.

Council sought a price from GC Civil to undertake the repair works for the purpose of establishing the insurance claim to recover the cost of the repairs. GC Civil possesses the soundest knowledge of the site and resource availability due to their recent works at the site.

GC Civil's quote of \$628,180.00 has been provided to the Insurer and approved by the Insurer on the 13 May 2022.

The project team applied for an exemption to policy, however following assessment by the Procurement team it was identified that the value of the works exceeded that appropriate for a non-Council resolution exemption and that either a Council resolution exemption under s55(3) of the Act or a tender process would be necessary.

Policy Implications

Nil implications. This report and proposed recommendation is in accordance with Council's adopted Procurement Procedures and applicable Legislation.

Financial Implications

Nil Implications. Adopting the recommendation will result in no financial implications as the entire cost of the engagement will be covered by an insurance claim.

Risk Implications

Positive Implications. Adopting the recommendation will mitigate risk associated with introducing a third-party contractor into the site. Introduction of a third-party contractor would complicate future liabilities under defect liability clauses, potentially putting Council at risk of bearing defect related costs.

Adopting the recommendation will also minimise the duration that the public safety risk remains which is associated with the damaged sections of boardwalk.

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CL22.281 Exemption to Tendering - Property Management and Booking System - Holiday Haven

HPERM Ref: D22/242952

Department: Commercial Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider an exemption to tendering and enter direct contract negotiations with the preferred vendor for the provision of software to manage the bookings and maintenance of Council's Holiday Haven Tourist Parks.

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 in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council choose not to accept the recommendation and resolve to undertake a full open tender process.

Implications: This is not recommended as a full open tender process is expected to reflect the outcome of the market analysis and establish one supplier as the industry leading vendor and the preferred option to the Holiday Haven business.

Details

Project Description

Details relating the procurement options are contained in the confidential report.

Policy Implications

This report and proposed recommendation is in accordance with Council's adopted Procurement Procedures and applicable Legislation.

Financial Implications:

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

Risk Implications

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

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CL22.282 DA20/1762 - 127 Princes Highway, Ulladulla - Lot 6, DP 535004 - Mixed Use Development

DA. No: DA20/1762/4

HPERM Ref: D22/222686

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments: 1. Section 4.15 Planning Assessment Report (under separate cover) [⇒](#)
2. Draft Conditions of Development Consent (under separate cover) [⇒](#)
3. Final Plans (under separate cover) [⇒](#)

Description of Development: Mixed Use Development including demolition of existing buildings, construction of 2 retail spaces, restaurant and six (6) residential units with 2 level of car parking for 20 spaces

Owner: Ocean Point Assets Pty Limited

Applicant: Ocean Point Assets Pty Limited c/ Edmiston Jones

Notification Dates: 10 March 2021 – 24 March 2021 with extension to 16 April 2021
14 July 2021 – 28 July 2021

No. of Submissions: 9 submissions in total, 2 were made from the same party, 3 were made by the same individual. All were objections.

Purpose / Reason for consideration by Council

Following a Notice of Motion on 11 May 2021, the development application (DA) was called in for determination by the full Council 'due to public interest'. (MIN21.247)

Recommendation

That development application DA21/ 1762 for a Mixed Use Development including demolition of existing buildings, construction of 2 retail spaces, restaurant and six (6) residential units with 2 levels of car parking for 20 spaces at Lot 6 DP 535004, 127 Princes Highway, Ulladulla be approved with conditions as detailed in Attachment 2 of this report.

Options

1. Approve as recommended.

Implications: If consent is granted, this will enable the applicant to pursue the proposal.

2. Refuse the application.

Implications: Planning grounds will need to be provided for the refusal. A section 8.2 Review and / or an appeal lodged in the NSW Land and Environment Court.

3. Resolve alternatively.

Implications: Council will need to specify and alternative recommendation and advise staff accordingly.

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Location Map

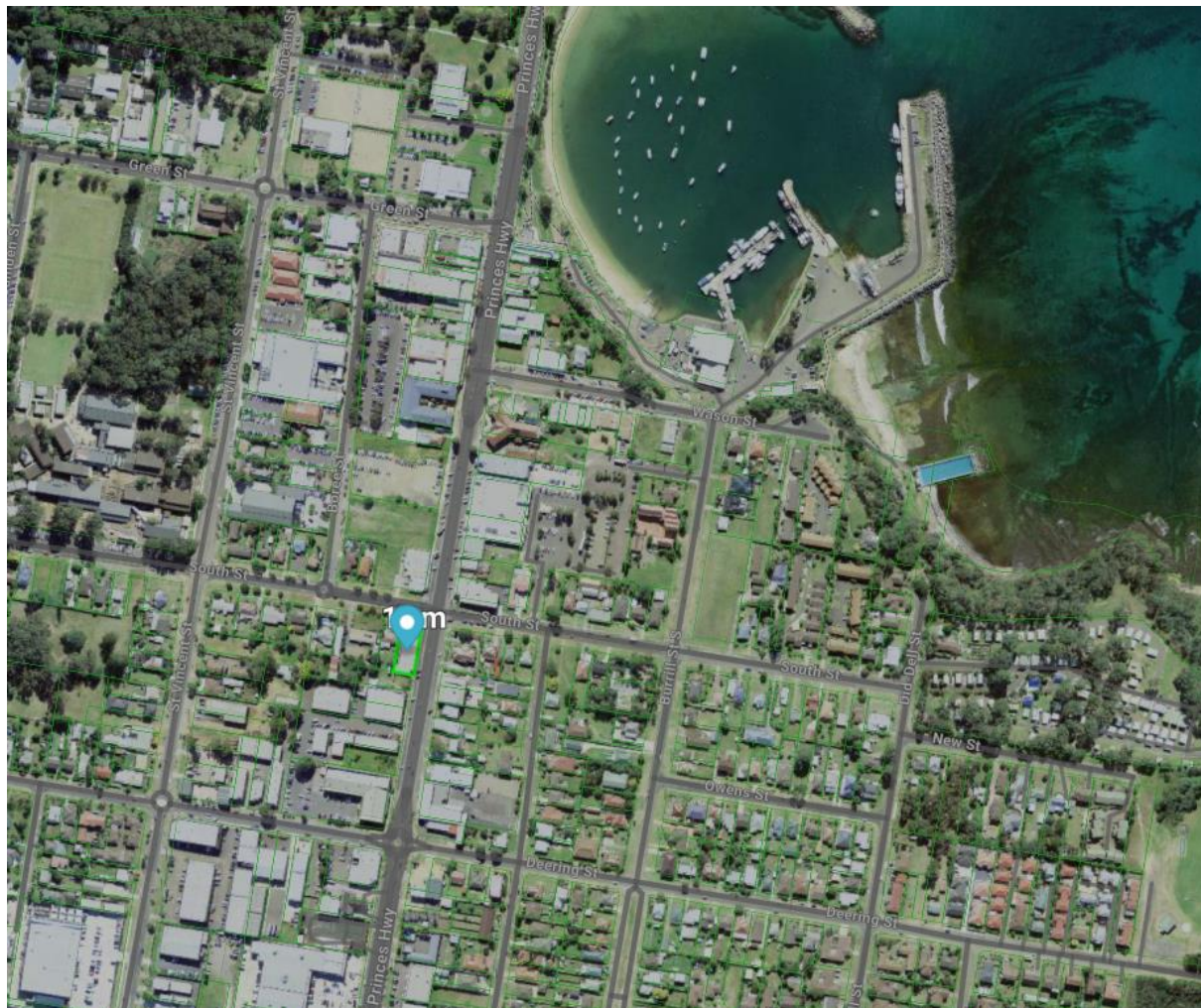


Figure 1 – Aerial Map



Figure 2 – Location Map

Background

Proposed Development

The proposal seeks development consent for a mixed-use development which includes the demolition of existing buildings and construction of two retail spaces, restaurant and six (6) residential units.

The proposal will provide a mixture of two and three-bedroom apartments across the second and third floor levels of the site. Private Open Space areas have been provided in the form of terrace/balconies which have been orientated towards the street to minimise visual impacts to neighbouring properties.

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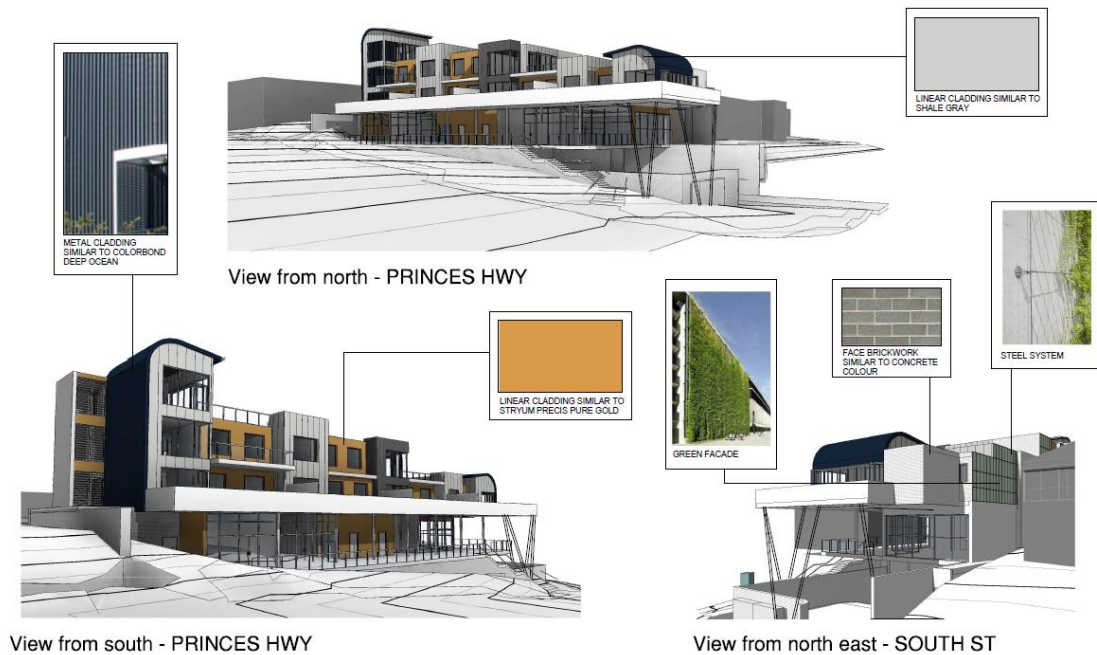


Figure 3 – Visual Representations – extract from visual analysis drawing by Edmiston Jones

Business/retail floor space will be provided across the first-floor level and include two retail spaces with frontage to the Princes Highway and a restaurant located to the northern extent of the floor level. A common open space area is provided along the eastern boundary of the first floor with outdoor dining provided towards the north-eastern corner of the first floor. A service courtyard contains the back of house functions at the rear of the retail units.

Two (2) levels of car parking are provided on the basement level and ground floor. Ten (10) residential car spaces are located on the basement level with storage area for each unit, whilst ten (10) commercial/retail spaces are provided on the ground floor.

All servicing and loading will occur within a dedicated portion of the ground floor at the rear of the building. The proposal includes a truck turntable area to allow for onsite servicing and forward egress from the site. Waste collection will be onsite and serviced by a private contractor.

The site is serviced by mains water, reticulated sewer, gas and electricity. The increased intensity of use on site will necessitate appropriate augmentation to these utilities and subject to detailed design and further consultation with service providers. A Stormwater pipe and pit have been proposed on the north-eastern side of the site. No on-site detention (OSD) is required.

The proposal includes the removal of trees to the South Side of the intersection, in order to improve sightlines to the intersection. Landscaping is provided on the ground level of the building on the South Street frontage and in the terraces for each unit.

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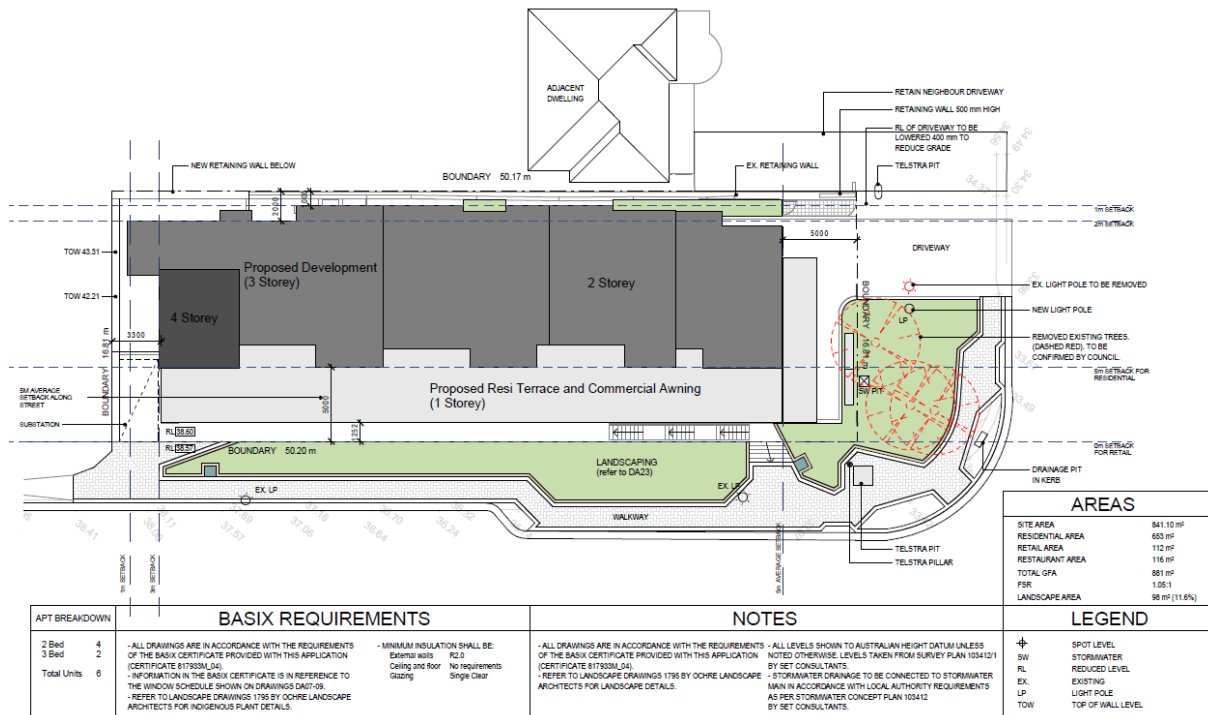


Figure 4 – Site Layout – extract from site plan prepared by Edmiston Jones

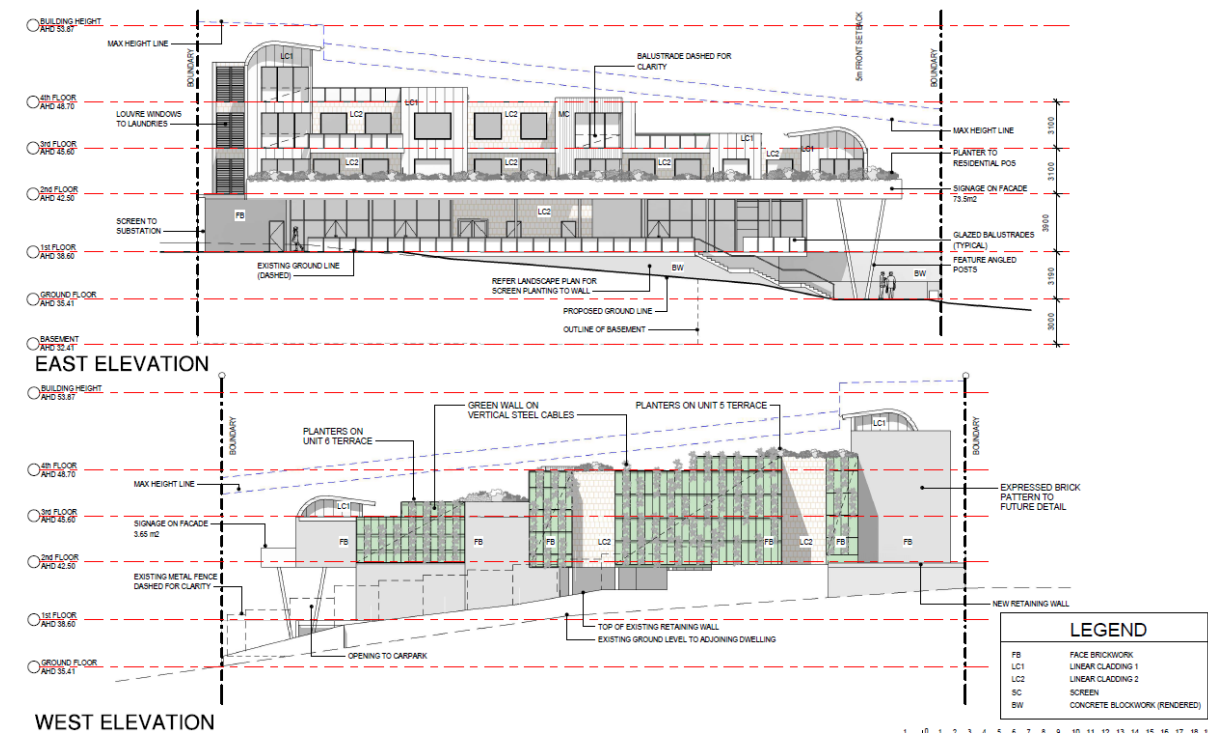


Figure 5 – East and West Elevations, extract from plan prepared by Edmiston Jones

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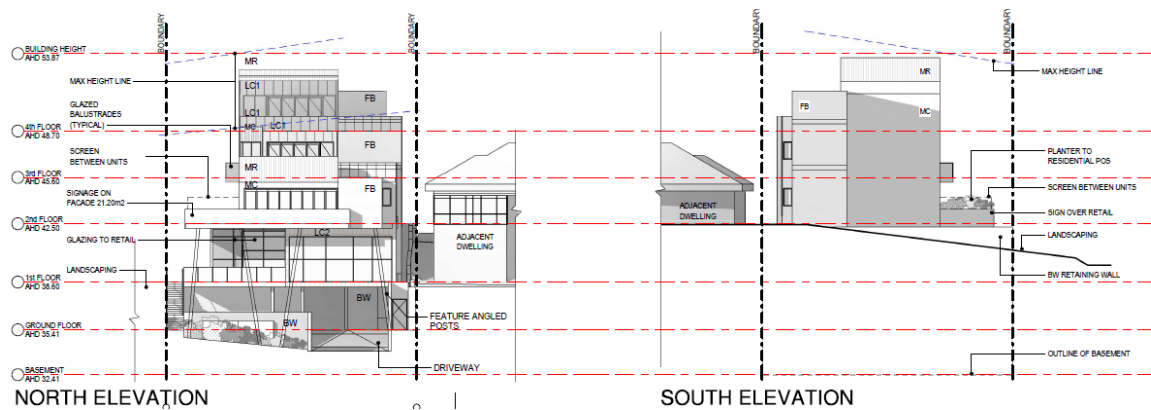


Figure 6 – North and South Elevations, extract from plan prepared by Edmiston Jones

Subject Land

The site is described as Lot 6 in DP 535004 at 127 Princes Highway, Ulladulla.

Site & Context

The subject site has an approximate 50m frontage to Princes Highway and 20m to South Street and:

- contains (5) retail shops in which (4) are currently occupied.
- is zoned B4 Mixed-Use
- is mapped with a maximum building height of 14m and 11m
- has a maximum FSR of 1.5:1
- is located in Ulladulla Town Centre.
- is located in an area which has a mixture of retail, commercial, and residential premises.

Significantly, the site has a steep fall from the SW corner to the NE corner of about 8m, is located on a busy intersection with a sewer main running parallel with and through the western boundary.

History

The proposal was the subject of pre-lodgement discussions which raised a number of issues notably, height, setbacks, car parking and access, waste and stormwater/sewer design.

The application was lodged on 4 August 2020. The first request for information was made on 27 August 2020, which raised a number of concerns including but not limited to design considerations.

Notification was undertaken during March 2021 and a request for additional information made on 5 May 2021. A response was received on 7 July 2021.

The application was renotified during July 2021.

A further request for information was made on 27 September 2021 with a revised scheme submitted on 22 December 2021. This revision resulted in a height reduction which achieved compliance with the height controls.

A further request for information was made follow receipt of referral responses. The applicant responded on 27 May 2022. The applicant provided revised BASIX Certificate, NatHers Certificate, driveway long section and stormwater design on 2 June 2022.

A detailed history is provided in Attachment 1 of the assessment report.

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Issues

Several issues were addressed during the assessment of the application, notably the height of the development, steep nature of the site access and servicing arrangements. These are detailed in the attached section 4.15 planning assessment report. Key issues are summarised below.

Key issues

Height

The design was modified during the assessment. This resulted in the height being reduced to be compliant with the height limitation. The illustration below shows the height plan relative to the development.



Figure 7 – Illustration of Height Limitations relative to the proposal

Steep nature of the site

The site poses challenges with respect to footpath integration and access to the development. Plans were revised to show the building with a footpath along the frontage and a 'flatter' driveway. A long section confirms that suitable driveway gradients are achieved.

The car parking was amended to suit revised levels.

The development will be privately serviced. A garbage truck turntable is included.

Shoalhaven Water

The location of a sewer through the site presented design issues. Accordingly, it is recommended that details be provided (as a condition of consent) complying with Shoalhaven Water Sewerage specification.

Traffic

The intersection of South Street and Princes Highway has been identified for future signals. The proposal also involves the removal of trees on the corner. Transport for New South Wales (TfNSW) supports the removal of the trees to ensure clear visibility for vehicles exiting the car park and safety of 'users'.

Planning Assessment

The DA has been assessed under s4.15 of the *Environmental Planning and Assessment Act 1979* and a satisfactory conclusion reached. The DA was assessed by an independent consultant. Council has participated in a program referred to as the Regional Housing Flying Squad, initiated by the NSW State Government (Department of Planning and Environment).

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The Planning Delivery Unit (PDU), which is facilitating the program, has engaged with a panel of planning consultants to conduct assessments for DAs for regional housing on behalf of councils.

Councils were asked to nominate DAs that deliver regional housing, through a formal Expression of Interest (EOI) process. This DA was one of several nominated. The PDU allocated consultants to selected DAs. The consultants have reported directly to council staff while conducting the assessments.

Once assessment reports are completed to the satisfaction of council, council or the relevant regional planning panel are expected to determine the DA.

Consultation and Community Engagement:

Nine (9) public submissions were received in relation to Council's notification of the development. Nine (9) were objections to the development. Two (2) submissions were made representing one party. Another three (3) were made by the same individual.

The notifications were made in accordance with Council's Community Consultation Policy with letters being sent within a Number 100m buffer of the site. The Ulladulla & Districts Community Forum Inc was formally notified.

There were two notifications undertaken: 10 March 2021 – 24 March 2021 with extension to 16 April 2021 and 14 July 2021 – 28 July 2021.

Key issues raised as a result of the notification are provided in the table below.

Summary of Public Submissions	
Objection Raised	Comment
Setbacks issues	<p>The proponent has provided the following response:</p> <p><i>The reference to SDCP Chapter S8 and the 5m setback is noted. Where development is unable to comply with the Acceptable Solution, an alternative solution must demonstrate compliance with the associated Performance Criteria and Objectives, as per section 11 of DCP Chapter 1. In this regard, a variation has been included with the revised SEE submitted.</i></p> <p><i>With respect to the concluding points made, it is not considered there is confusion over the labelling of awnings and balconies on the plans. The plans indicate the terraces, balconies, awnings correctly.</i></p> <p>The variation has been reviewed by Council and despite the proposal not conforming the DCP setback provisions applicable to the site under Chapter S8: Ulladulla Town Centre, the proposal remains consistent with the performance criteria and built form objectives of the DCP chapter.</p> <p>The site is located within a B4 Mixed Use zone and adjoins an existing retail development to the south and residential development to the west, which are both zoned B4 Mixed Use. For the proposed shop top housing the proposal includes a setback distance for between 1- 2m from the western boundary and a 1-3m setback from the southern boundary.</p> <p>All windows have been orientated so as not to directly overlook neighbouring properties with private open space and windows primarily orientated to the north and east of the site. In addition, landscaping has been proposed along terrace boundaries to</p>

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	<p>providing additional screening to neighbouring properties.</p> <p>Whist views are affected, oblique views from the adjoining dwelling are maintained.</p> <p>With consideration of the above measures, and the urban centre context of the site, the proposal is considered to achieve a reasonable level of external and internal to residents and neighbouring properties.</p>				
Size of Lot. A submission stated that the site is too small and that it should be 2000 square metres as detailed in Section 5.1 of Chapter s8 (Ulladulla Town Centre) of the Shoalhaven Development Control Plan 2014.	<p>The proponent has provided the following response:</p> <p><i>This section is irrelevant, as no subdivision is proposed.</i></p> <p><i>This section of the DCP relates to subdivision, and is intended to consolidate lots into larger lots to allow for subdivision into lots of at least 2000sqm. Further, this section states the consolidations is a 'general principle'.</i></p> <p>The proposal does not relate to the subdivision of land and is not applicable in this instance.</p> <p>Section 5.1 is a specific subdivision of land control. Subdivision is not proposed. If it is, it is highly unlikely to be Torrens subdivision.</p> <p>5.1 Subdivision</p> <p>Any subdivision of land within the boundary of this Chapter is subject to the provisions of this plan.</p> <table border="1"> <thead> <tr> <th>Performance Criteria</th><th>Acceptable Solutions</th></tr> </thead> <tbody> <tr> <td>P1 Land subdivision is to ensure that orderly development in the Town Centre is carried out to improve permeability and connectivity.</td><td> <p>A1.1 As a general principle, you are encouraged to consolidate land under 2000m² to create larger development parcels.</p> <p>A1.2 If you propose to subdivide land, including strata or community title subdivision, into parcels less than 2000m², you will need to demonstrate how the subdivision realises the objectives of this Chapter.</p> <p>A1.3 You must comply with Chapter G11: Subdivision of Land</p> </td></tr> </tbody> </table>	Performance Criteria	Acceptable Solutions	P1 Land subdivision is to ensure that orderly development in the Town Centre is carried out to improve permeability and connectivity.	<p>A1.1 As a general principle, you are encouraged to consolidate land under 2000m² to create larger development parcels.</p> <p>A1.2 If you propose to subdivide land, including strata or community title subdivision, into parcels less than 2000m², you will need to demonstrate how the subdivision realises the objectives of this Chapter.</p> <p>A1.3 You must comply with Chapter G11: Subdivision of Land</p>
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Architectural Roof Feature. A submission commented that the feature unreasonably dominated the design.	<p>The proponent has provided the following response:</p> <p><i>The proposal has been revised with the roof features reduced in scale. The proposal presents as a well-proportioned and articulated building with design features to provide interest. The features are not overbearing and are of a relative scale to the building's design.</i></p> <p>The design was also amended to bring the building height into compliance.</p>				
Landscape Area	<p>The proponent has provided the following response:</p> <p><i>Similar to the setbacks, it is noted SDCP Chapter G14 is superseded chapter which is now consolidated into G13. Further, the relevant G13 section is, again, not relevant. This section instead relates to medium density development under section 5 of the DCP, which does not include shop top housing. Shop top housing is contained within section 6 of the DCP, which the application addresses. Therefore, the references to landscaping are irrelevant.</i></p>				
No BASIX report provided	<p>The proponent provided revised BASIX Certificate & NATHERS Assessment on 2 June 2022.</p>				
Stormwater concept plan not adequate	<p>The proponent has provided the following response:</p> <p><i>The stormwater concept plan is appropriate and adequate.</i></p>				

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	The proponent provided revised stormwater plan on 2 June 2022. Council's Engineer has confirmed the proposal is satisfactory and conditions of consent can be imposed.
Non-compliance with maximum building height	The proponent has provided the following response: <i>The proposal has been revised and now complies with the Building Height limit. There is no lift overrun, it is contained within the roof form.</i>
Traffic Flow and Management	The proponent has provided the following response: <i>The proposal has amended its access and parking design. Parking and Traffic Consultants has addressed comments received by TfNSW and SCC.</i> TfNSW and Council's Development Engineers have reviewed the revised access and parking design with no objections subject to adherence of consent conditions. Note: TfNSW – Transport for NSW (formerly, Roads and Maritime Service and Roads and Traffic Authority).

Financial Implications:

If the proposal were to be refused, it is possible that the applicant could choose to pursue an appeal. An appeal in the Land and Environment Court of NSW, would have cost implications for Council.

Legal Implications

In the event of a refusal, Council would be required to seek legal advice and defend an appeal.

Summary and Conclusion

The proposal has received a satisfactory assessment under section 4.15 of the *Environmental Planning and Assessment Act 1979* by an independent consultant. As a result, conditional approval is recommended. Draft conditions are attached to this report with the assessment.

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CL22.283 RA22/1002 – 44-52 Coomea Street, Bomaderry – Lot 19-23 Sec 25 DP 2886**DA. No:** RA22/1002/4**HPERM Ref:** D22/224941**Department:** Development Services**Approver:** James Ruprai, Director - City Development

Attachments:

1. Planning Report S4.15 Assessment - 44-52 Coomea St BOMADERRY - Lot 19-23 Sec 25 DP 2886 (under separate cover) [📄](#)
2. Draft - Determination - 44-52 Coomea St BOMADERRY - Lot 19-23 Sec 25 DP 2886 (under separate cover) [📄](#)

Description of Development: Construction of Affordable Housing Development comprising Two (2) Residential Flat Buildings containing 39 Dwellings and associated parking

Owner: Southern Cross Community Housing Ltd**Applicant:** Southern Cross Community Housing Ltd**Notification Dates:** 13 April 2022 to 13 May 2022**No. of Submissions:** Nil**Purpose / Reason for consideration by Council**

To review the section 4.15 assessment report and determination prepared by an independent consultant which is to be submitted to the Southern Regional Planning Panel for consideration.

Recommendation

That:

1. Council receive and note the report RA22/1002 - 44-52 Coomea St BOMADERRY - Lot 19-23 Sec 25 DP 2886
2. Council support RA22/1002 for an affordable housing development at 44-52 Coomea St, Bomaderry on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* and will provide additional and much needed affordable housing supply for the local community.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of DA22/1002.

Options

1. Support the consultant's recommendation to the Southern Regional Planning Panel (SRPP) for approval of the application by deferred commencement consent and advise the SRPP accordingly.

Implications: The recommendation would be provided to the SRPP for their information as part of their consideration of the regional application.

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2. Make an alternative resolution and make a separate submission to the SRPP.

Implications: The alternative resolution would be provided to the SRPP for their consideration. The SRPP will be the determining authority for the application.

Location Map



Figure 1 – Site location / Aerial view

Background

Proposed Development

Council is in receipt of a development application (DA) which seeks approval for an Affordable Rental Housing development comprising two (2), two-storey residential flat buildings providing a total of thirty-nine (39) dwellings that will be separated by a communal open space area. The thirty-nine (39) dwellings will comprise ten (10) Studio apartments, seventeen (17) one-bedroom apartments, eight (8) two-bedroom apartments and four (4) three-bedroom apartments. The proposal will also provide two separate at-grade car parking areas, both with direct driveway access to Coomea Street, providing a total of nineteen (19) parking spaces, including eight (8) accessible parking spaces.

As the development has a capital investment value (CIV) of more than \$5 million, and as Shoalhaven City Council are a party to an agreement or arrangement relating to the proposal, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application in accordance with section 5 of Schedule 6 of SEPP (Planning Systems) 2021.

The proposed site plan and elevations are provided in **Figures 2-4**.

Planning Assessment

The DA has been assessed by an independent consultant. Council has participated in a program referred to as the Regional Housing Flying Squad, initiated by the NSW State government (Department of Planning and Environment).

CL22.283

The Planning Delivery Unit (PDU), which is facilitating the program, has engaged with a panel of planning consultants to conduct assessments for DAs for regional housing on behalf of councils.

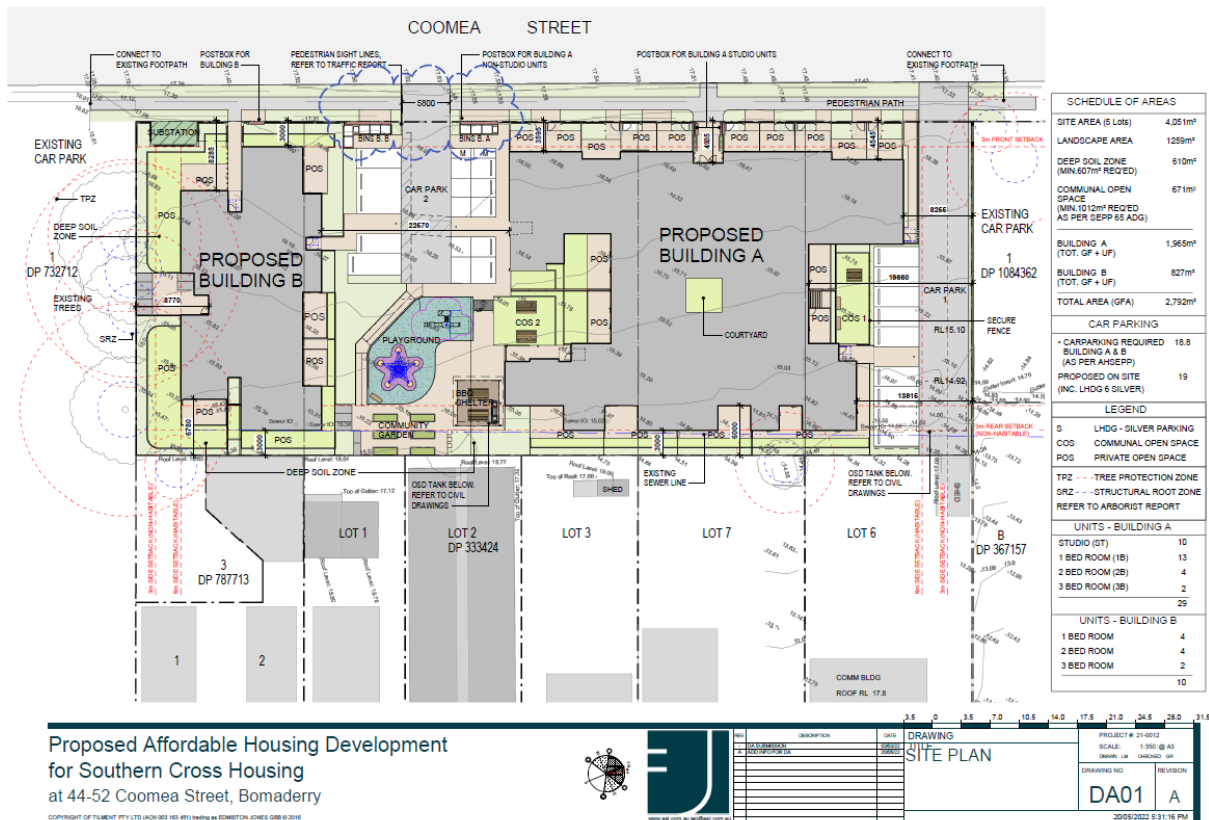


Figure 2 – Site Plan

Councils were asked to nominate DAs that deliver regional housing, through a formal Expression of Interest (EOI) process. This DA was one of several nominated. The PDU allocated consultants to selected DAs. The consultants have reported directly to Council staff while conducting the assessments.

Once assessment reports are completed to the satisfaction of Council, Council or the relevant Regional Planning Panel are expected to determine the DA.

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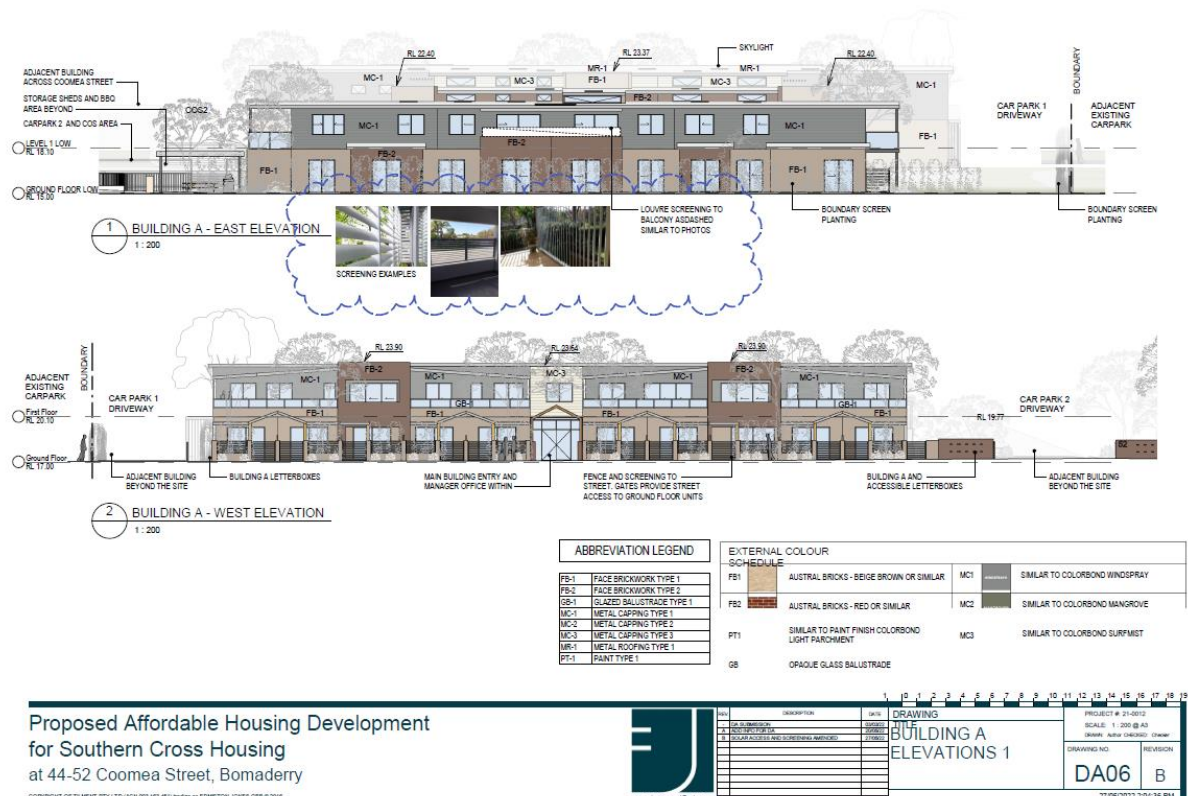


Figure 3 – Eastern & Western (Street) Elevations

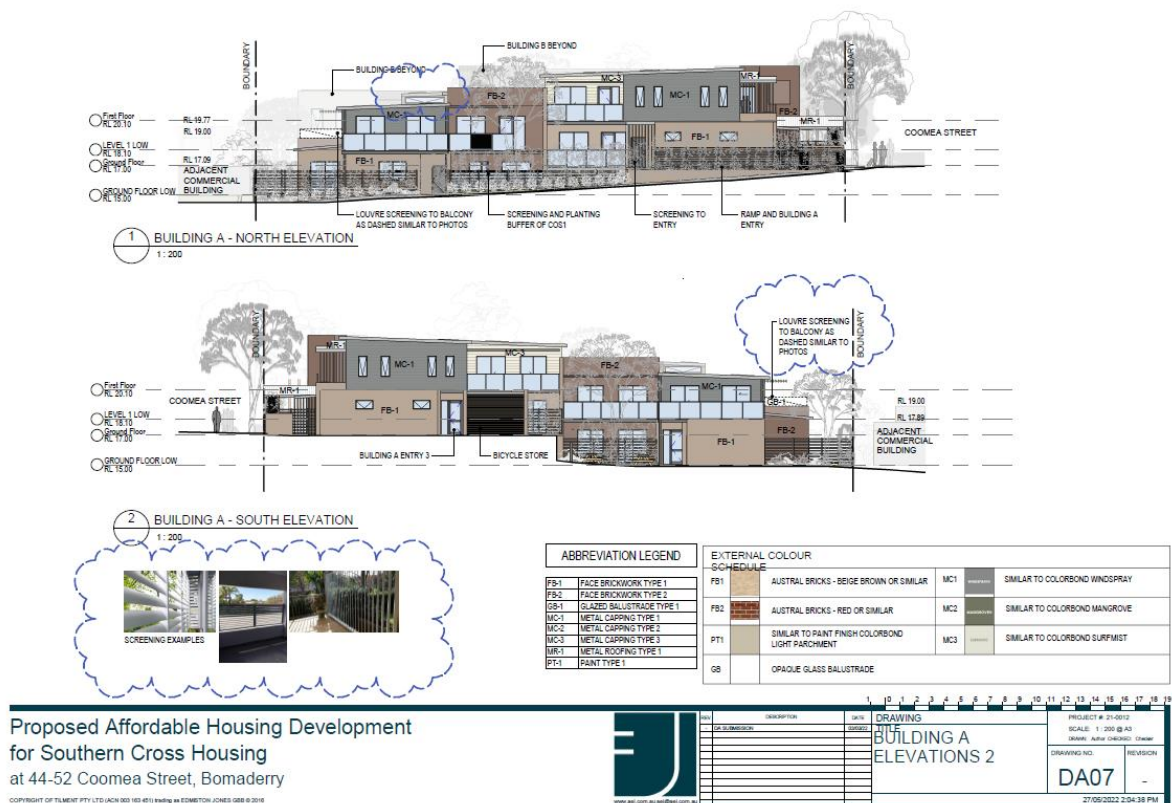


Figure 4 – Northern & Southern Elevations

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Subject Land and Surrounds

The subject site is located to the east of Coomea Street in Bomaderry, approximately 125m to the west of Bomaderry Train Station. The land is legally identified as:

- Lot 23/25 DP28886,
- Lot 22/25 DP28886,
- Lot 21/25 DP28886,
- Lot 20/25 DP28886, and
- Lot 19/25 DP28886.

The site is predominantly cleared and comprises a lawn surface. Historically, the site contained five (5) dwelling houses. The site is surrounded by retail, commercial and residential developments.

The land is zoned B4 Mixed Use under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which residential flat buildings are permitted with the consent of Council.

Issues

Non-compliance with State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the Apartment Design Guide

There are areas of non-compliance in relation to SEPP 65 and the accompanying Apartment Design Guide which relate to Communal Open Space and Visual Privacy. The information provided in relation to these items has been considered sufficient for the proposal in this circumstance. This is addressed in detail through the s4.15 Assessment Report (Attachment 1).

In summary:

- Communal open space is reduced specifically as a result of designing the buildings as two storey development in response to community feedback. On balance, noting that the development is architecturally pleasing, provides affordable and accessible housing in a good location, the shortfall is not considered unacceptable or fatal to the proposal. However in combination – communal and open space, the proposal provides adequate residential amenity.
- The proposal also provides for less area for deep soil zones required under the SEPP. However, under the provisions of the Housing SEPP which has a reduced minimum dimensioned area, the proposal is considered satisfactory.
- The development has setback encroachments. The setback controls are intended to achieve adequate privacy. In lieu of the required setbacks, the proposal has incorporated a combination of performance measures, including but not limited to screen planting, boundary fencing, sensitive window placement, solid and opaque balustrade treatments.
- With regard to sunlight, there was a concern with 7 south facing units. Following clarification with the applicant, it was found that 5 units did not achieve the required sunlight during 9am and 3pm. Of these, three (3) receive some afternoon and morning sun. The remaining two (2) units are directly connected to the communal open space and have good access to private open space. This is considered acceptable.

Deferred commencement condition recommendation

The approval is recommended as a deferred commencement consent requiring an easement for drainage to be created over adjoining Lot 1 DP 1084362, which is Council Operational land (used as a Council Carpark) to support the development.

These conditions have been recommended by Council's City Services (Property) Section. Deferred commencement is considered appropriate in this instance to ensure the proposal can appropriately connect to the stormwater drainage system to support the development prior to the consent becoming operative.

Upon registration of the easement, the consent will convert to an operational consent.



Figure 4 – Northern & Southern Elevations

Consultation and Community Engagement:

The DA was notified in accordance with the Environmental Planning and Assessment Regulation 2021 (EP&A Regs) and Council's Community Consultation Policy for Development Applications from **13 April 2022** to **13 May 2022**.

No public submissions were received in relation to Council's notification of the development.

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, should the applicant utilise appeal rights afforded under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Legal Implications

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

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

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Summary and Conclusion

This application has been satisfactorily assessed having regard for section 4.15 (Matters for consideration) under the EP&A Act. Based upon the recommendations of the s4.15 Assessment Report (**Attachment 1**), Development Application No. RA22/1002 is recommended to the Regional Planning Panel to be granted deferred commencement consent subject to the draft conditions of development consent contained in **Attachment 2**.

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CL22.284 RD21/1001 - 260 Mount Hay Rd (Priv) Broughton Vale - Lot 2 DP 4498

DA. No: RD21/1001/4

HPERM Ref: D22/218702

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Section 8.2 Review of Reasons for Refusal Report (under separate cover) [⇒](#)
2. Proposed Development Plans (as amended) [↓](#)
3. Report to the Development & Environment Committee - 13 July 2021 - DA20/1621 (under separate cover) [⇒](#)
4. Council Legal Advice - s88E Instrument & Mount Hay Road (private) (Confidential - under separate cover)
5. Applicant's legal advice - Section 8.2 Review (under separate cover) [⇒](#)

Description of Development (as amended): Proposed Camping Grounds and a Communal Camp Kitchen

Owner: Wayne Houghton

Applicant: Anthony Houghton c/o SET Consultants

Notification Dates: 11 November 2021 – 27 November 2021

No. of Submissions: 102 submissions by way of objection, including one (1) legal advice from objectors received outside of the notification period.

Purpose / Reason for consideration by Council

This report is being submitted to the Ordinary Meeting given the legal requirement for a decision of Council to be reviewed by Council and not a delegate of Council.

On 13 July 2021, the Development & Environment Committee resolved (MIN 21.437):

“That Development Application DA20/1621 for primitive camping grounds comprising six (6) tent sites and a communal camp kitchen building at Lot 2 DP 4498, 260 Mount Hay Road (Private), Broughton Vale be refused having regard to the reasons contained in Attachment 2 of this report”.

The applicant lodged a section 8.2 Review of the Determination by Council to refuse to grant development consent. Therefore, the review of the determination must be reviewed by Council and not by a delegate of Council.

This review must be determined within 12 months of the determination of the original DA (being before 13 July 2022).

Recommendation

That Council confirm the determination of DA20/1621 for the refusal of Development Application No. DA20/1621 *camping grounds comprising six (6) tent sites and a communal camp kitchen building* for the reasons as outlined in this report.

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Options

1. Not support the section 8.2 Review and reconfirm the refusal of DA20/1621.

Implications: The refusal as originally issued would stand.

2. Support the Section 8.2 review.

Implications: This will enable development consent to DA20/1621 to be issued. Conditions of consent would need to be drafted and a consent issued by Council before 13 July 2022. In this manner the Council would need to determine to approve the DA and delegate the drafting and issuance of the consent back to staff to meet the required timeframes.

3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

Location Map



Figure 1 – Location Map – Site Context

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Figure 2 – Location Map indicating the location of the proposed camping ground (approx.)

CL22-204

Background

Proposed Development (as amended)

This application is a formal review of the determination of DA20/1621 which was refused at Council's Development and Environment Committee on 13 July 2021. The application proposed under the refused development application (DA), DA20/1621, was for *"primitive camping grounds catering for a total of 12 guests, consisting of six (6) tent sites each provided with individual amenities."*

The proposal has been modified under this section 8.2 review application to be for the purpose of *camping ground*, as defined under *Shoalhaven Local Environmental Plan (SLEP) 2014*. Therefore, the description of the proposed development for consideration by Council is for, *"Proposed Camp Ground including a communal camp kitchen"*.

The applicant proposes the use and development of the site for a camping ground for a total of 12 guests, consisting of six (6) tent sites and a communal camp kitchen. The tent sites are proposed to be located on the north-western portion of the subject site (refer to Figure 2), with the proposal seeking consent for use of a 3ha area as a camping ground (noted in the plans at **Attachment 2**).

The cover letter submitted with the application states that, *"Traditional portable lightweight temporary tents will be used to accommodate guests"*. A camping ground, as characterised in the SLEP 2014 is defined as:

"an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park."

- Amenities & Onsite Effluent Disposal

The development as refused under DA20/1621 also provided each of the tent sites with permanent amenities and a timber platform for the tents. The platforms included ensuites and privacy screens with an outdoor bath placed on the deck. This formed a reason for the refusal of the DA (as detailed later in this report). The proposed application as sought under

this section 8.2 Review application has removed this from the proposal and the cover letter submitted with the section 8.2 application states:

“Ensuite amenities will still be provided to guests, however they too will be portable and lightweight. The portable amenities will be stored in an existing storage shed located onsite [when not in use].”

The proposal intends to use temporary amenities as indicated in the submitted cover letter and reproduced below at Figure 3.



Figure 3 – Extract of indicative images of ensuite amenities

The proposed development requires onsite effluent disposal, as reticulated sewer is not available to the subject site. The submitted details with the application has advised:

“the wastewater will be collected in a septic tank connected to soil absorption trenches. The camp kitchen and six service connection points will be provided (water and proposed onsite waste disposal). The services connection points will utilise valve systems to allow the temporary amenities to be connected and disconnected when not in use” (Cover letter, SET Consultants, 29/10/21).

“For the toilet there will be a 100mm pipe out of the ground with a screwed cap for disconnect/reconnect. When not in use there will be a cap installed on both the septic and toilet ends. Before disconnecting it is recommended that the toilet be cleaned and flushed twice to ensure the pipes are clear. For the shower there will be a finishing collar and grate with gully which the shower water can drain to. As with the toilet when not in use a cap will be installed on both openings” (Email correspondence, Applicant, 27/5/2022).

- Camp Kitchen

A camp kitchen is provided centrally to the campground and is intended to provide amenities to be shared by guests staying at the camp ground, including an accessible bathroom, kitchen, dining area, along with a store room. The structure is designed with a secondary purpose as a refuge building in the event of a bushfire should evacuation of the site is not feasible.

The camp kitchen has a gross floor area (GFA) of 87m² (refer plans at **Attachment 2**), noting the outdoor deck areas do not for part of the GFA calculation.

The applicant has also submitted an updated Operational Plan of Management (POM) with the section 8.2 application, which sets out the management procedures for the safe and effective management of the proposed camping grounds.

It is noted that the grounds are to be staffed and managed by existing personnel who live at the subject site.

- Access driveway and parking

The site is accessed by a Right of Way (ROW) known as Mount Hay (private) Road. The site and several other allotments to the north of this site benefit from the ROW that burdens Lot 102 and Lot 103 DP 786955 which are located to the south, with Lot 102 adjoining at the southern boundary of the subject site. Mount Hay (private) Road comprises sections of Crown road reserve and Rights of Way through Lots 102 and 103.

The ROW that extends to the west from Mount Hay (private) Road is proposed to be used to access the camp site, with a 3m wide gravel track to be extended to the proposed camp kitchen (refer to Figure 6). The application states that the track location is currently used by maintenance vehicles (tractors, farm vehicles etc) to access the site.

The application as submitted under DA20/1621 also proposed items/works within Mount Hay (private) Road, including passing bays, traffic signs and tree trimming which were to be located within the Right of Way. This component of the proposal was proposed by the applicant in response to the Rural Fire Service (RFS) access requirements.

This has been removed from the subject section 8.2 Review application. It is however still required as a condition of consent by the RFS.

In relation to parking, each tent site is to be provided with one (1) vehicle parking space. A total of seven (7) onsite parking spaces are proposed and these are to be provided adjacent to the camp kitchen.

Subject Land

The development site is Lot 2 DP 4498 (260 Mount Hay Road (Private), Broughton Vale). Refer to Figure 1.

Site & Context

The development site:

- Contains an existing tourist and visitor accommodation facility known as the Mt Hay Retreat. There are also a number of ancillary structures and dams on the site. There is scattered vegetation throughout the site, however, the area to be developed as part of this application is cleared.
- Is zoned E3 Environmental Management. The items/works proposed within Mount Hay (private) Road is land zoned RU1 Primary Production and RU2 Rural Landscape.
- Is 47.30ha in area.
- Is identified as being partially bush fire prone land.
- Has access via Mount Hay (private) Road.
- Adjoins land zoned E3 Environmental Management, RU1 Primary Production and RU2 Rural Landscape (Figure 4).

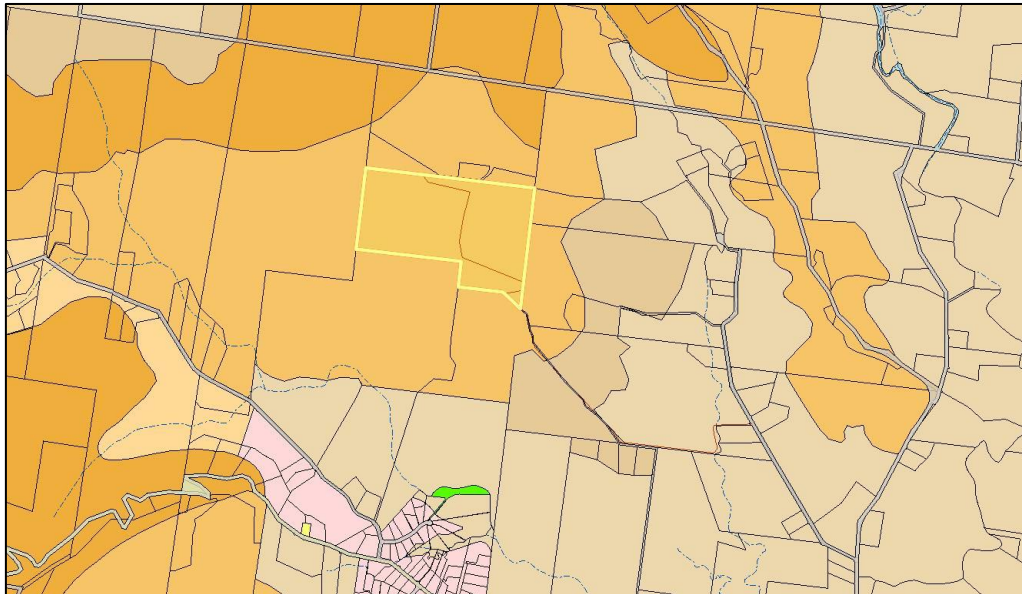


Figure 4 – Zoning Extract

History

The following provides details on the DA and section 8.2 application for context:

- Development Application No. DA20/1621 was lodged on 26 June 2020 as ‘*Primitive camping grounds comprising six (6) tent sites and a communal camp kitchen building*’.
- Councillors called in the application due to public interest and concern on 1 September 2020 (MIN20.603).
- At its meeting on 13 July 2021, the Development & Environment Committee refused the DA for the following reasons (MIN 21.437):
 1. *The development application does not meet the definition of camping ground and has not provide sufficient information to demonstrate the development meets the planning requirements of tourist and visitor accommodation (Section 4.15(1)(a)(i) of Environmental Planning and Assessment Act, 1979.)*
 2. *The development application has not been made with the consent of relevant landowners in relation to the items/works proposed within Mount Hay (private) Road, in accordance with clause 49(1) of Environmental Planning and Assessment Regulation 2000. (Section 4.15(1)(a)(iv) of Environmental Planning and Assessment Act, 1979.)*
 3. *Having regard to the number of submissions received objecting to the proposal and the issues raised, it is considered that the site is not suitable for the proposed development and approval would not be in the public interest. (Section 4.15(1)(d) of Environmental Planning and Assessment Act, 1979.)*
 4. *Having regard to the issue of owner’s consent, the granting of development consent is not considered to be in the public interest. (Section 4.15(1)(e) of Environmental Planning and Assessment Act, 1979.)*
- On 9 November 2021 the applicant lodged the subject section 8.2 Review application.
- Additional information was requested on two occasions for the subject DA, once being 30 November 2022 to respond to the submissions received and once on 31 May 2022 to provide an updated Operational Management Plan to reflect the amended proposal as a

camping ground. This information was responded to on 24 January 2022 and 3 June 2022 respectively.

Issues

Section 8.3(3) – Substantially the same Development

As outlined in the attached Planning Report (**Attachment 1**), section 8.3(3) of the EP&A Act states that:

“In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development”. (emphasis added)

The development as amended has removed the works to the proposed access road from the application, however the intensification of the road is an essential item to be addressed prior to the operation of the DA for a camping ground per the terms of the right of way over Mount Hay Road (priv) as outlined in the legal advice obtained by Council (**Attachment 3** – under separate cover – Confidential).

The need for upgrade works to the ROW in light of the intensification of the use of the site is an essential component of the development, and in removing the proposed upgrade works from the DA, it is not considered that the amended proposal is substantially the same development as that which was originally determined.

Accordingly, considering that Council can only review the matter having regard to the amended development if it is considered to be substantially the same development, it is considered that:

- The amended application is not capable of review under the subject section 8.2 review; and
- Accordingly, the original reasons for refusal are still relevant; and
- It is recommended that the original reasons for the refusal of the subject DA be confirmed.

Section 8.3(3) – Review of application as amended

Should Council be of an opinion that the development as amended *is* substantially the same as the original refused DA, the planning assessment at **Attachment 1** concludes that of the four reasons for the refusal under DA20/1621, only reason 1 (being the permissibility and characterisation of the development as camping ground) would be satisfactorily addressed through the consideration of the amended plans.

Planning Assessment

The DA was previously assessed under s4.15 and not found to be capable of support. Council at its meeting of the Development & Environment Committee on 13 July 2021 resolved to refuse the DA.

The applicant has requested a review of the determination under section 8.2 of the EP&A Act. This review has found that the proposed development as amended is not considered substantially the same as the original development as determined, and accordingly the refusal of the original application is recommended to be upheld.

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Further to this, should Council be of a mind to consider the application as modified is substantially the same development, Council still has no power to approve the subject application (as amended) due to the section 88E restriction over the right of way of Mount Hay Road (priv).

This restriction states that if the traffic generation on the road were to increase as a result of further development on any lots that use the private road, that the owner of the subject site needs to apply to Council to 'release, vary or modify the terms of the restriction'. This request has not been made, and further would require the owner's consent of other benefiting land owners in order to be modified.

Additionally, as the proposed development has impact on this access road through intensification of the use (regardless of the proposal being modified to remove any works to the road), this would still require owners' consent of the other land owners, which has not been provided.

Accordingly, the refusal of the application is considered to be warranted and Council is recommended to uphold the refusal of DA20/1621 for the reasons outlined in the original Notice of Determination.

Consultation and Community Engagement

Notification was undertaken in accordance with Council's Community Consultation Policy with letters being sent within a 200m buffer of the site and the Community Consultation Bodies and Chambers of Commerce notified (being the Berry Forum and Berry Chamber of Commerce). The notification period was for a 14 day period from 29 July 2020 to 13 August 2020 for the original application and 11 November 2021 to 27 November 2021 for the section 8.2 Review of Determination.

One hundred and fifty-eight (158) public submissions were received in relation to Council's notification during the assessment of the original DA. 102 public objections from 98 households were received to the section 8.2 application notification period, including an objection from the Berry Forum and legal advice prepared by Barker Ryan Stewart (BRS) on behalf of the owners of 291a Mount Hay Road Broughton Vale.

It is noted that eleven (11) of the objections were redacted for the purpose of publication on DA Tracker due to the contents including perceived defamatory or disparaging comments. The redaction did not affect the intent or issues raised in the objections and have been read in full by staff making the assessment of this application.

It is further noted that of the 100 submissions from the public (i.e., excluding the Berry Forum and BRS submission), 45 submissions reference the Berry Forum and indicate their agreement with the concerns and objections raised in that submission.

A full assessment of the submissions received to the development as amended is included at **Attachment 1**.

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.

Legal Implications

An applicant who is dissatisfied with the determination of the original determination to refuse the Development Application or any determination of the section 8.2 Review of Determination

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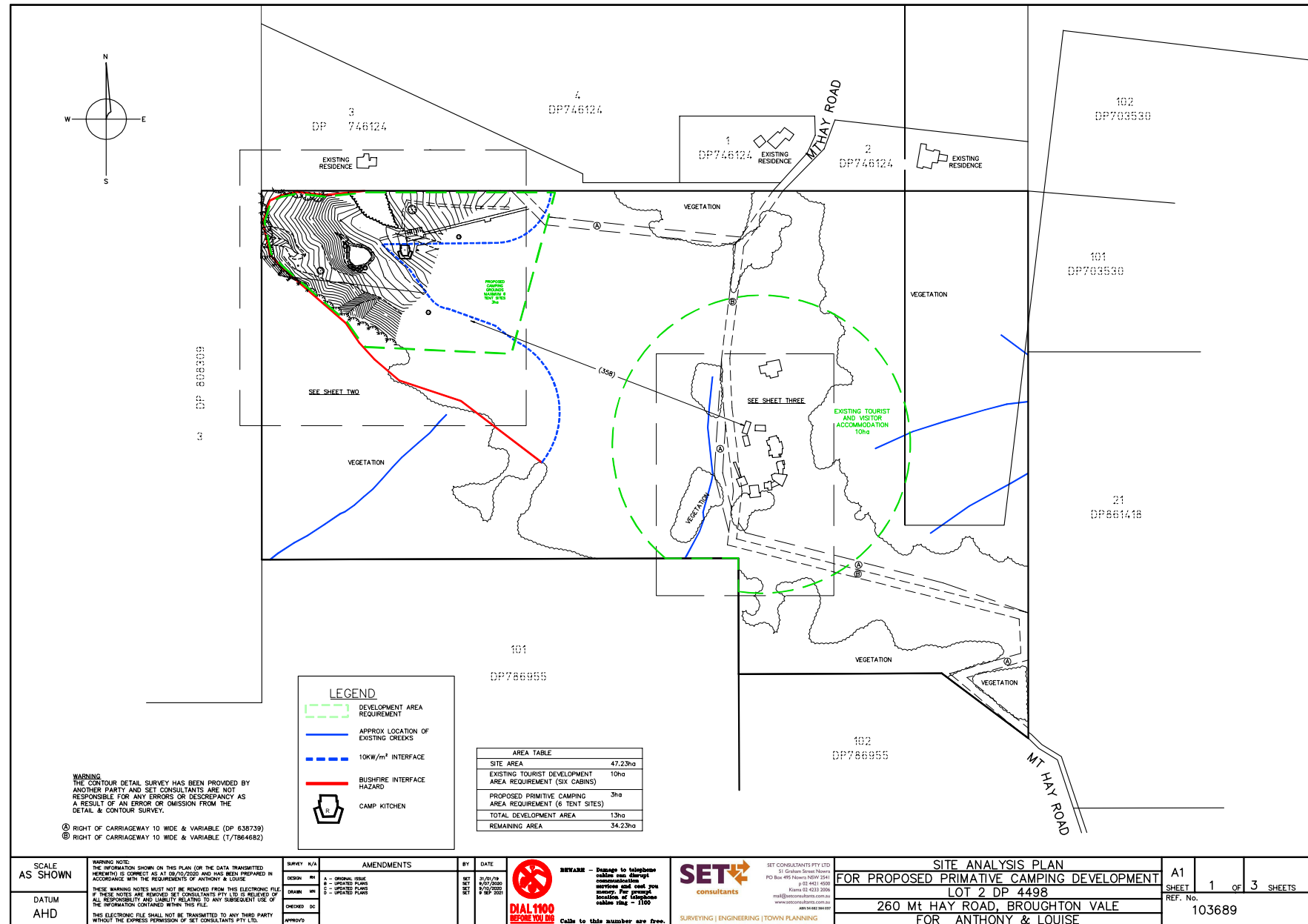
by the Council may also appeal to the Court against the determination pursuant to section 8.7 of the EP&A Act.

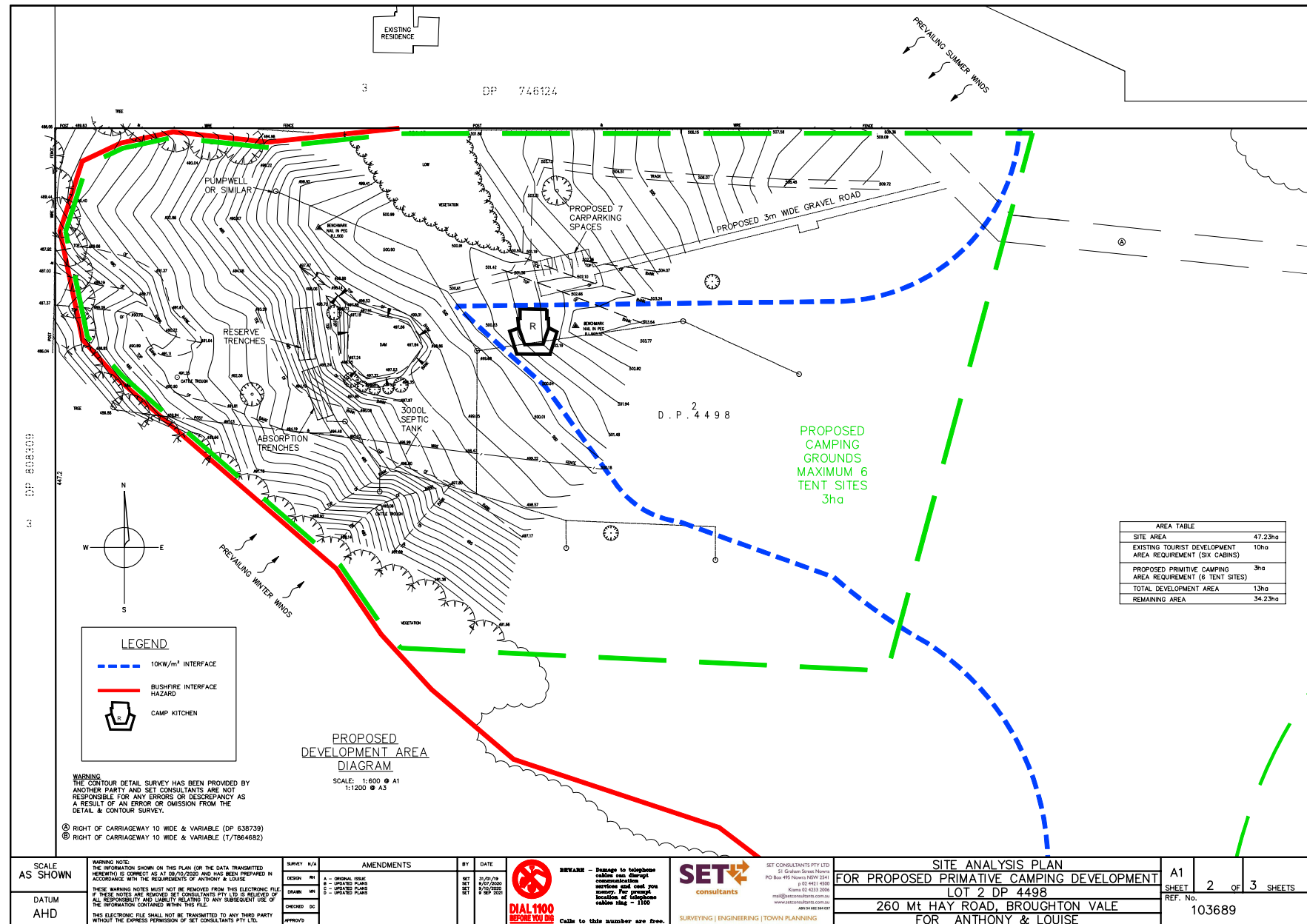
Applicants can choose to do both, setting aside the Appeal pending resolution of the section 8.2 Review, noting there are strict time limitations with respect to lodging an appeal.

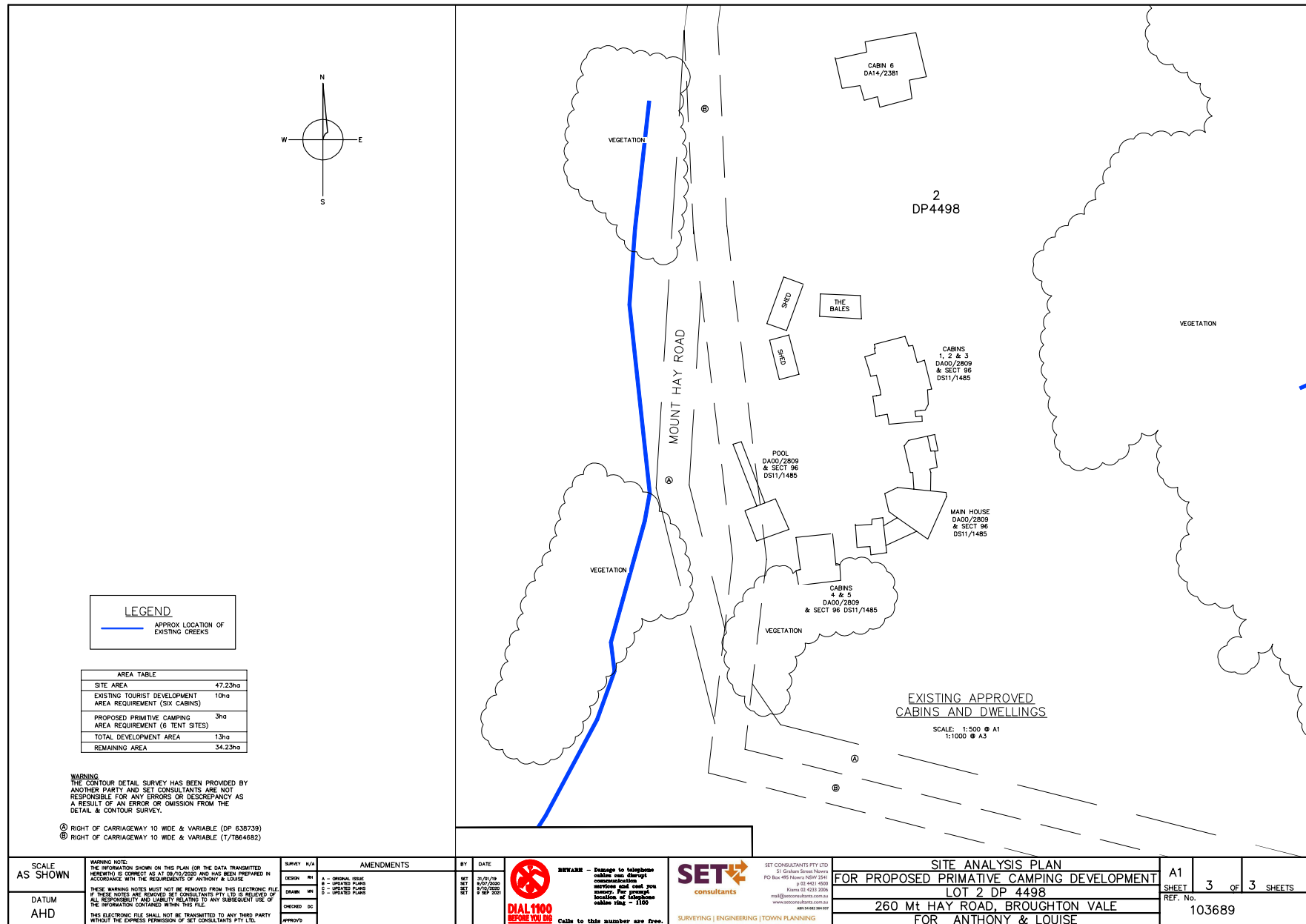
Summary and Conclusion

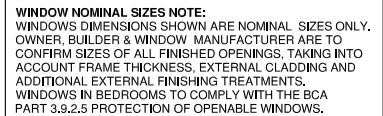
Having regard to the section 8.2 Review of Determination, the proposal as recommended for refusal under DA20/1621 remains relevant. Accordingly, per section 8.4 of the EP&A Act, after conducting the review of the determination it is recommended that Council confirm the determination of refusal.

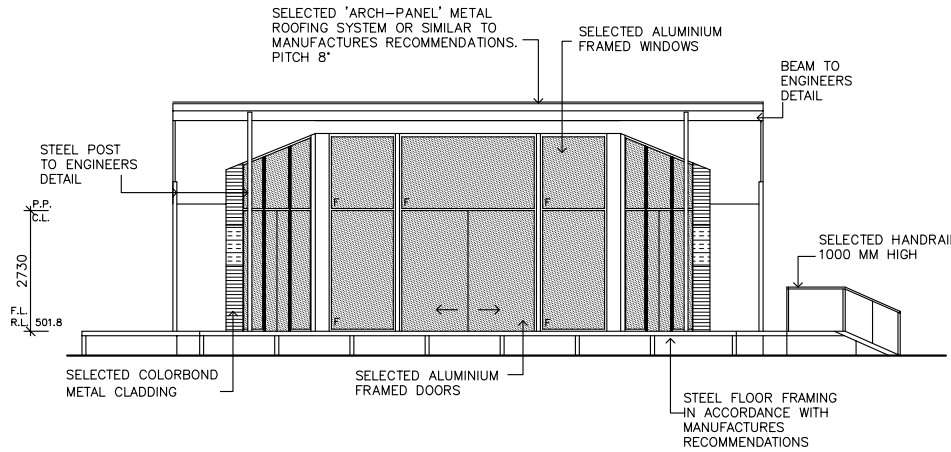
CL22.284



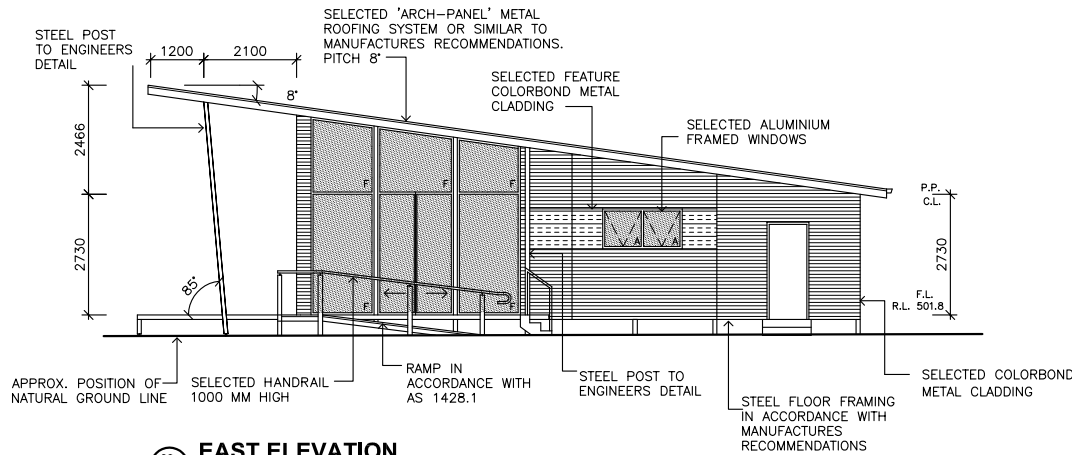








02 **SOUTH ELEVATION**
SCALE 1:100



03 **EAST ELEVATION**
SCALE 1:100

NOTE: BUILDERS ARE TO CHECK ALL DIMENSIONS, SITE LEVELS AND WINDOW NOMINATIONS PRIOR TO COMMENCEMENT OF WORK AND OR MATERIAL ORDER, ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BY- DESIGN SHALL NOT BE RESPONSIBLE FOR ANY MISCONSTRUCTIONS DO NOT SCALE FROM THIS DRAWING.

BUSHFIRE NOTE:
THE SITE HAS BEEN CLASSIFIED AS BEING BUSHFIRE PRONE BY S.C.C.
INNER AND OUTER ASSET PROTECTION ZONES ARE TO BE MAINTAINED IN ACCORDANCE WITH THE REPORT PREPARED BY ECOLOGICAL REPORT No. 19HNG-10672. DATED 22ND AUGUST, 2019. AND RURAL FIRE SERVICE.

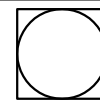
NOTE :
BY DESIGN DOES NOT WARRANT THE CONSTRUCTION OF THE NEW OR EXISTING BUILDINGS IN ANY WAY AGAINST DEVASTATION BY BUSH FIRES.

COLOUR SCHEDULE:
ROOF: COLORBOND IRONSTONE
EAVES: SURFMIST
WALLS: COLORBOND PAPERBARK
WINDOWS: IRONSTONE
DOORS: RIVERSAND
DECK: MODWOOD SILVER GUM BRUSHED

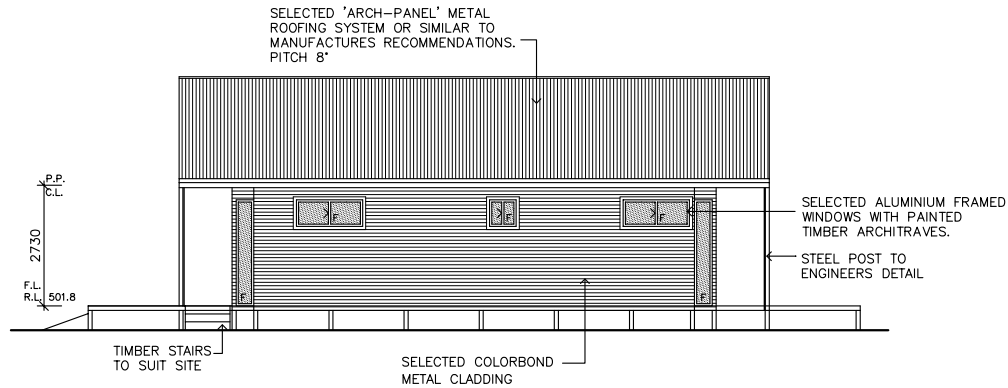
No	DATE	AMENDMENT
A	30.04.20	DEVELOPMENT APPROVAL ISSUE

LEGEND:
CONC Concrete
CRS Colorbond Roof Sheeting
WB Weather Board Cladding
PAV Paving
TD Timber Decking
TS Timber Slats

by ~design



PROJECT: PROPOSED PRIMITIVE CAMPING	SCALE: 1:100 @ A3	03
SITE : 260 Mt HAY ROAD, BROUGHTON VALE	DATE : JULY 19	SHEET
LOT 2 DP 4498	DRAWN: P.G.	06
CLIENT: ANTHONY & LOUISE	CHECKED:	No. 20 007
DRAWING: KITCHEN LAYOUT	JOB No: 19AL-DA-A-03-A	

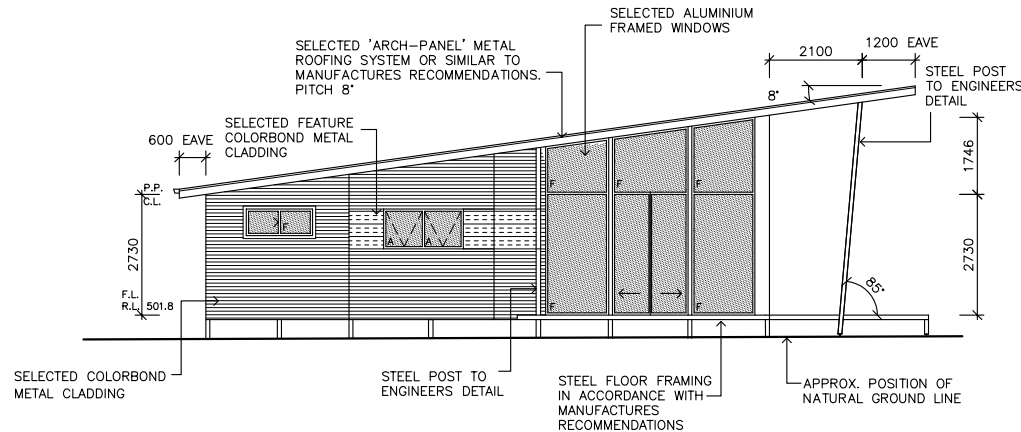


04
NORTH ELEVATION
SCALE 1:100

NOTE: BUILDERS ARE TO CHECK ALL DIMENSIONS, SITE LEVELS AND WINDOW NOMINATIONS PRIOR TO COMMENCEMENT OF WORK AND OR MATERIAL ORDER. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BY- DESIGN SHALL NOT BE RESPONSIBLE FOR ANY MISCONSTRUCTIONS DO NOT SCALE FROM THIS DRAWING.

BUSHFIRE NOTE:
THE SITE HAS BEEN CLASSIFIED AS BEING BUSHFIRE PRONE BY S.C.C.
INNER AND OUTER ASSET PROTECTION ZONES ARE TO BE MAINTAINED IN ACCORDANCE WITH THE REPORT PREPARED BY ECOLOGICAL REPORT No. 19HNG-10672. DATED 22ND AUGUST, 2019. AND RURAL FIRE SERVICE.

NOTE :
BY DESIGN DOES NOT WARRANT THE CONSTRUCTION OF THE NEW OR EXISTING BUILDINGS IN ANY WAY AGAINST DEVASTATION BY BUSH FIRES.

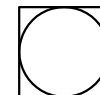


05
WEST ELEVATION
SCALE 1:100

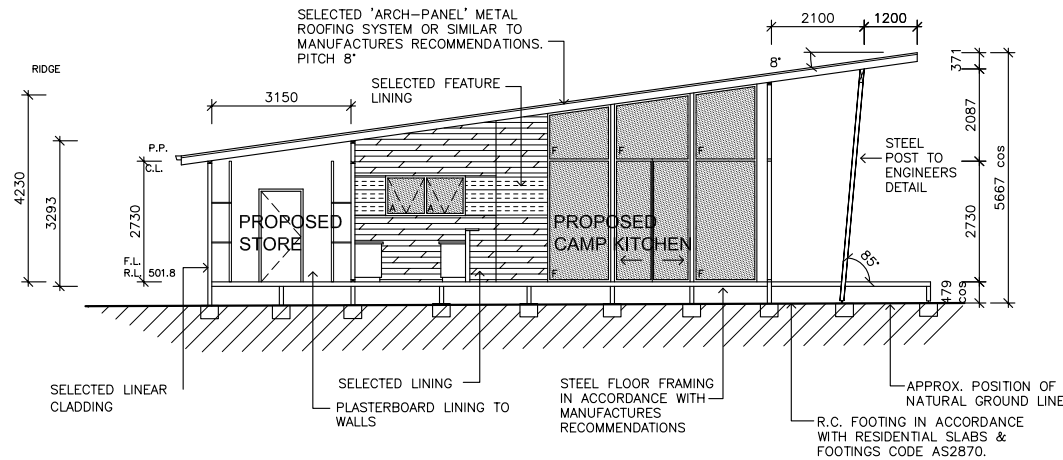
No	DATE	AMENDMENT
A	30.04.22	DEVELOPMENT APPROVAL ISSUE

LEGEND:
CONC Concrete
CRS Colorbond Roof Sheeting
WB Weather Board Cladding
PAV Paving
TD Timber Decking
TS Timber Slats

by ~design



PROJECT: PROPOSED PRIMITIVE CAMPING	SCALE: 1:100 @ A3	04
SITE : 260 Mt HAY ROAD, BROUGHTON VALE	DATE : JULY 19	SHEET
LOT 2 DP 4498	DRAWN: P.G.	06
CLIENT: ANTHONY & LOUISE	CHECKED:	No IN SET
DRAWING: KITCHEN LAYOUT	JOB No: 19AL-DA-A-04-A	



06 SECTION A
SCALE 1:100

NOTE: BUILDERS ARE TO CHECK ALL DIMENSIONS, SITE LEVELS AND WINDOW NOMINATIONS PRIOR TO COMMENCEMENT OF WORK AND OR MATERIAL ORDER. ALL WORK IS TO BE IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA. BY- DESIGN SHALL NOT BE RESPONSIBLE FOR ANY MISCONSTRUCTIONS DO NOT SCALE FROM THIS DRAWING.

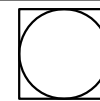
BUSHFIRE NOTE:
THE SITE HAS BEEN CLASSIFIED AS BEING BUSHFIRE PRONE BY S.C.C.
INNER AND OUTER ASSET PROTECTION ZONES ARE TO BE MAINTAINED IN ACCORDANCE WITH THE REPORT PREPARED BY ECOLOGICAL REPORT No. 19HNG-10672. DATED 22ND AUGUST, 2019. AND RURAL FIRE SERVICE.

NOTE :
BY DESIGN DOES NOT WARRANT THE CONSTRUCTION OF THE NEW OR EXISTING BUILDINGS IN ANY WAY AGAINST DEVASTATION BY BUSH FIRES.

No	DATE	AMENDMENT
A	30.04.22	DEVELOPMENT APPROVAL ISSUE

LEGEND:
CONC Concrete
CRS Colorbond Roof Sheeting
WB Weather Board Cladding
PAV Paving
TD Timber Decking
TS Timber Slats

by ~design



PROJECT: PROPOSED PRIMITIVE CAMPING	SCALE: 1:100 @ A3	05
SITE : 260 Mt HAY ROAD, BROUGHTON VALE	DATE : JULY 19	SHEET
LOT 2 DP 4498	DRAWN: P.G.	06
CLIENT: ANTHONY & LOUISE	CHECKED:	No. 21 067
DRAWING: OUT DOOR BATHROOM	JOB No: 19AL-DA-A-05-A	

CL22.285 Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry

HPERM Ref: D22/258095

Approver: Brooke Aldous, Governance Coordinator

Reason for Report

To inform Council that an addendum report will be submitted to the Ordinary Meeting 27 June 2022 regarding the Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry.

Recommendation

That the Introductory Report regarding the Addendum report – Access Agreement – Gas Pipeline – Shoalhaven Starches Bomaderry be received for information.

CL22.285

CL22.286 Open Space Master Planning - Prioritising the Way Forward

HPERM Ref: D22/211194

Department: Community Planning & Projects

Approver: Michael Paine, Manager - Community Connections

Reason for Report

To seek Council's endorsement on the way forward regarding the prioritisation of upcoming Master Plans for Council owned or managed parks, active and passive open space, or sports grounds and reserves.

Recommendation

That Council;

1. Adopt the following priority list of Master Plans for Council owned or managed land for upcoming budget expenditure:
 - a. Parramatta Park, Nowra
 - b. Rannoch Reserve, West Nowra
 - c. Crest Park, North Nowra
 - d. Edwards Avenue Reserve, Bomaderry
 - e. Depot Farm, West Nowra
 - f. Greenwell Point Foreshore Reserve
 - g. Francis Ryan Reserve, Sanctuary Point
 - h. Culburra Beach Community Centre
 - i. Wool Lane Sporting Complex, Sanctuary Point
2. Receive a future workshop and report at the completion of the above Master Plans, to re-prioritise other additional Master Plans that remain outstanding

Options

1. Adopt the recommendation

Implications: A priority list of Master Plans will allow Council Officers to systematically deliver Master Planning projects across the city. A Council approved Master Planning list will provide Council with an understanding on the timing and resources associated with delivering a Master Plan for parks and reserves.

2. Adopt the recommendation with amendment

Implications: As advised by Council.

3. Not adopt the recommendation and provide direction to staff.

Implications: This would not provide a strategic direction on the delivery of Master Plans for Council owned and managed parks and reserves. Council would not have an adopted way forward in the prioritisation and scheduling of Master Plans for parks and

reserves. The absence of a priority list may allow other future Master Plans to take the place of other high priority areas without justification.

Background

Creating a Master Plan for Council owned, or managed public open space provides direction for how a particular area can develop into the future. Master Plans are a high-level strategic plan, intended to set out objectives and strategies to manage development and change over time. 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 beneficial for grant funding applications, allowing a streamlined process that can aid staff and the future strategic direction of Council. 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'.

The Social Infrastructure Planning (SIP) team have a list of Master Plans to be completed on their work program. These Master Plans have been requested or nominated through the following sources:

- Identified through the Community Infrastructure Strategic Plan
- Identified through the Park Hierarchy, a classification of park infrastructure based on the economic and community value of a park
- Notice of Motions
- Community request for Master Plans
- Competing community interest for projects on a specific site.

In order to prioritise the work program within the SIP team, a proposed Master Plan Priority List was reported to Council at the Ordinary Meeting on 21 February 2022. As a result of the meeting, Council 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.*

In accordance with the above resolution, a workshop with the Councillors was arranged.

Councillor Workshop - Master Plan Priority List

On Thursday 19 May 2022, a workshop was held at the Councillor Briefings in order to prioritise the delivery of outstanding Master Plans.

The SIP team presented the list of outstanding Master Plans on their work program, which are provided below in alphabetical order:

- Barker Reserve, Burrill Lake
- Callala Bay Sports Park, Callala Bay
- Culburra Beach Community Centre, Culburra Beach
- Edwards Avenue Reserve, Bomaderry
- Elliott Reserve, Currarong
- Francis Ryan Reserve, Sanctuary Point

- Greenwell Point Foreshore Reserve, Greenwell Point
- Greys Beach, North Nowra
- Harry Sawkins Park, Nowra
- Huskisson Foreshore Precinct, Huskisson
- Huskisson Sportsground, Huskisson
- Mollymook Beach Reserve, Mollymook
- Plantation Point Reserve, Vincentia
- Ulladulla Foreshore and Apex Park, Ulladulla
- Wool Lane Sporting Complex, Sanctuary Point

This list was provided to Councillors for discussion, debate, and potential reprioritisation.

Councillors expressed their intent to prioritise the Master Planning of sites where there is a high level of community need and gaps in the provision of social infrastructure. Councillors proposed additional sites where a completed Master Plan would provide a high benefit to the community.

As a result of the workshop, the prioritisation of upcoming Master Plans was completed and provided below in Table 1.

Masterplan	Categorisation	Priority
Parramatta Park, Nowra	District Recreation Park	1
Rannoch Drive Reserve, West Nowra	Local Recreation Park	2
Crest Park, North Nowra	Local Recreation Park	3
Edwards Avenue Reserve, Bomaderry	Local Recreation Park	4
Depot Farm, West Nowra	Local Recreation Park	5
Greenwell Point Foreshore Reserve	District Recreation Park	6
Francis Ryan Reserve, Sanctuary Point	District Sports Park	7
Culburra Beach Community Centre	Local Community Centre	8
Wool Lane Sporting Complex, Sanctuary Point	District Sports Park	9

Table 1 – Master Plan Priority List

The above priority list excludes the following Master Plans that were initially workshopped:

- Barker Reserve, Burrill Lake
- Callala Bay Sports Park, Callala Bay
- Elliott Reserve, Currarong
- Greys Beach, North Nowra
- Harry Sawkins Park, Nowra
- Huskisson Foreshore Precinct, Huskisson
- Huskisson Sportsground, Huskisson
- Mollymook Beach Reserve, Mollymook
- Plantation Point Reserve, Vincentia
- Ulladulla Foreshore and Apex Park, Ulladulla

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Councillors expressed their intention that at the completion of the above priority list, the outstanding Master Plans are reported back to Council to determine a revised priority list, to reflect the community need at that time.

Councillors also expressed their intention to hold off on delivering significant infrastructure upgrades to other Council owned/managed land until a Master Plan has been completed. This will allow Council to focus on sites that have an endorsed Master Plan and the strategic future direction for the site is known.

Impacts to outstanding projects

Pending Council's resolution, excluding and delaying the master planning of other sites will impact some identified projects that have been raised via notice of motions or resolutions. The impacts are covered in the table below. This is based off the Master Plans that are excluded from the proposed priority list.

Location	Minute	Resolution	Comment
Mollymook Beach Reserve	MIN21.310	That Council: 1. Make safe, and program the upgrade of the Mollymook Foreshore Reserve on the water's edge immediately east of the Mollymook Surf Lifesaving Club. 2. Seek grant funding to complete the project. 3. Give high priority to the completion of Stage 2	The safety improvement adjacent to the surf club are complete. Partial completion of stage 2 will be addressed during upcoming coastal protection works. The remainder of stage 2 works will be outstanding until a master plan is completed
Barker Reserve, Burrill Lake	MIN20.754	That Council (in part): 3. Provide advice and assistance to the Burrill Lake Action Group, Burrill Lake Community Association and Burrill Lake Community to prepare a community driven masterplan for Barker Reserve that is consistent with the core objectives of the Park category, the Community Infrastructure Strategic Plan and the Plan of Management.	Council staff will not be able to contribute funding or resources to this project. All works will require to be community driven.

Next Steps

Pending Council's resolution and funding submissions being approved, the SIP team will commence to deliver the proposed Master Planning Priority List.

Council's approval of this priority list of Master Plans will provide the framework for the SIP Team to prepare budget submissions to deliver the improvements and infrastructure identified in the adopted Master Plans in the forward budget out years.

With the allocation of funding, staff can progressively and systematically commence the Master Planning process for the active and passive open spaces noted in Table 1. This places Council in a much stronger position to secure external funding through grant funding applications as it provides a strategic approach, rigour in the planning process, and that community engagement and consultation have been undertaken.

It should be noted that funding bodies are now requesting copies of endorsed Master Plans for grants funding community infrastructure. Having an endorsed Master Plan for a site would increase the chances of attracting grant funding to deliver community infrastructure.

It is proposed to review the priority schedule of Master Plan at the completion of projects listed in Table 1 and re-submit to Council to inform the work program for the upcoming financial years and assist in allocation of resources. This will also allow for new and emerging priorities to be considered along with any Council resolutions.

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Community Engagement

All Master Plans involve significant community engagement. The engagement method is designed to suit the site that is being planned but at a minimum would include:

- Consultation with internal staff, external users of a site, advisory committees, Local Aboriginal Land Councils, Councillors, and the general public through a number of platforms
- Development of a Get Involved page on Council website
- Community Survey
- Public exhibition of draft Master Plan

A community engagement plan will be prepared at the inception of each Master Planning project.

Financial Implications

A simple Master Plan costs approximately \$50,000 but could be over \$100,000 depending on the complexity of the site. The SIP team has the capacity to manage 3 to 4 Master Plans being delivered by consultants each financial year.

Based on the list on Table 1, it is anticipated that there will be a requirement of approximately \$250,000 - \$300,000 indexed each year to complete the nominated Master Plans.

Risk Implications

An endorsed priority list with allocated funding will enable Council to be better prepared for grant funding opportunities, and well placed to deliver and achieve its strategic direction and meet community expectations for the future planning of its public open spaces.

Approving and funding a prioritised list of Master Plans also supports a transparent and systematic approach for the development and completion of Master Planning for the various locations across the City.

CL22.287 Crown Land Plans of Management - Outstanding Showgrounds - Progress to Public Exhibition

HPERM Ref: D22/189809

Department: Community Planning & Projects

Approver: Michael Paine, Manager - Community Connections

Attachments:

1. Kangaroo Valley Showground Draft Plan of Management (under separate cover) ➡
2. Milton Showground Draft Plan of Management (under separate cover) ➡
3. Berry Showground Draft Plan of Management (under separate cover) ➡

Reason for Report

To request Council's endorsement to proceed with the public exhibition of the Plans of Management prepared by the City Lifestyles Directorate, as required by the introduction of the new *Crown Land Management Act 2016*, subject to the consent of the Department of Planning and Environment (DPE).

If, at the end of the public exhibition period, no significant adverse feedback is received the Plans of Management are deemed adopted and are submitted to DPE.

If, at the end of the public exhibition period, Council receives significant adverse feedback, a further report will be prepared to Council for consideration prior to adoption and submission of the Plans of Management to DPE.

Recommendation

That Council:

1. Proceed to Public Exhibition of the following Plans of Management, upon receipt of Department of Planning and Environment consent:
 - a. Kangaroo Valley Showground draft Plan of Management
 - b. Berry Showground draft Plan of Management
 - c. Milton Showground draft Plan of Management
2. Undertake Public Exhibition of the draft Plans of Management in accordance with the Crown Land Management Act 2016 and Local Government Act 1993 for a minimum period of 28 days, and
 - a. If no significant adverse feedback is received as part of the public exhibition, the draft Plans of Management be finalised and deemed adopted pursuant to section 38 of The Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016; or
 - b. If significant adverse feedback is received as part of the public exhibition of the draft Plans of Management, Council to receive a report of the outcomes of the public exhibition period prior to adoption.
3. Upon adoption of the draft Plans of Management, forward a copy of the adopted Plan of Management to the Department of Planning and Environment for record purposes.
4. Rescind the following Plans of Management upon adoption of the new Plans of Management in Item 2 of this resolution:
 - a. Kangaroo Valley Showground Plan of Management (D13/164176)

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- b. Berry Showground Plan of Management (D11/116100)
- c. Milton Showground Plan of Management (D11/116086)

Options

1. Adopt the recommendation.

Implications: This will allow Council to fulfil its legal obligations under the *Crown Land Management Act 2016*.

2. Adopt an alternative recommendation.

Implications: Depending on the alternative recommendation, it may result in Council not meeting its legal obligations to prepare a Plan of Management for Crown Reserves where Council are Crown Land Manager under the new *Crown Land Management Act 2016*.

Background

In 2018, the Crown Lands Act 1989 was rescinded and replaced by the new *Crown Land Management Act 2016 (CLM Act)*.

Section 3.26(6) of the CLM Act requires that Council adopt a Plan of Management (PoM) for any Crown reserve for which it is the appointed Crown land manager, and that is classified as 'Community Land' under the Local Government Act 1993.

Council was required to submit 'Initial Categorisation' prior to developing a draft PoM. Council submitted Initial Categorisations in July 2019. In November 2019, the guidelines surrounding how Initial Categorisations were changed, allowing Council to apply multiple categories to reserves with a single reserve purpose.

In February 2021, three new templates were released by the DPE. These templates requested significantly more detail. This resulted in the need to undertake a review and re-write the draft PoMs to date, to ensure they aligned with the new requirements and further information included and entered the new template.

Another process that must be factored into the timeline for preparation of a draft PoM is the requirement to receive Native Title Manager advice.

In Mid-2021, the deadline for PoM submission under the Crown Land Management Act 2016 was removed. This was based on feedback from NSW councils and considered factors such as COVID, natural disasters and bushfires.

Given the removal of the PoM submission deadline, Council has continued to commence the draft PoMs for the Kangaroo Valley, Berry, and Milton Showgrounds.

Process

The legislation requires that the preparation of PoMs be undertaken in the following manner:

Step 1	Drafting the Plan of Management <ul style="list-style-type: none"> • The PoM should meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land. • Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the PoM to be lawfully authorised. • Council must obtain written advice from a qualified native title manager that the PoM and the activities under the PoM comply with the NT Act.
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Step 2	Notifying the landowner <ul style="list-style-type: none"> The department as the landowner is to be notified of the draft PoM prior to public exhibition of the plan under section 39 of the Local Government Act 1993 Councils are required to seek the department's consent to alter the categorisations in the draft PoM. The department's consent can be sought at the same time as notifying the landowner in the draft plan.
Step 3	Community consultation <ul style="list-style-type: none"> Councils are required to publicly exhibit the PoM under section 38 of the Local Government Act 1993 Where Council's first PoM alters the initial categorisation, or where Council prepares a subsequent PoM that amends the previous plan, public hearings are required.
Step 4	Adopting a Plan of Management <ul style="list-style-type: none"> Council resolution of a PoM that covers Crown Land should note that the PoM is adopted pursuant to section 40 of the Local Government Act in accordance with section 3.23(6) of the CLM Act. Once Council has adopted the PoM, a copy of the adopted PoM should be forwarded to the department for record purposes.

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Council has the option of preparing a Generic or Site-Specific PoM for their land. Council's City Lifestyles Directorate have prepared the following Site-Specific Plans of Management for the Kangaroo Valley, Berry, and Milton Showgrounds.

Site Specific Plans of Management

Showgrounds host a lot of different activities and may have a variety of buildings and other structures including grandstands, arenas, racetracks, pavilions, parking areas, amenities blocks and sheds. Usage can range from small to large groups of regular, low-key users, to major events attracting thousands of visitors. Site Specific PoMs have been prepared for a number of Crown Reserves. This report is seeking Council's resolution on the following draft PoMs:

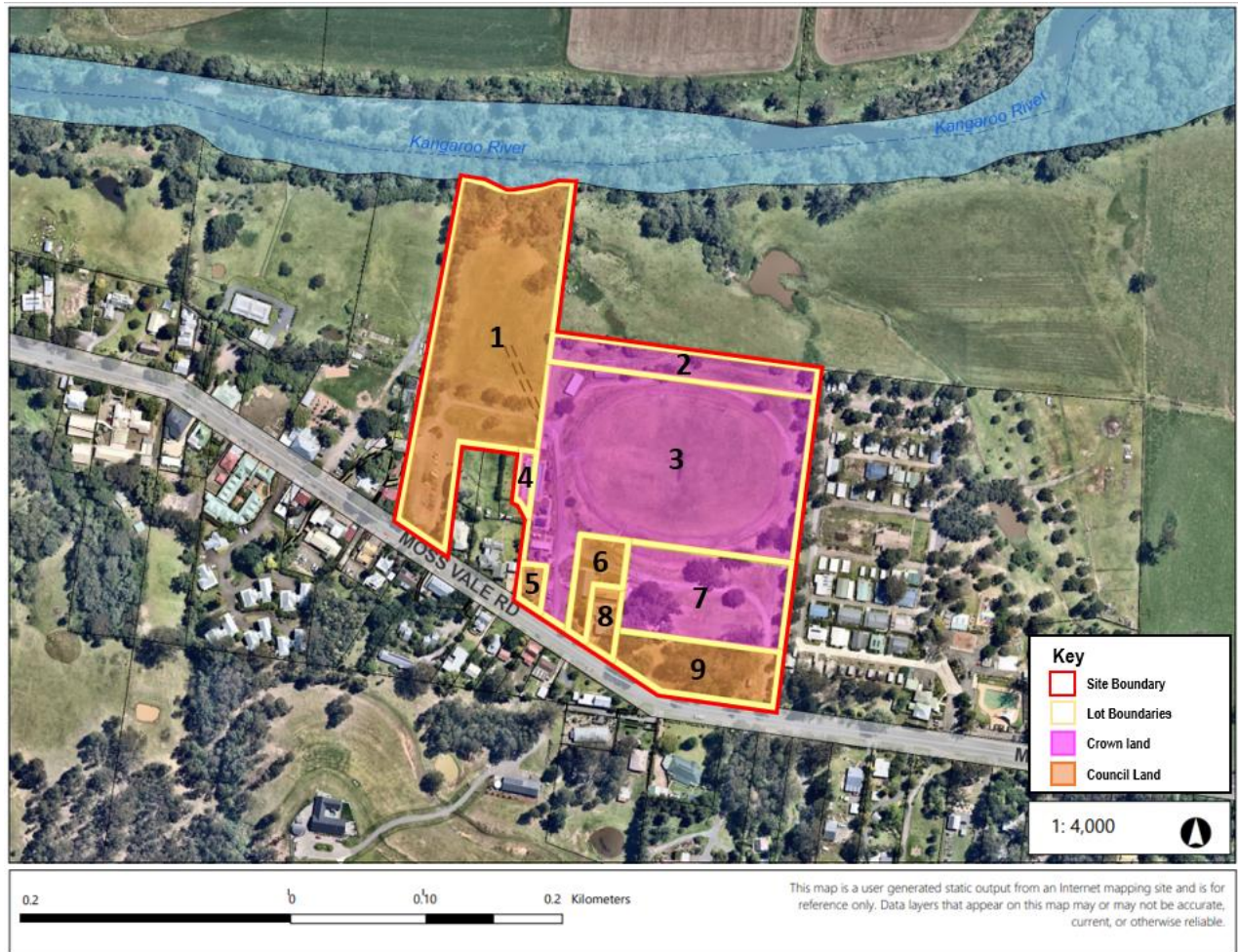
- Kangaroo Valley Showground
- Milton Showground
- Berry Showground

The above draft PoMs have been prepared and are currently with Council's Native Title Manager for advice. Subject to advice from this review these are ready to be submitted to the DPE and subject to consent of the DPE, the draft PoMs can be placed on public exhibition. The numbers on some of the images relate to a table of land parcels in the PoMs.

Kangaroo Valley Showground Plan of Management

The site-specific PoM has been prepared due to various uses of the land and as an update to the previous Kangaroo Valley Showground PoM. The PoM has been prepared by Council staff. The PoM for the site will guide a future master plan and support future investment in the Showground.

The draft Kangaroo Valley Showground Plan of Management can be viewed in [Attachment 1](#).



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Milton Showground Plan of Management

The site-specific PoM has been prepared due to various uses of the land and as an update to the previous Milton Showground PoM. The PoM has been prepared by Council staff. The PoM for the site will guide a future master plan and support future investment in the Showground.

The draft Milton Showground Plan of Management can be viewed in [Attachment 2](#).



Berry Showground Plan of Management

The site-specific PoM has been prepared due to multiple uses of the land and as an update to the previous Berry Showground PoM. Council staff, in coordination with the Management Committee and Gondwana Consulting, have also been in the process of preparing a Master Plan for the site that will follow the PoM. The Master Plan for the site, in line with the PoM, will guide future use and investment at the Showground.

The draft Berry Showground Plan of Management can be viewed in [Attachment 3](#).



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Next Steps

The draft PoMs for the Kangaroo Valley, Berry, and Milton Showgrounds are currently with Council's Native Title Manager for advice. Once this step is concluded they are to be referred to the DPE.

Upon receipt of DPE Consent, Council is then able to place the documents on Public Exhibition under section 38 of the Local Government Act 1993, the Public Exhibition period will include a 28-day exhibition with a time of 42 days from the start of the exhibition period for submissions to be made.

Policy Implications

The new PoMs that have been prepared will supersede any existing PoMs. These existing PoMs will need to be rescinded by Council. This specifically refers to the following:

- Kangaroo Valley Showground Plan of Management
- Berry Showground Plan of Management
- Milton Showground plan of Management

Any future Master Plans for these sites will be consistent with the relevant PoM, and any works must not result in any material harm to the reserve purpose of the Crown reserve.

Many of the current PoMs included Masterplan or Landscape Plan elements, this may be adapted into standalone Master Plans without being tied to the legislative requirements of a PoM. However, there is likely to be a financial implication if new Master Plans are to be created for the above sites.

Financial Implications

Crown Lands allocated \$78,444 through the Council Crown Land Management - Plans of Management Funding Support Program, some of which were used to engage consultants to undertake various works required in the preparation of the PoMs.

Additional internal staff resourcing and budgets from the Community Planning and Projects team have also been used in the PoM review process in the City Lifestyles Directorate.

The costs associated with the public hearing for Berry Showgrounds PoM is included in the fee proposal from the consultant who completed the work.

CL22.288 Acceptance of Grant Funding - Create NSW Project Grant - Plant your Feet exhibition

HPERM Ref: D22/233408

Department: Arts & Culture

Approver: Michael Paine, Manager - Community Connections

Reason for Report

To seek Council's approval to accept \$58,000 (excl GST) from Create NSW as part of their Local Government Authority funding program to deliver the exhibition *Plant your Feet* by ceramicist and Shoalhaven artist Glenn Barkley

Recommendation

That Council:

1. Accepts the grant funding of \$58,000 (excl GST) from the Local Government Authority Arts and Cultural Program for the purposes of delivering a major exhibition over December / January 2022/23
2. Writes to Create NSW and The Hon. Benjamin Franklin, MLC, Minister for the Arts to thank them for the grant.

Options

1. Adopt the Recommendation

Implications: Shoalhaven Regional Gallery will be able to deliver all planned aspects of the exhibition celebrating the work of Glenn Barkley and his connection to the Shoalhaven.

2. Amend the Recommendation

Implications: Unknown currently

3. Reject the recommendation

Implications: The funding would not be received, and the exhibition would need to be reviewed to understand what we could deliver

Background

The Local Government Authorities Arts and Cultural Projects funding is an annual funding round delivered by Create NSW to support galleries, museums and other cultural organisations funded by LGAs to deliver creative, innovative, and sustainable arts and cultural programs and projects. For the 2022/23 funding round, 21 local councils were successful with projects worth more than \$2.3million.

The successful project from Shoalhaven Regional Gallery will support the delivery of our summer exhibition project *Plant your Feet*.

Plant your Feet is a homage to the Shoalhaven by noted Australia artist Glenn Barkley. Barkley grew up in the region and maintains strong connections through family. This exhibition will be the first solo show by Barkley in a regional gallery. *Plant your Feet* will be a

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multi-layered exhibition exploring responses to place, history and community through Barkley's ceramics, collages and objects borrowed from local collectors and organisations. The funding provides support for a fixed term Curator / Collections Officer to work with the artist and a range of local and regional collecting organisations as the exhibition develops. There is also funding for a PR consultant to support and lead a campaign promoting the artist, gallery, and exhibition.

Community Engagement

The exhibition project will have a large community engagement aspect with several elements proposed by the artist requiring community input. These include the delivery of a tiled structure which includes up to 1,000 tiles created by community members, opportunities to contribute paintings on specific themes and programs, talks and engagement activities throughout the exhibition period.

Community engagement aspects of the exhibition will be managed by the Gallery team, in particular the Education and Audience Development Officer.

Financial Implications

Create NSW require an independent financial contribution of at least 30% of the total project costs by the grant recipient. This project requires input of \$20,400 from the Arts and Culture budget. This money will be achieved through a combination of allocated funding in the 2022/23 operational budget and monies held in the donation account for Gallery projects and programs.

Risk Implications

There is a reputational risk associated with not accepting the grant. Funding has been announced by Create NSW, and the artist is aware that funding has been achieved to deliver the full project as planned.

CL22.289 Disability Inclusion Action Plan 2022/26 - Public Exhibition Outcomes

HPERM Ref: D22/242900

Department: Community Connections

Approver: Sarah Taylor, Manager - Library Services

Attachments:

1. Disability Inclusion Action Plan 2022-2026 (With Amendments) (under separate cover) [⇒](#)
2. DIAP Implementation Table Master [↓](#)
3. DIAP 2022-2026 Public Exhibition - Myositis Association submission [↓](#)

Reason for Report

The purpose of this report is to seek Council's endorsement of the Disability Inclusion Action Plan 2022-2026. The report provides a summary of the public exhibition process undertaken from 14 May to 12 June 2022 and outlines Council's response to these comments.

Recommendation

That Council:

1. Receive feedback provided by the community on the Draft Disability Inclusion Action Plan for information
2. Endorse the Disability Inclusion Action Plan 2022-2026 and supporting Implementation Plan with recommended amendments
3. Publish a copy of the endorsed Disability Inclusion Action Plan on Council's website
4. Lodge a copy of the Plan to the NSW Disability Council prior to June 30, 2022
5. Thank the community for providing their submissions as part of the exhibition process and provide a response to each submission, outlining the outcome and actions undertaken relating to the issues raised.

Options

1. To endorse the Disability Inclusion Action Plan 2022-2026

Implications: The Disability Inclusion Action Plan will be endorsed by 30 June 2022 as required by legislation.

2. Not endorse the recommendations and resolve to make changes to the Disability Inclusion Action Plan 2022-2026

Implications: Council would need to provide direction to staff in relation to any further amendments. There is a legislative requirement for the new Shoalhaven Disability Inclusion Action Plan to commence from 1 July 2022. If the Disability Inclusion Action Plan is not adopted at the Council meeting on 27th June 2022, Council will not meet these requirements.

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Background

The Shoalhaven Disability Inclusion Action Plan (DIAP) outlines Council's strategy to remove barriers and ensure equitable access to infrastructure, services, employment, and opportunities and promote the rights of people living with a disability in the Shoalhaven.

Since 2017, the NSW Disability Inclusion Act 2014 has required NSW Local Governments to undertake disability inclusion action planning every four years and always have a DIAP in place. The Act requires Local Government organisations to review their plan before the end of the 4-year period. The review must involve a consultation process, evaluation and updated DIAP as outlined in the Act.

All NSW Local Government organisations were granted a 12-month extension due to the impacts of Covid-19, and as a result the current Shoalhaven Disability Inclusion Action Plan 2017-2021 expires in July 2022.

Shoalhaven DIAP Development

In 2021, Council's Community Connections team commenced a review of the 2017-2021 DIAP and development of the new plan. Council engaged a consultant, The Flagstaff Group, and extensive community engagement was used to identify the priority areas for Council's inclusion work over the next four years. Community Connections worked with teams across Council to develop actions that will address the identified priorities. By developing the actions with the teams who will deliver them, we could ensure that the actions reflect the expert knowledge and experience of Council's teams.

The Shoalhaven Disability Inclusion Plan 2022-2026 represents Council's commitment to integrating inclusion into our work, with the aim of ensuring that people living with disability have fair access to services and can participate in life in the Shoalhaven.

To reflect the four key outcome areas recommended across the state, the DIAP is structured into the following focus areas:

1. Create Positive Attitudes and Behaviours Within Community
2. Create Accessible and Liveable Communities
3. Improve Access to Our Systems and Processes
4. Support Access to Meaningful Employment

Across the four focus areas, the Shoalhaven DIAP 2022-2026 identifies 15 priorities and 43 actions that will be undertaken. These actions are set out in the attached DIAP document, with further details on implementation resourcing provided in the document's Appendix 1.

The DIAP actions will be incorporated into the Integrated Planning and Reporting framework, and any actions that require additional funding outside of existing budgets will be integrated into Council's Operational Plans between 2022 and 2026.

The DIAP also uses Council's Annual Reports, required by the IP&R framework, to monitor and report annually on progress made in implementing the DIAP. This reporting informs the community on progress, and a copy is provided to NSW Disability Council to meet legislative requirements for DIAPs.

The Draft – Disability Inclusion Action Plan 2022-2026 – Public Exhibition Report (CL22.219) provided to Council at the Ordinary Meeting on 9 May 2022 resulted in the following resolution (MIN22.330):

That Council:

1. *Endorse the Draft Disability Inclusion Action Plan 2022-2026 for the purpose of placing on Public Exhibition for a period of 28 days to seek further community feedback.*

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2. *Receive a report on feedback from the community on the Draft Disability Inclusion Action Plan 2022-2026 following the 28 days public exhibition period.*
3. *Thank the community for their participation to date and invite further feedback during the public exhibition period.*

This report includes an overview of the community engagement activities, outlines any recommended changes, and presents the final draft Disability Inclusion Action Plan 2022-2026 to be endorsed.

Public Exhibition

In accordance with the resolution of Council, the Draft Disability Inclusion Action Plan was placed on public exhibition from 11 May until 12 June 2022.

The focus of the engagement process was to inform the community about the revised DIAP and to seek feedback on the draft document. Submissions could be made to Council either via the online Get Involved page or via email or letter to Council.

A Community Engagement Plan was implemented to ensure people living with a disability, their families, carers, local business, service providers and people living in the Shoalhaven were given the opportunity to send feedback on the Draft DIAP.

A Get Involved Page was established, and community was asked the following questions:

- Overall, how happy are you with the Draft DIAP 2022-26?
- What would you like to change?
- Would you like to provide any additional feedback?

Information on the DIAP public exhibition, including the link to the Get Involved page where people could submit feedback, was shared across a range of networks including Community Consultative Bodies, Advisory Committees and Disability Service Providers across the Shoalhaven.

This was supported by the following communications and media:

- Four social media posts directing people to the Get Involved page were posted on Facebook, Instagram, Twitter, and LinkedIn
- A media release and news item outlining public exhibition information on how to make a submission and encouraging people to send their feedback was posted on Council's website and provided to 126 local media network contacts
- ABC Illawarra hosted an interview on the DIAP Public Exhibition
- Three radio stations, including Power FM, I98FM Illawarra and 2ST mentioned the DIAP in their broadcasts
- Information on the public exhibition and link to the Get Involved page was included in the 2 June 2022 *'In Your Neighbourhood'* Council Newsletter

In addition to the above, a workshop was held for the Inclusion and Access Group (IAAG) to ensure they were supported to provide feedback to the Draft DIAP. The group was asked the following questions: *Overall, how happy are you with the Draft DIAP 2022-26?, How easy is it to read and understand?, What do you like the most?, What would you like to change?*

Feedback from this workshop has been considered as part of the key themes outlined in the table below and has led to a number of amendments to the DIAP.

Summary of Submissions

Council's DIAP Get Involved page received 154 unique page visits and resulted in 10 online submissions during the exhibition period of 11 May to 12 June 2022. Within these submissions there was a variety of feedback across multiple areas within the DIAP.

The Summary of Submissions, and Table 1 below outlines staff responses and recommended actions to the feedback received.

All submissions will receive email correspondence to thank people for taking the time to provide feedback on the Draft DIAP and Implementation Plan and will include staff responses and any subsequent actions relating to their submission following adoption of the final documents.

Table 1 - Submission items and recommended actions

Submission Theme	Community Feedback	Recommended Action
Positive Feedback	<p><i>'The activation of inclusion across recreational and public spaces is great. The inclusion of a disability specific design element is also great. I commend your efforts on actions incorporated to date to build a stronger inclusive and accessible Shoalhaven'</i></p> <p><i>'Upon reading the document it is evident that a lot of thought has been done and many efforts are being made for the inclusion of those with a disability. I find that most people are always helpful within our community.'</i></p>	Note comments & thank the community
Beach access	<p><i>'Correct names of beaches, there is no ramp at Barfleur beach in Vincentia, and why was a wheelchair ramp put on the roughest beach that has soft sand, which will not allow wheelchairs and where rough seas wash the sand out from underneath.'</i></p> <p><i>'Need to make improved beach access a priority on the draft DIAP plan'</i></p> <p><i>'Council needs to include improved beach and waterway access for people living with a disability/ elderly. This addition of a point 2.6 in Section 2: Create Accessible and Liveable Communities, page 21 of the Draft document should be a high priority.'</i></p> <p><i>'For people with a pram or in a wheelchair to be able to get to the beach and enjoy our area is important please ensure this is included in your plans.'</i></p> <p><i>'Shoalhaven needs to conduct a review of beach access, with a view to targeting those beaches that have most potential to providing access for people with disabilities. Existing</i></p>	It is acknowledged that significant community feedback on this issue has been received. This feedback has been provided to the Coastal Management team. This means that accessibility at beaches will be considered as part of the development of the Coastal Management Plans and able to reflect the specific feedback and needs identified through those processes which will seek to balance community access and environmental management priorities.

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	<p>topography should be considered - i.e., relatively short distance from accessible car parking, access points with small grades from car parking to beach, other features such as part access already in place (e.g., Callala Beach Rd access). In keeping with the current 100 beach challenge - a quantitative target should be set e.g., 10% or 15% of the 100 beaches to have improved beach access by 2026.</p> <p>An appropriate beginning point could be a survey of which beaches are currently regarded as most accessible (with or without assistance) by beach users with disabilities. And which beaches/waterways people would like to access if they could.'</p> <p>'Considering that there are 100 beaches and numerous waterways in the Shoalhaven, our association believe that inclusive access to these areas is of vital importance and must be included in this policy. There is money regularly budgeted by council for inclusive / disabled foreshore access'</p>	
Parks & Recreational Play	<p>'I think Council have missed the opportunity to make our recreational areas more inclusive such access ways to beaches and parks. This is not only for those with defined disabilities as we live in a community it's of a large ageing population but also families with prams, etc. This has not been represented strongly enough if at all in this plan.'</p>	<p>Improved recreational play and parks is currently addressed in priority:</p> <p>2.2 Increase access to inclusive parks that are designed to support use by people with disability.</p>
Accessible Parking	<p>'I am now in the single person household. My disability is nowhere as serious as many others. I can walk and stand for only a short time or distance and require a support walker.</p> <p>The parking in Nowra main shopping centre is very difficult. On many occasions I have driven into Nowra and have had to return home because I was unable to find a parking spot close enough for me to walk to shopping precinct. so, the parking issue is high. For medical appointments I use the community bus, so that I have definite access to my medical appointments.'</p>	<p>Improved accessible parking is currently addressed in priority:</p> <p>2.5 improve accessibility in the community.</p> <p>Action:</p> <p>2.5.3 Support the inclusion and access advisory group to provide advice on accessible parking from the community to Council's traffic committee</p>
Disability Signage	<p>'I know that you are aware of the need for more allocated disability parking, but I would like to acknowledge that the signage for these spaces e.g., person in wheelchair is so very outdated. Not all disabilities are visible and not all disabilities require a wheelchair, that to me is not inclusive of all disabilities, the same</p>	<p>The International Symbol of Access has been in place for over 50 years across more than 160 countries. To modify these designs within the Shoalhaven would create a lack of consistency</p>

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	<i>signage is on specific allocated toilets also.'</i>	and understanding of accessible locations.
Private Access	<i>'Access to businesses e.g., ramps. Although not a requirement for businesses to have this access, perhaps a rebate program from council to compensate those businesses wishing to make this access available that would be otherwise unable to afford to do it.'</i>	A pilot program of this sort was run through a grant process in 2017/18 with limited uptake from businesses and landlords.
General Feedback	<i>'I am the National Secretary of the Myositis Association-Australia Inc and we have been collecting information regarding all aspects of facilities which would help make life easier for our members living in the Shoalhaven. These points could also apply to anyone with a disability.'</i> See Attachment 3 for full submission	Submission included legislative requirements for specific National Construction Codes & design considerations surrounding universal design principles. Acknowledge as feedback to better inform Council's work.
Feedback outside of Council's functional responsibilities.	<i>'My personal qualitative analysis of the 1000 Aboriginal people I work with, 17% live with a disability but due to cultural shameful practices will not register as an Indigenous person living with a disability on NDIS or with local Disability Providers.'</i> <i>'There is also a lack of medical specialists visiting our region which means people are having to travel out of area for treatments, sometimes this isn't possible due to inability to sit in a vehicle for hours. Our area has lost too many visiting medical specialists over the last few years.'</i>	Feedback will be provided to appropriate services.

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Amendments

As part of the exhibition process some changes were identified and amendments made to the Draft DIAP and Implementation Plan. A number of these amendments were identified through the IAAG workshop. These amendments are outlined below:

The final draft Disability Inclusion Action Plan 2022-2026 and Implementation Plan are included as **Attachment 1** and **2**.

1. Amendment 1

Action 1.4.1 – Advocate for applicant businesses to address inclusion as part of the Shoalhaven business awards assessment

Change to:

1.4.1 Advocate for *all* applicant businesses to address inclusion as part of the Shoalhaven business awards assessment

2. Amendment 2

Action 2.5.1 – Review development controls in Shoalhaven DCP with a view to improving accessibility outcomes and implement amendments to Shoalhaven DCP with support from Council

Change to:

2.5.1 Review development controls in Shoalhaven DCP with a view to improving accessibility outcomes and implement amendments to Shoalhaven DCP with support from Council. *This aims to improve availability and quality of accessible housing in the Shoalhaven in the long-term.*

3. Amendment 3

Action 3.3.1 - Use the Procurement Policy review to improve consideration of social and sustainability outcomes in procurement processes

Change to:

3.3.1 Use the procurement policy review to improve consideration of social and sustainability outcomes in procurement processes. *This aims to improve the ability of Council teams to consider social outcomes of potential suppliers, such as disability employment by social enterprises*

4. Amendment 4

Focus Area 4 – Support Access to Meaningful Employment

The steps we will take – Council recognises the challenges of finding employment for people living with a disability. That is why Council have set a goal to remove those barriers when applying and working for Council.

Change to:

Focus Area 4 – Support Access to Meaningful Employment

The steps we will take – Council recognises the challenges of finding employment for people living with a disability. That is why Council have set a goal to remove those barriers when applying and working for Council, *and to help Shoalhaven businesses improve employment opportunities for people living with a disability.*

5. Amendment 5

Priority 4.1 – Provide an accessible recruitment and onboarding process for new employees

Change to:

Priority 4.1 – Provide an accessible recruitment and onboarding process for new Council employees

Community Engagement

To ensure the development of the DIAP met the needs of Council and the community, the Community Connections team and The Flagstaff Group undertook internal consultation with representatives from across the organisations prior to beginning external consultation.

This process ensured staff had an opportunity for input on future actions and responsibilities under the DIAP as adopted by Council. This process also set expectations for community consultations and requirements when developing the new DIAP.

The following internal consultation occurred:

- One-on-one conversations with the CEO and each Director to determine outcomes, challenges, threats, and opportunities for the review
- Staff workshop with 34 staff from across the organisation to determine inclusion aspirations within the organisation

- Management representatives from each of the five Directorates and Shoalhaven Water sat on the Project Control Group to support the action plan development
- Individual meetings with each department manager responsible for implementing actions to ensure future work aligned with the strategic direction and future planning for each department of Council

These internal consultations ensured that senior management, middle management, and operational staff from across the organisation had opportunity for input. This allowed development of a DIAP that has organisation-wide support from the earliest stage.

An extensive community engagement process was led by The Flagstaff Group and engaged with over 300 people, including:

- 120 people completed online survey
- 6 face-to-face community workshops
- 20 face-to-face individual meetings, including with Councillors
- 2 meetings with Federal and State MPs
- 9 meetings with disability service providers
- 14 disability employment providers consulted
- 5 representatives of Indigenous disability organisations
- 52 employees with disability from various organisations
- Community Consultative Bodies contacted, and one formal submission received
- Social media and media relations campaign including a Mayoral video and interviews

Council used a range of methods to engage with community to identify communities' aspirations. These methods included:

- Electronic Direct Mail
- Production of Mayoral video for web and social media
- Social media stories and notices
- Creation of a Council Get Involved page
- Posters across Council facilities
- Direct invitation to partners in the not-for-profit disability sector
- Face-to-face drop-ins to Disability Employment Providers
- One-on-one telephone interviews to support people with disability
- Group sessions with providers and stakeholders across the City including Nowra, Bay and Basin (2), and Ulladulla
- Indigenous disability providers group
- Articles in Council's newsletter "In Your Neighbourhood"
- Group session with Council staff
- Face-to-face interviews with Council's Executive Leadership Team
- Face-to-face and phone interviews with Councillors
- Media releases

It should be noted that the delivery of community engagement and action planning was delayed due to NSW restrictions and staff absences due to Covid-19. These delays were used to offer an extended community engagement process and allowed for a greater action planning process with Council departments.

A wealth of community input and insights were provided by the extensive engagement. This was used to identify the priority areas for Council's future inclusion work and used as the basis for developing actions that will be undertaken to address the identified priorities.

Policy Implications

The DIAP is a strategic document required by all public authorities, including Local Government organisations, under the *NSW Disability Inclusion Act 2014*. The Act states that all public authorities must always have a Disability Inclusion Action Plan in place and review the document every 4 years.

There are several standards set by relevant legislation, that are important to the development of a DIAP, these are:

- Disability Standards for Accessible Public Transport
- Disability Standards for Education
- Disability (Access to Premises - Buildings) Standards, 2010 (Premises Standards).
- Carers (Recognition) Act, 2010 (NSW)
- Web Accessibility National Transition Strategy, 2010 (Commonwealth)
- National Standards for Disability Services, revised 2013 (Commonwealth)
- Disability Services Standards, revised 2012 (NSW)
- Anti-Discrimination Act, 1977 (NSW)
- The Local Government Act, 1993

As a part of the review, Council have ensured all documentation developed complies with the above legislations and standards.

Financial Implications

The actions that make up the DIAP were developed with the Lead Teams, the teams who will deliver them. This ensures that the actions reflect the expert knowledge and experience of Council's teams. It also allowed each Lead Team to identify the most suitable resourcing for implementation.

By working in this way, we are integrating inclusion into Council's way of working and ongoing business planning. This includes:

- Improving how we carry out existing processes to be more inclusive
- Identifying grant funding available to deliver inclusion projects
- Recognising that many teams and projects across Council are already working to improve accessibility and inclusion

Each Lead Team responsible for delivering actions in the Shoalhaven DIAP 2022-26 has identified the resourcing that will be used to implement their actions. This is detailed in the attached Appendix 1 to the DIAP.

Of the 43 actions:

- 27 actions are not expected to incur costs
- 2 will be entirely funded by grants
- 14 actions will be delivered using budgets identified by the Lead Team, including 2 that will use also grant funding where available

There is no request for financial allocation for delivering the DIAP as the action costs are integrated into ongoing work planning processes across the organisation. Many actions are not expected to incur costs, and the remainder will make use of grant funds and/or budgets identified by the Lead Teams.

If additional funding is required to deliver any DIAP action, Lead Teams will use the established business processes for financial requests / funding considerations.

Risk Implications

The legislative requirements for local government in relation to preparing an updated DIAP are:

- NSW Councils to prepare a DIAP by 30 June 2022
- Consultation with people with disability must be undertaken and documented as part of the planning process
- Councils must give a copy of their DIAP to the Disability Council NSW
- Councils must report on implementation of their DIAP in their Annual Report, and forward a copy to the Minister
- Council must review their DIAP every four years.

There is a reputational risk to Council if these legislative requirements are not met.

Conclusion

Following the consideration of the submissions received and the identification of the required changes, it is recommended that the final draft Disability Inclusion Action Plan 2022-2026 be endorsed by Council.

Shoalhaven Disability Inclusion Action Plan 2022-26 – Implementation Table

Focus Area 1: Create Positive Attitudes and Behaviours Within Community						
Outcome: Build a welcoming and inclusive community by improving understanding of people with a disability						
Priority	Action	Lead Team	Supporting Teams	Delivery period	Measurable/s	Budget source
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.1 Deliver a campaign with lived experience ambassadors to tell stories of inclusion and experiences of living with a disability	Community Connections	Media & Communications	2022/23	No. ambassadors; No. campaign initiatives delivered; Campaign engagement; Community feedback	Grant funding
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.2 Update and increase useability of the 'Inclusive Shoalhaven holidays' page to raise awareness of accessible tourism	Tourism & Economic Development		2022/23 Q2, 2023/24 Q2, 2024/25 Q2, 2025/26 Q2	Leads to landing page (Google analytics data)	N/A
1.1 Deliver activities to improve community awareness and understanding of disability	1.1.3 Increase image and video library of diverse people available for use in Council documents/material	Media & Communications, Community Connections		2022/23, 2023/24	No. images/videos created and added to library (if DAM developed); No. created images/videos used	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.1 Create a comprehensive (one-stop-shop) SCC webpage to link all accessible Council services	Community Connections	Digital Services & all service teams	2024/25, 2025/26	Creation of the web page; number of unique visitors to webpage	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.2 Improve how Council uses the Annual report to raise community awareness of our inclusion work	Corporate Performance and Reporting	Community Connections	2022/23 Q2	Annual report includes information to raise awareness of inclusion (eg. infographic)	N/A
1.2 Improve awareness of Council's inclusion initiatives and existing services	1.2.3 Raise awareness of IAAG and their work within the Shoalhaven community	Community Connections, Media & Communications		2022/23, 2023/24, 2024/25, 2025/26	No. initiatives, sentiment/reach (dependent on initiative e.g. attendance, click etc)	IAAG Budget
1.3 Deliver training and consult the community to improve skills and understanding of Council staff and Councillors	1.3.1 Deliver training for front line staff and Councillors on disability awareness and education	People & Culture	Community Connections	2022/23, 2023/24	No. staff and Councillors attended training	Organisational Development budget
1.3 Deliver training and consult the community to improve skills and understanding of Council staff and Councillors	1.3.2 Consult the community about their perceptions and understanding of neurodiversity to inform future work to make the Shoalhaven neurodiverse friendly	Community Connections		2025/26	No. consultation participants (community and business)	Social Planning budget
1.4 Encourage businesses to improve inclusion through improved understanding of disability	1.4.1 Advocate for all applicant businesses to address inclusion as part of the Shoalhaven business awards assessment	Tourism & Economic Development	Community Connections	2022/23	Inclusivity question incorporated into the assessment process for the Shoalhaven Business Awards	N/A
Focus Area 2: Create Accessible and Liveable Communities						
Outcome: Create a community where people with disability can participate by improving access to places and activities						
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.1 Prepare an updated Pedestrian Access and Mobility Plan (PAMP) and ranking criteria to identify projects that need action and funding to address access improvements	Principal Traffic Engineer	Works & Services (District Engineers), Technical Services	2022/23	Completion of PAMP/Bike Plan strategy updates	\$30,000 PAMP budget (subject to approval); \$60,000 TfNSW grant application (subject to approval)

2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.2 Use the Pedestrian Access and Mobility Plan (PAMP) and ranking criteria to deliver projects that improve access.	Works & Services (District Engineers)	-	2023/24, 2024/25, 2025/26	No. or length of accessibility projects delivered	Pedestrian Facilities budget (plus available grant funds)
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.3 Use an annual IAAG workshop to seek input on kerb ramp projects to improve accessibility.	Works & Services (District Engineers)	Community Connections, Principal Traffic Engineer	2022/23 Q1, 2023/24 Q1, 2024/25 Q1, 2025/26 Q1	Workshop completed; No. projects input sought on	N/A
2.1 Improve kerbs, pathways and ramps throughout the Shoalhaven	2.1.4 Use kerb ramp budget to deliver priority kerb ramp projects, including those identified by annual committee workshop	Works & Services (District Engineers)		2022/23, 2023/24, 2024/25, 2025/26	No. projects delivered; No. projects delivered aligned to locations identified in 2.1.3	100% internally funded under FN103863 -
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.1 Inspect and review destination and regional parks for the need for fenced areas to make inclusive parks friendlier to parents and carers with children and people with disability	Swim, Sport & Fitness, Works & Services (District Engineers)	Community Planning & Projects	2022/23, 2023/24, 2024/25, 2025/26	No. parks audited; No. parks identified for fencing upgrades at renewal	SSF asset management budget
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.2 During refurbishment and renewal projects, budget is allocated to make inclusive parks friendlier to parents and carers with fenced areas for children and people with disability	Swim, Sport & Fitness, Planning & Projects	Works & Services (District Engineers), Community Connections	2022/23, 2023/24, 2024/25, 2025/26	No. fencing upgrades completed; No. park renewals not needing fencing upgrade	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.3 Development/redevelopment of destination parks will include inclusive and accessible playgrounds	Community Planning & Projects	Community Connections, Swim Sport & Fitness	2022/23, 2023/24, 2024/25, 2025/26	% of Master Plans developed that include inclusive and accessible playgrounds.	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.4 Formalise an accessibility advocate to be involved in the development of tenders & RFQ's for playgrounds	Community Planning & Projects	Community Connections	2022/23 Q2	Accessibility advocate assigned; No. assessment panels advocate has participated in	N/A
2.2 Increase access to inclusive parks that are designed to support use by people with disability	2.2.5 All new masterplans will make social infrastructure inclusive for people living with a disability	Community Planning & Projects		2022/23, 2023/24, 2024/25, 2025/26	% of Master Plans developed that make social infrastructure inclusive	N/A
2.3 Provide inclusive events for the whole community	2.3.1 Develop and use resources that support Council to plan accessible events	Community Connections	Civic Events (input in developing resources), teams across Council that engage	2022/23, 2023/24	Resources developed; No. events planned using resources	N/A
2.3 Provide inclusive events for the whole community	2.3.2 Develop and use resources that support the community to plan accessible events	Community Connections	Tourism, Swim Sport & Fitness	2022/23, 2023/24	Resources developed; No. organisations provided with resources	Partnerships Budget
2.3 Provide inclusive events for the whole community	2.3.3 Include accessibility information in the promotion of events	Media & Communications	Community Connections	2022/23, 2023/24, 2024/25, 2025/26	% of events that include accessibility information	N/A

2.3 Provide inclusive events for the whole community	2.3.4 Seek community feedback to evaluate Community Connections events for venue and event accessibility	Community Connections	-	2022/23, 2023/24, 2024/25	No. people feedback sought from; No. feedback responses received and used	N/A
2.3 Provide inclusive events for the whole community	2.3.5 Update the event policy (for events run by community groups and businesses) to encourage improved accessibility for events in the Shoalhaven	Tourism & Economic Development	-	2022/23	Policy update adequately references and covers accessible and inclusive events	N/A
2.4 Improve accessibility in Council buildings	2.4.1 Conduct accessibility audits of priority Council buildings and use existing asset maintenance and renewal budgets to upgrade	Building Services	-	2022/23, 2023/24, 2024/25, 2025/26	No. of audits conducted; No. of buildings upgraded; Feedback on upgrades	Building Services OPEX (\$10,000), Building Services CAPEX
2.4 Improve accessibility in Council buildings	2.4.2 For all new publicly-accessible buildings, accessibility feedback on the design will be sought from the IAAG	Building Services	-	2022/23, 2023/24, 2024/25, 2025/26	No. designs feedback is sought on	N/A
2.5 Improve accessibility in the community	2.5.1 Review development controls in Shoalhaven DCP with a view to improving accessibility outcomes and implement amendments to Shoalhaven DCP with support from Council. This aims to improve availability and quality of accessible housing in the Shoalhaven in the long-term.	Strategic Planning	City Development	2022/23, 2023/24, 2024/25, 2025/26	Report to Council on completion of review and recommended amendments; Report to Council post exhibition (if amendments supported).	Strategic Planning budget (except supporting consultancy work, if required)
2.5 Improve accessibility in the community	2.5.2 Work with TfNSW to improve accessible transport in the Shoalhaven	Works & Services (District Engineers)	Principal Traffic Engineer	2022/23, 2023/24, 2024/25, 2025/26	No. grant applications; No. successful grant projects	100% grant funded
2.5 Improve accessibility in the community	2.5.3 Support the IAAG to provide advice on accessible parking requests from the community to the Traffic Committee	Community Connections	Works & Services (District Engineers)	2022/23, 2023/24, 2024/25, 2025/26	No. times advice provided to the Traffic Committee	N/A
2.5 Improve accessibility in the community	2.5.4 Provide training to Council staff on disability access standards and legislation	Certification & Compliance	-	2022/23	No. staff attended training	City Development CPD budget

Focus Area 3: Improve Access to Our Systems and Processes						
Outcome: Provide equitable access to services and information by ensuring Council systems and processes are inclusive for people with disability and address barriers to access						
3.1 Improve useability of Council websites	3.1.1 Upgrade the foundations of our website technology and use improved capability to improve all Council websites to meet WCAG 2.1 AA standards	Information Services/Business Systems	-	2022/23 Q3	Platform transition completed; Websites meeting WCAG 2.1 AA standard (website access audit reports); Website access statistics for disability pages; User experience feedback	Information Services licensing budget
3.1 Improve useability of Council websites	3.1.2 Create a framework for the transition to online accessible forms	Information Services/Business Systems	-	2021/22 Q4	No. of electronic form submissions (reduction of paper/pdf submissions)	Information Services staffing
3.1 Improve useability of Council websites	3.1.3 Deliver training for content author staff to understand accessibility standards and improve digital inclusion	Media & Communications	Digital Services	2022/23	% of content authors trained	CEO group CPD budget

3.2 Improve inclusion in advisory committees and community engagement and	3.2.1 Improve inclusion and accessibility of Council's community engagement activities by ensuring the Engagement Strategy reflects best practice	Media & Communications		2022/23	Engagement strategy reflects Council's commitment to inclusion and accessibility	N/A
3.2 Improve inclusion in advisory committees and community engagement and events	3.2.2 Increase opportunities for participation in the IAAG and build group capacity	Community Connections	Business Assurance & Risk (Governance)	2022/23, 2023/24, 2024/25, 2025/26	No. new committee members; No. new opportunities (working groups meetings/actions, capacity-building offered)	IAAG budget
3.2 Improve inclusion in advisory committees and community engagement and	3.2.3 Add agenda item for relevant advisory committee meetings to review and improve inclusion	Community Connections	Business Assurance & Risk (Governance)	2022/23, 2023/24, 2024/25	No. committees with Inclusion as an agenda item	N/A
3.3 Improve consideration of social outcomes in procurement processes	3.3.1 Use the procurement policy review to improve consideration of social and sustainability outcomes in procurement processes. This aims to improve the ability of Council teams to consider social outcomes of potential suppliers, such as disability employment by social enterprises	Finance (Procurement)	-	2023/24	Policy updated to support social and sustainable procurement processes	N/A

Focus Area 4: Support Access to Meaningful Employment						
Outcome: Improve access to employment for people with disability in the Shoalhaven						
4.1 Provide an accessible recruitment and onboarding process for new Council	4.1.1 Review the employment application process for accessibility and raise awareness of available support and alternative processes	People & Culture	-	2022/23 Q2	Review completed; No. applicants provided with info on available support; No. applicants using available support; Community feedback	N/A
4.1 Provide an accessible recruitment and onboarding process for new Council employees	4.1.2 Provide training on disability awareness to teams where a person with a disability has been recruited	People & Culture	Community Connections	2023/24	No. staff attended training	Organisational Development budget
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.1 Actively promote work experience, traineeships and volunteer roles to people with disability	People & Culture	-	2022/23, 2023/24, 2024/25, 2025/26	No. times opportunities promoted using targeted promotion; No. targeted promotion contacts	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.2 Engage with Council teams to identify and support development of opportunities for people with disability, including work experience, traineeship, volunteer and employment roles, and project work	Community Connections	People & Culture	2022/23, 2023/24, 2024/25, 2025/26	No. inclusive opportunities identified	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.3 Identify or create inclusive employment opportunities, including through use of flexible working arrangements and by partnering with disability employment providers for identified roles	People & Culture	Community Connections?	2022/23, 2023/24, 2024/25, 2025/26	No. inclusive opportunities identified; No. positions advertised as identified for a person with disability; No. positions filled as identified for a person with disability	N/A
4.2 Develop inclusive work experience and employment opportunities for people with disability	4.2.4 The tender evaluation process for providers of trainee and apprentice programs will include criteria to consider improvement of opportunities for people with disability	People & Culture		2023/24	Tender criteria updated to include criteria to improve opportunities for people with disability	N/A
4.3 Support Shoalhaven businesses to employ people with disability	4.3.1 Provide ongoing advocacy and promotion of resources to businesses to raise awareness of the benefits and supports for employing people with disability	Tourism & Economic Development	Community Connections	2022/23, 2023/24, 2024/25, 2025/26	No. times advocacy information provided (print and electronic media); No. times resources promoted (print and electronic media)	N/A



Shoalhaven Disability Inclusion Action Plan for 2022-2026.

I am the National Secretary of the Myositis Association-Australia Inc and we have been collecting information regarding all aspects of facilities which would help make life easier for our members living in the Shoalhaven. These points could also apply to anyone with a disability.

Myositis is a rare autoimmune condition where the body's immune system turns on healthy muscle breaking them down rather than building them up. Please see our website www.myositis.org.au for more information.

COUNCIL OWNED CARAVAN PARKS/COUNCIL RECREATION FACILITIES/RECOMMENDED ALSO FOR MOTEL AND PRIVATE CARAVAN PARKS

- Cabins: have a height adjustable bed.
- Bathrooms, as well as those in the amenities blocks, that have wet rooms need a low shower curtains to stop excess water spreading all over the bathroom and causing slip hazards.
- The toilets should be at least 460 mm high and have a drop down rail opposite the one on the wall. In the case of lower toilets, include an over the seat toilet raiser.
- Toilet paper holders are always too low. If they were up higher, it would be a lot easier for people to use.
- An adjustable shower chair is also preferred to the drop down bench seat, which is not height adjustable.
- For those who are still able to travel in their caravan or campervans the accessible Bathroom should be separate from the main amenities block to enable the carer to be able to assist the disabled person. Make sure that the access to the bathroom is suitable for a wheelchair or walker. A sliding door is preferable to trying to push/pull a normal door.
- Make sure there is enough room outside the door to manoeuvre a wheelchair.
- Ramps should also have room when you arrive at the door to manoeuvre a wheelchair.
- When you look up park facilities on the individual park website there is virtually no mention of disabled cabins or disabled facilities. We realise that there could be different levels in each park, but it would be a starting point to at least know that the caravan park has those facilities.
- Pet friendly cabins – especially those travelling with assistance or seeing eye dogs.

Reference point link - Toilets: 'Changing Places' toilets/shower/change rooms. <https://providers.dffh.vic.gov.au/changing-places>

TRANSPORT

- Higher seats in bus shelters
- Flat access to bus and trains for wheelchairs and people with a disability.
- Disabled parking close to access to train stations

PLAYGROUNDS/PICNIC AREAS

- disability suitable surfaces around park as well as to access equipment.
- Park and Public benches should be higher, makes it easier for elderly and those with a disability to stand up.
- Picnic tables and seats: some dedicated picnic areas with higher seats/tables and some for wheelchair access.

DISABLED PARKING SPOTS

- Handy to have a disabled parking spot in front of a path that leads directly to outside of public toilets
- some wider bays to allow for side opening doors for wheelchairs

FOOTPATHS

- easy access from car parks with smooth access via footpaths to doors, no ledges
- Some concrete ramps going from road to footpath have a camber, which makes you feel a bit lopsided as you go up and down in a wheelchair or mobility scooter.
- Try to rectify the unevenness of footpaths, joins etc

SHOPPING MALLS

- higher bench seats with arms each end
- Easy access to put shopping trolleys back in bays in car parks

WEBSITE

Can Council make finding out more information on disability facilities, accommodation, recreation more user friendly. I tried finding information and rang the tourist information centre to see if they could help and it took ages to find anything. Maybe there could be a disability information heading with links to say Accommodation, Toilets, parks, playgrounds etc, The It's Heaven website is good, but need more info.

Anita Chalmers OAM
National Secretary
Myositis Association – Australia Inc



CL22.290 Oz Water Conference 2022

HPERM Ref: D22/253852

Submitted by: Clr John Wells
Clr Mark Kitchener

Attachments: 1. Oz Water 2022 - Clr Kitchener and Clr Wells [↓](#)

Reason for Report

To provide a report (Attachment 1) from Clr John Wells and Clr Mark Kitchener on the Oz Water Conference held in Brisbane from 10 May – 12 May 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 Clr John Wells and Clr Mark Kitchener on the Oz Water Conference for information.

Options

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

CL22.290

OZWATER 22 CONFERENCE REPORT

Ozwater 22 was held on 10-12 May 2022 at the Brisbane Convention and Exhibition Centre. It is the conference held annually by the Australian Water Industry Association, 2022 was the Associations 60th anniversary. Ozwater is one of if not the largest conferences held in Australia. This year it hosted nearly 2500 delegates from the water industry sector one hundred of whom were overseas delegates from many countries in Europe, the North Americas, New Zealand and Asia Pacific. Ozwater 22 was a welcome return for the international delegates whose attendance had been missing during the past two COVID years.

The conference is too large for a single delegate to comprehend. It comprises a trade display of approximately a hectare in size with over two hundred displays ranging from pipes and pumps to filtration systems, chemical treatments , infrastructure delivery services, data management and monitoring technology, design and construction services – its size and diversity is almost bewildering.

The conference offered six keynote speakers, two hundred and thirty-one plenary sessions delivered simultaneously in groups of eight in separate theatre/conference rooms, and one hundred technical posters displayed in the trade auditorium for delegates to read during lunch and tea breaks.

THE KEYNOTE SPEAKERS

The first keynote speaker was Dr Miriam Rose Ungunmerr Bauman AM, an aboriginal lady from the Daly River region of the Northern Territory. She is an artist and educator dedicated to creating bright and fulfilling futures for her peoples children and youth. Her interest in this pursuit was driven by a series of youth suicides in her community in the 1970's. The first qualified aboriginal teacher in the Territory. She established the Miriam Rose Foundation to resource her aspirations for children and youth the testament of which is that her community has not suffered another child suicide since its establishment. In 1998 she was awarded an OAM for services to arts and education. A woman of enormous dignity and grace, but with an impish sense of humour, she spoke of walking in two worlds and of the need to apply the skills she has learned in a hunter/gatherer community to listen deeply to the environment and to each other- to be more contemplative as we walk through life. Very humble, very impressive.

Miriam was followed by Associate Professor Ashlieh Morris, CEO and Co - founder of Coreo, a firm which consults on the opportunities of developing circular economies - economies which value people, nature and resources. She argued that water is one of the enablers of circular economies and we needed to handle it with more respect. She noted for example that transitioning from fossil fuel to renewable based economies would create more, not less demand for mining. The drivers of renewable technologies are elements like cobalt, copper, tantalum, lithium and rare earths. Electric vehicles for example require large quantities of lithium for their batteries. Producing one tonne of refined lithium consumes up to two million litres of water. As fifty percent of the world's lithium comes from Chile, Peru and Argentina- dry countries which use bore water to treat the mineral, those nations

aquifers are becoming compromised. She argued that we need to look back up the supply chain to identify where resources can be saved / best applied. Stimulating talk.

Sam Johnson is the CEO of the Student Volunteer Army, a charity organisation which started after the Christchurch earthquake as a call out to Uni students to help clean up damaged properties for the City's residents on a voluntary basis. Thousands of volunteers turned up, and the volunteer army was born. He as called over to Fukuoka, Japan where he made the same call-out with a similar result.

During the COVID pandemic Sam identified a need and channelled his Army, together with a supermarket chain to collect and deliver contactless groceries to people at risk. This has led to groceries being delivered to up to 10,000 homes per week. An innovator and lateral thinker he's taking volunteerism into new service applications, such as simple home visitation for people needing companionship. A compassion driven man- should be more of'em.

Karni Liddell is a dual Paralympian (Atlanta and Sydney) and one of the most successful and highly awarded swimmers of our time. Karni is a multiple medallist and was appointed Ambassador for the Australian Paralympic team for Athens. She outlined the battles and prejudices she had to, and continues to, overcome to succeed in sport and life. Diagnosed with spinal muscular atrophy as a baby Kanis' parent were told she would never walk and would be unlikely to reach her teenage year. She and her parents wouldn't accept that advice and took her to the pool for therapy – the pool became a passion and with each club, District, Regional, State, National, World and Paralympic success her mother would cut out the press clippings of her achievements and send them to her childhood specialist! Now a Mum, with two healthy fully ambulant children, Karni advocates for more workplace diversity and inclusiveness in the water (and business) community. We won't argue with Karni.

Associate Professor Dr Catherine Ball spoke to the water industry as a cyber target. She painted a frightening picture of what's happening in cyber space and the critical need to protect, fend-off, shield, mask, cover and do whatever else needs to be done to keep hackers/intruders at bay. An academic at the Australian National University, Catherine is a sought-after voice in the start-up futurist and tech world and advises globally on a range of environmental and humanitarian projects. Impactful.

The final keynote was Professor Tony Capon, Director of Monash University's Sustainable Development Institute and chair in Planetary Health, School of Public Health and Preventative Medicine. He shared his thoughts on the proposition that planet Earth is transitioning from the 'goldilocks' 'Holocene Era (where nothings too hot and nothings too cold) to the Anthropomorphene Era where the impact of our species on the planet is changing the nexus between climate change, water and public health. He challenges the Earth's capacity to resource exponentially growing population, notwithstanding pandemics which he maintains are becoming a regular and to be anticipated feature of our lives going forward. Challenging stuff and food for thought- he remains optimistic however about our adaptability and capacity to improve the outlook.

PLENARY SESSIONS

As indicated in our introductory comments it was not possible to attend more than a selection of plenary sessions which were grouped into content streams such as Innovation, Strategic Planning, Customer Relations, Water Treatment, Technology, etc. Therefore, we deliver hereunder a selected summary of plenary attended.

1) Fighting PFAS on the Front Line - Katie McIntosh, - City of Gold Coast.

The speaker pointed out that the chemical PFAS, used as fire retardant in, particularly, aeronautical situations, is very hard to degrade. It persists in several environments. It has been identified as a potential problem in the Shoalhaven. It is also a very pervasive chemical -it's in our bones, clothes, cosmetics, cleaning agents, fabrics, etc. PFAS has been identified as a potential risk to public health.

The majority of PFAS in wastewater treatment plants comes from domestic wastewater. A challenge for society is to eliminate PFAS from the supply chain for manufactured products. This is necessary as it is prohibitively expensive to treat in wastewater, though it is technically possible.

The key to supply chain removal is to adopt a nationally consistent approach to analysis and regulation. This is often difficult in a federated nation such as Australia, but is vital if we are to achieve control at source.

2) Unity Water's Wamuran Irrigation Scheme - Nutrient Diversion for Economic Benefit Marco Van Winden AECOM.

The key drivers for this agricultural irrigation scheme in Caboolture Shire were threefold:

- the wastewater scheme for the region was reaching the capacity of its discharge licence to pump treated effluent into the river.
- the need to take nutrients, primarily nitrogen and phosphorous out of the river and diverting it to agricultural lands
- to grow farm productivity recycled water was a preferable use than potable water.

The project has diverted eleven tonnes of nitrogen and nearly two tonnes of phosphorous per year out of environmental waters to on farm irrigation schemes growing products such as turf, pineapples, avocados and berries. The farmers supply the on-farm irrigation equipment & pressure systems.

The project involves filtering water from the sewerage treatment plant, storing it for pH dosing and algae removal, pumping it to a storage pit (an old disused quarry of one point four gigalitre capacity). Waters in the quarry are managed for algal growth by mining, algal dosing, and further filtration. It is then pumped to ten farms for irrigation- the scheme is to ultimately cater to thirty six farms. Providing them with a huge water security benefit. The farms in question employ hundreds of people.

The water is provided at no cost. Like the Shoalhaven's REM's scheme, this is a circular economy in action.

3) Parkland City Soils and Recycled Water - Lyndall Pickering and Jason Reynolds - Sydney Water.

This project arises from a vision of the Greater Sydney City Commission to identify a 'new' City to the west of Sydney which features substantial parklands. Geographically the area is centred around the massive developments around Badgerys Creek and the second airport, ranging from Picton across to the Hawkesbury.

Key challenges facing these developments are

- rapid population growth
- water demand and stormwater management
- urban heat stress
- jobs availability
- pressure on waterway health

Project research drivers & objectives included:

- soil and water needed for the project (to develop parklands)
- managing surplus water/run-off generated by development
- restoring degraded landscapes
- embedding circular economy principles

These issues showed clear knowledge gaps regarding soil type/quality and water volumes.

Five parkland sites have been identified being Picton Farm, Hawkesbury Agricultural College, Sydney Science Parks, Penrith Lakes (an old quarry) and Western Sydney parklands. The first two of these sites have access to recycled irrigation water and this was a key feature in identifying the superior soil quality which the Picton and Hawkesbury sites had over the other locations in terms of soil structure, nutrients, acidity (ph), and soil carbon.

This research has enabled recognition by the city planners to integrate water recycling into the city's infrastructure design. Whilst stormwater is also useful for parkland development soil analysis at each location demonstrates recycled water to be preferable.

4) Circular Economy Transitions in Australia's Water Industry - Prof Pierre Mukhiabir - Institute of Sustainable Futures UTS.

The Professor stated that the industry had been working in silos for too long. He pointed out that all problems are not linear. Many problems require connectedness and the involvement of other sectors/professions/world views to resolve them.

In his view the keys to a circular economy are-

- Designing out waste externalities- don't use what you don't need
- Keep the resources you have in use for as long as possible
- Regenerate natural capital as long as you can
- His key words are to SUSTAIN RESTORE AND REGENERATE.

5) Extreme events at Warragamba Dam- Coralie Gabus and ASM Mohuidin-Sydney Water.

Warragamba Dam has 2000 gigalitre storage. Its water is treated by three filtration systems and it services 5 million people.

In 2018/19 Warragamba's capacity was down to 43 percent. From December 2019 to February 2020 the dam's catchment suffered extreme bushfire damage. In March 2020, the rains came and the dam level rose from 43 percent to 75 percent. Five days of rain resulted in enough water entering the dam to service 5 million people for a year.

In 2021 however a rain event resulted in 750 gigalitres entering the dam in one day! - a year's supply for 5 million people in a day.

These rain events resulted however in pollution of the dam- turbidity, algal growth, manganese, water colour were all negative impacts, especially in the top 50 metres of the water column.

This resulted in Sydney Water having to develop a water treatment process which ultimately resulted in water being dosed with ferric chloride & lime with Actiflo and powder activated carbon also being used. This resulted in lower ph levels, colour reduction, manganese and iron reduction.

6) Climate Effect of Chlorine Demand and Trihalomethane in Water Supplies - Sathaa Sathasivam - University of Western Sydney.

This dissertation was very straightforward. He argued the proposition that if water temperatures rise as a result of climate change , chlorine dosing will need to increase as chlorine decays more quickly in warm water.

These truths we hold to be inviolate!

We concluded that this also applies to swimming pools as much as water supplies- but we wouldn't turn off the pool heating to save on chlorine!

7&8) Ecological Transformation of Sydney Desalination Plant-Colin Storey - Veolia Resilience through Extremes - Sydney Desalination Plant-Reece Karamihas - Sydney Desal Plant P/L.

The first of these two presentations outlined the extensive rehabilitation works that have been undertaken in the Kurnell Dunes surrounding the Sydney Desalination Plant. Tens of thousands of native plants have been planted to restore and regenerate the degraded dune system which was part of the parcel of land acquired to develop the plant is added.

The second presentation provided the conference with information on the plant's operations and its chequered history in water supply history. The desal plant draws seawater from Botany Bay via an intake 300 metres offshore. It is capable of providing 15 percent of Sydney water supply. The plant comes into operation when Warragamba drops below 60 percent capacity. The seawater is transformed into fresh water by filtration through a series of 20 reverse osmosis filters. Post filtration, carbon dioxide, fluoride, lime, and sodium hypochlorite is added.

The treated water is then stored in a 40m/l tank and is then pumped 18 kilometres through to Erskineville where it is added to dam supply.

Built between 2012 /2015 the desal plant was badly damaged by a 2015 tornado – before it even came into service. The filtration building lost its roof and the electrical switchgear was destroyed. It took nearly three years to rebuild-it was opened and recommissioned on 4 October 2018.

The plant went into full production in January 2019 with Warragamba at 50 percent. By July 2019, Warragamba hit 100 percent capacity after which the plant was mothballed. It was used again after the 2019 /2020 bushfires, not because Warragamba was low but because its water quality was so poor. It has been used three times since because of poor water quality-the plant has become a resilience asset/emergency response asset.

9) Johnstons Creek Naturalisation-Engaging Communities to Deliver a Resilient Stormwater Asset - Jordan Mulhearn, Cath Mullins - Sydney Water and David Crowhurst - Diona.

Built in 1898, Johnstone's Creek is a concrete stormwater drain in Annandale- one of the earliest drains built in Australia.

This project set out to improve the health of the waterway by creating a more natural channel, and improving economic, environmental and recreational benefits. The project enabled the re-use of 800 tonnes of recycled soil and 5000 tonnes of recycled concrete.

Extensive community consultation was a project feature and included consultation days, on- line commentary and on site/face-to-face meetings. These consultations produced 86 percent community support for a more natural creek system with more environmental and social infrastructure. Analysis of community benefits was multi factored including cost, social benefits, health and well-being and positive environmental outcomes.

In its delivery concrete walls were replaced by sandstone, bridge crossings were built, and tidal rock pools were developed. 25000 native plants were added. Salt marshes were restored and interpretive signage and seating were installed .

The development was awarded the Greater Sydney Commissions 2021 Planning Award and Stormwater NSW's Award.

The projects four success factors were:

- it worked collaboratively with the community
- it delivered what community wanted
- the contractor was a part of the decision-making process
- it incorporated the cultural history of the area.

10) Vacuum Sewer Systems - Challenges and Future Planning - Jack Foster WSP.

This presentation questioned the wisdom of the City of Gold Coast installing five vacuum sewer systems in low lying localities and localities close to waterways. The systems struggle in wet weather periods with water ingress. They also have higher operating expenditures than conventional gravity options. In some cases, mains were incorrectly constructed, indicating a lack of oversight/project management. To make matters worse, it is not feasible to switch to another technology.

The presenter concluded such systems should be limited to lower density development. Our take home conclusion with this subject is that the localities in question should probably not be developed.

11) Assessing Concrete Corrosion Depth in Sewer Pipes using Large Scale Penetration Robot - Dr Robert Ross - Latrobe University.

This presentation focussed on developing technologies to inspect and test the integrity of the concrete used in pipes- Australia has 300,000 km of concrete pipes and monitoring and testing their integrity is critical in informing replacement/relining /repair strategies. Ross has developed a battery-operated robot which is able to transmit a visual image as the robot is pulled through the pipe. The machine also has two penetrometers which can probe the concrete for softness and transmit the result and location.

Robots and robotics featured elsewhere in the conference, notably in the internal cleaning of assets like reservoirs.

12) Concrete Assets under the Microscope - Investigating Water Infrastructure using Petrography - Dr Liam Holloway - Duratec.

Petrography is a geological technique used since the 1850's to identify minerals and classify rocks. In 1897, Portland Clinker- the rock that is the binding element in concrete was investigated using petrography. This enabled the microscopic investigation of concrete degradation. The integrity of concrete is critical in load bearing of spillway situations. The ingress of water into concrete can cause a leaching of the Portland Clinker causing the material to soften and allowing any reinforcing mesh to rust and spall, causing cracking of the structure.

The moral of this tale is that assets can deteriorate from the inside as well as the outside.

13) Driving Water Security and Sustainability through Harnessing Organizational Innovation effectiveness, Integrated Water System Planning Cascade Source Treatment and Network - Dr Shoshana Fogelman - Sydney Water

Ninety percent of the professionals in the water industry believe that innovation is critical to the future of water organizations. Exploring new ideas, seeding the deployment and implementation of new products, improving efficiency, quality of services lead to enhanced public health through security of supply. Failure to innovate inhibits the ability to achieve water security. Empowering a culture of organizational innovation and effectiveness is a pathway to achieving water security and sustainability.

Some principles to provide and improve long term water resilience are:

- use what we have better,
- increase integration and interconnection,
- diversify supply sources,
- plan ahead,
- review and adapt,
- plan for new infrastructure with a focus on rainfall independent supply.

The professionals in the water industry are investing in diverse water sources through ingenuity, innovation, and inventiveness. Grey water from taps, washing machines, showers and baths is collected and reused for toilet flushing, fodder crops, dust suppression and the like. Changes to household and business habits through the purchase of shower heads, vacuum toilets, front loading washing machines, and policy shifts by government, will make a significant contribution to water security in the future.

Innovation, research, and deployment, that empower a culture of modernization will advance the delivery of water services to the community. Stormwater harvesting, permeable pavements, purified recycled water and rethinking wastewater treatment for a circular economy are also contributing to the way forward. The water industry is well positioned as a systems connector to make a significant contribution to generating a sustainable circular economy. Water is the one resource that flows through every mechanism of our entire economy.

14) Providing long term Water Supply Reliability to Sydney using Purified Recycled Water - William Wu and Saanika Rana - Aurecon

It is predicted that Sydney will increase its population by an additional million residents in 2036. The projected demand for water exceeds Sydney's sustainable supply. Furthermore, Greater Sydney is vulnerable to drought, extreme events, lack of supply alternatives and connectivity. This makes some suburbs more vulnerable to drought than others.

Purified Recycled Water (PRW), a rainfall independent source, is an alternative that can address the gap between supply and demand while withstanding shocks and stresses. Purification of wastewater must be of a very high standard to supplement a raw water supply. Encouraging the uptake of drinking PRW and economic viability have been highlighted as the major blocks to the use of recycled water in Australia.

15) Purified Recycle Water not just for Drought: Improved Integrated Water Management for Inland Communities - Darren Romain - Aurecon

Today water storages are high, but traditional water sources cannot meet our changing water needs. If future droughts are predicted to have increasing intensity and duration, then PRW for drinking can be an economical solution.

Recent intense drought in NSW identified that many towns rely on only one, climate dependent, water source. PRW can improve equity, improve water security, reduce investment in water and wastewater treatment, improve catchment quality and have the best outcomes for the catchment overall.

Some advantages to using Purified Recycled Water are:

- reduces ocean and river discharges and withdrawal
- reduced capital and operating costs compared to dual reticulation schemes
- potentially lower capital and operating costs than desalination plants
- lower carbon footprint and uses less energy than desalination

PRW must meet Australian drinking water guidelines, water quality requirements, acceptable salinity for community green space irrigation, and ideally not have a brine waste stream. With the impacts of climate variability being more obvious there is now in Australia an appetite for a conversation around drinking purified recycled water. The water industry and governments need to be smart about how they go about selling it to the community. Australians will probably be drinking purified recycled water within the next ten years. There are more than thirty-five cities around the world already supplementing the water supply by returning PRW to the ground water.

CONCLUDING REMARKS

Australians live in the driest continent on the earth. Maintaining water security and supply will not be achieved by upgrading major dams, heavily dependent on rainfall surface runoff.

Changing climatic conditions, growing populations, diversifying water needs, increasing need for system resilience, drying climate and more extreme weather events, present challenges to the security of water supply. Balancing the needs of customers, communities, and the environment, cannot rely on conventional approaches that are not always fit for purpose and are too expensive in informal settlements in outback Australia. Dams, desalination plants, and purified recycled water need a national initiative approach.

There is a growing need to ensure a secure and sustainable water supply that is equitable and affordable and meets diverse water needs to ensure a healthy growing population and a healthy environment.

Councillors John Wells and Mark Kitchener 9/6/2022

CL22.291 Waste Conference 2022

HPERM Ref: D22/237053

Submitted by: Cllr Patricia White

Attachments: 1. Waste Conference 2022 Report [↓](#)

Reason for Report

To provide a report (Attachment 1) from Cllr Patricia White on the Waste Conference 2022 held in Coffs Harbour, 3-5 May 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 this report for information.
2. Provide the presentation to the full Council Meeting from Peter Windley that was presented at the Waste Conference 2022 Coffs Harbour.
3. Congratulate all Shoalhaven Waste Staff on their work performance on behalf of the city and the incredible work on technology and innovation projects that are leading the Waste industry in Australia

Options

1. As recommended
2. Request further information on the conference

CL22.291

Councillor Report – Cllr Patricia White**WASTE CONFERENCE**2nd to 6th May 2022

Coffs Harbour

Conference Wrap Up**Recommendations:****That Council: -**

1. **Receive this report for information.**
2. **Provide the presentation to the full Council Meeting from Peter Windley that was presented at the Waste Conference 2022 Coffs Harbour.**
3. **Congratulate all Shoalhaven Waste Staff on their work performance on behalf of the city and the incredible work on technology and innovation projects that are leading the Waste industry in Australia.**

Executive Summary:

The 26th edition of the Coffs Harbour Waste Conference 2022 held on 3rd, 4th and 5th of May brought together hundreds of players from all over Australia to present their environmental actions, reflections, studies, and innovations. I was delighted to attend on behalf of Council as our Staff's presentations highlighted the excellent work being undertaken by our Waste staff. Many delegates commented to me that Shoalhaven was a true leader in waste industry across the Country. The delegates also indicated that they would like to visit the Shoalhaven Waste facilities in the future.

Highlights from three inspiring days that showed many sustainable solutions for an evolving industry.

Greg Freeman opened the conference by warmly welcoming to all sponsors, exhibitors and speakers who have committed their time and resource to the event and of course to the delegates who have supported the Coffs Waste Conference since 1996. He also emphasised the value of collaboration in the waste industry which bring all players together for a single goal.

Keynote speakers: The changemakers Cate McQuillen and Costa Georgiadis inspired reflections through the idea of resilience building and the circulation.

Cate spoke about the circulation meaning and how connection, observation, curiosity, experience, sharing happy stories and actions driven by values heart can influence behaviours; she also highlighted the power we have as members of our community.

Nature is circular, the shape of the world is a circle; Costa presented an inspiring talk that touched on circular thinking and nature's wisdom. He also addressed the linear mindset of conducting life in a very linear prescriptively manner, where nature fits outcomes in a brief period of time. The interdependent natural eco-

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system, on the other hand, is circular, like a leaf that falls and breaks down, then returns to the soil to nourish future plant life; the 'outputs'— of one process have become inputs for other processes; as a result, there is no end but maintenance solution and collaboration.

Cate and Costa's presentation had another enormous impact moment when they invited all delegates to imagine and project the future in 2030 by thinking positively and starting to take action right now; they also welcomed people to be a part of it by watching the film "Regenerating Australia", which was released in March 2022.

One day one of the Conference - Three streams ran concurrently throughout the conference covering topics of: Education (Part 1, 2, 3), Landfill, Expo-Operational Equipment, Fleet & Safety, Indigenous Waste Management, Expo-Recycling & Landfill Equipment, Litter & Illegal Dumping, Expo-Technology & Innovation.

Education

Over the course of the three sessions the educational presentations provided valuable feedback. The waste education sector is vital in ensuring the community has the skills, knowledge and information needed to adopt the circular economy actions in the real world.

Engaging residents in waste education initiatives, building online programmes to educate educators, community projects, create sustainable activities to foster reuse and recycling behaviour change, and engaging local businesses for impact and waste diversion were among the subjects and projects discussed.

In Australia 7.6 million tonnes of food is wasted every year, costing the economy \$36.6 billion. The most waste food is still perfectly edible and comes from homes, costing \$2,000 - \$2,500 per household.

Oz Harvest initiated the "use it up" campaign to align with Australia's national goal of halving food waste by 2030.

Clear communication in delivering behaviour change programs, collaboration and connection between stakeholders such as local governments, organisations, industry, schools, businesses, and communities, as well as the adoption of technology and innovation, play a vital role in supporting the circular transition.

Landfill

The issues faced at landfills sites were presented from different subjects such as unlicensed sites, regulation, operation and sustainable landfill construction cost, gas risk, unlined landfills, hazards, and levies.

In New South Wales, there are currently 173 unlicensed landfills. Political will, clarity, commitment, government investment, technology restrictions, lack of communication, engagement, education, and limited FOGO collection across the state are all ongoing issues and obstacles.

Understanding the site and using reliable data can save cost; landfills that utilise sustainable methods can result in significant construction savings.

Indigenous Waste Management

Developing a sustainable waste strategy for First Nations, sustainable projects and circular economy management in remote regions were presented in this stream.

Australia National Waste Policy 2018 provided funding for remotising communities, but it is not enough; no change can be achieved without investments. Providing infrastructure for the communities to compost and engage them in work operations is fundamental.

A lack of technology, long travel distances, difficulty engaging stakeholders to promote behaviour change, a lack of infrastructure for communities to eliminate unnecessary waste, and restricted access during wet seasons are all obstacles to dealing with illegal dumping and waste burning in indigenous areas. Changes and commitments are influenced by education and synergy.

Litter & Illegal Dumping

The cost of litter, illegal dumping, litter prevention strategy, residential asbestos disposal scheme, and tackling toxic vape waste were presented in this stream.

The cost of marine species caused by litter and illegal dumping has been calculated by the NSW EPA Litter Prevention Unit. The entire cost of the environmental crisis, on the other hand, is unquantifiable since the loss of marine species has no monetary worth. Plastic is the costliest type of litter and household waste is the most evident type of dumping.

To prevent illegal waste dumping, the Victoria litter enforcement officer network has developed surveys, meetings, training, advocacy, and research. A free residential asbestos disposal scheme run by city authorities was presented. The programme tracked residents' awareness of the problem, reduced the risk of illegal dumping, and offered additional information and education.

Vaping is becoming more popular in Australia and around the world, but current battery stewardship and E-waste programmes do not include vaping devices. A formal programme or mandate is required, as well as a financial incentive, otherwise people will continue to litter or throw them in household kerbside bins.

All the speakers agreed that educational programmes, media communication, and training courses can improve community perception.

Day Two of the Conference - Three streams ran concurrently throughout the conference covering topics of: Strategy & Planning (Part 1, 2), Circular Economy, Plastics and Technology.

Keynotes: The circular economy through product stewardship and Australia's circular transition were discussed in the keynote presentations.

Rethinking how to design, use, consume and disposed of products plays a key role to change the way businesses work, and people behave. A new paradigm can be developed through rethinking material stewardship.

Australia's first National Product Stewardship Scheme for clothing textiles led to the Australian Fashion Council was presented as an important project to improve sustainability and shift towards the circular economy. The scheme is co-designed in collaboration with the clothing sector, reuse sector and recycling businesses.

The Ellen MacArthur circular economy system diagram was highlighted as a useful tool for understanding how materials are reused and never become waste.

According to data from Circularity in Australian Business 2021 only 27% of company decision makers could correctly identify the meaning of circular economy, even though 81% of business decision felt knowledgeable about the concept.

With massive infrastructure investments, expanded FOGO collection, and a national CDS programme, Australia has made great progress in product stewardship, however in order to make further progress, the discourse must be elevated, and the system must shift by design. People from all fields must be willing to collaborate and work together for the Australia Circular Transition to succeed.

Advanced Recycling Panel

Over \$350 million has been announced for end-market recycling infrastructure in Australia by 2025, according to the National Plastic Recycling Scheme.

Every year, Australia uses more than 70 billion pieces of soft plastic, such as bags, wrappers, and packs. In Australia, just 6% of soft plastics are recycled, with the remaining 85% ending up in landfills. Plastic equivalent to one garbage truck is dumped into the oceans every minute.

Scalable methodology for collecting, processing, recovering, and closing the loop on soft plastic is being developed in collaboration with numerous stakeholders and industry to reach national packaging targets by 2025.

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Nestlé has committed to recycling or reusing 100% of its packaging by 2025 and reducing virgin plastic by a third. For the future of food packaging, new recycling technologies and design for advanced recycling are essential, sustainability. Collaboration among stakeholders is fundamental.

According to a new analysis from CSIRO, Australia's National Science Organisation, advanced recycling technologies might turn problematic plastic waste destined for landfills into valuable resources. The report evaluates the ways to convert plastic waste that cannot be recycled with existing methods, into new resources in order to help Australia achieve national circular economy goals.

The Qenos Circular Plastic Project would enable 100.000 tonnes of currently unrecyclable plastic to be recycled into circular polyethylene, which has identical properties to virgin resin.

IQ Renew underlined the importance of collaborating and learning together to harvest waste that would otherwise end up in landfills. The first step in scaling up mechanic sorting is to engage community collaboration. Rethinking waste resources from collecting to building a circularity concept for soft plastic is essential.

Curby soft plastics program has been presented as a simple solution to keep soft plastic out of the landfills. By the program, households recycle soft plastic by putting into the yellow lid recycling bin. The REDcycle Program was mentioned as an example of a successful soft plastics collection program in Australia.

Container Deposit Schemes Panel

Strategic collaboration, the triple bottom line (economic, social, and environmental), behaviour change, job creation, charity, community groups, and education were all discussed throughout this panel.

The majority of kerbside recycling systems use the same mixed recycling bin, resulting in contamination, such as broken glass and mixed plastics. CDS, on the other hand, separate materials at the point of deposit, helping to achieve the larger recycling and circular economy goals.

All speakers agreed that in order to reduce waste and enhance recycling rates, customers' needs should be emphasized in decision-making. Encouraging people to recycle properly and eliminate confusion, should be prioritized, wine bottles were given as an example of a misunderstanding by consumers.

Consumers want their goods to have a lower environmental impact, thus the beverage industry has a role to play. Since people are becoming more aware of the differences between a mixed recycling bin and a CDS. Encouraging behaviour change and increasing education strategies to reduce litter and boost recycling rates in deposit schemes must be continually invested. To achieve positive social outcomes, interactions between the CDS and environmental policies should be considered.

Strategy and Planning (Part 1 & 2)

This stream covered presentations on innovation, strategies to accelerate the transition to a circular economy, and sustainability.

Investment in innovation, behaviour change, education, community action, and UN Development Goals are all priorities for Victoria 2030. Victoria is investing in the waste industry and focusing on technical skills, data insights, and financial incentives, as well as social research, pilot projects, policy design, and programmes, in order to achieve these aims.

The Circular Economy Business Innovation Centre was established to help businesses in Victoria shift to a circular economy by developing innovative solutions for waste.

Return Marketplace, a zero-waste packing for returning, was one of the sponsored initiatives listed. Recycling Victoria has committed to establishing a framework for monitoring circular economy metrics.

The pipeline of resource recovery initiatives in Australia is extensive and is growing thanks to grant financing. Throughout the last twelve months, recycling, and resource recovery projects all over Australia have been announced or reached significant milestones. Many regulatory and policy barriers exist that slow or impede circular economy progress.

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Our earth is over-consumed. Gayle Sloan of WMRR began her talk by emphasising the linear mindset of taking, making, using, and throwing. Going circular is a significant challenge; education, behaviour change, legislation, infrastructure, levies, EPR, public awareness raising, and design standards should all be prioritised by the government to achieve this shift.

The Sydney Metro areas has been dealing with a waste infrastructure challenge, a waste infrastructure plan is required. The latest flooding in NSW has revealed the vulnerability of waste management systems. Most metro governments do not have access to adequate land for the construction of new waste facilities, there are few facilities that handle FOGO, and the market is dominated by a few major vertically integrated waste corporations.

National targets set 80% resource recovery by 2030, however, recycling is not happening quickly enough to reduce the demand for waste in landfills.

In 2019, 61.5 Mt of waste were generated, with 60% went to recycling, and the remaining ~27.2Mt ending up in landfills. To meet recycling ambitions by 2030 it will need to grow at a rate of 2 million tonnes per year.

The main drivers now are not enough, landfill levies are lifting but are not fast enough, organics mandates are not widely implemented, export bans – only affects 1.2MT from 61MT generated, new EPR (e.g., container deposit scheme) – only affects 1 MT.

The single most important public policy action, according to data, is to mandate FOGO bins across the country; the second is to increase landfill levies.

Circular Economy

Under the NSW Waste and Sustainable Materials Strategy 2041, the NSW Circular Economy Transition will invest \$356 million over five years beginning July 1, 2022. The key initiatives towards a circular economy: future infrastructure and service needs, reducing carbon emissions through better waste and materials management, protect the environment and human health from waste pollution.

In the circular economy, repair takes precedence over recycling. According to research, most Australians prefer to replace rather than repair a product. Every year, 88% of the 4 million computers and 3 million TVs purchased in Australia end up in landfills.

Enhancing repair in Australia requires improving consumer rights, promoting competition, and enabling access to repair suppliers, as well as increasing product information and e-waste management.

Local governments that implement circular procurement play a significant role in building a local circular economy, which goes beyond recycling procurements. The project management process provides a broad framework that should be adapted to the local context and reality.

Local governments can use circular procurement to take a circular approach to public procurement that benefits the environment, economy, and society.

The National Packaging targets for 2025 are for all packaging to have 50% average recycled content. To meet this goal, efforts are being made to track progress and ensure that plastic does not end up in landfills. The recycled content traceability standard establishes a method for brand owners and governments to verify recycled content in packaging, as well as consumer engagement in meeting the National Waste Policy's goals.

The Recycled Content Pledge initiative is being developed by APCO to assist the Australian packaging industry in achieving the National Waste Policy and moving towards a circular economy.

Yume Foods presentation included the linear model of the food supply chain. In Australia, 400 hundreds semi-trailers full of food from just the commercial sector alone go to waste every day and just 1% of manufacturing food waste is donated; the rest is disposed in landfills. Yume's circular model uses technology for good to transform supplier process and benefits people in needed.

Technology (Part 1 & 2)

Recycle mate App, Australia's first artificial intelligence community-driven recycling has the purpose of reducing recycling contamination. The item is photographed, identified, and disposal information is provided according to location.

ReCollect app allows users the opportunity to have door-to-door service for container collection, making it more convenient and increasing participation in CDS programmes.

Technology statistics are useful for keeping track of cars at unmanned landfills. When compared to traditional methods, using drones to measure landfill gas emissions can improve efficiency and data quality.

The Internet of Things (IoT) enhances waste service efficiency and provides smart, relevant data to waste management. Smart waste sensors can detect the bin's GPS location, how full it is, movement, temperature, solar power, compactor, alert lights, and block off features when the bin is full. Smart bins are useful for analysing statistical data and making decisions.

Database technology was created to offer waste infrastructure information for all bins in the Bayside area. The app ArcGIS was provided to assist waste audit in order to inform sustainable circular economy strategy goals.

CEMAC Technologies presented an overview of recycling technical technology and the current average recycled content rate for all plastic in Australia compared to APCO National Packaging targets for 2025.

The Recycle Smart app is the "Uber" for waste. By booking collections online, collectors will collect waste from resident's front doors and transport this to a nearby recycling centre.

Plastics

This stream discussed activities on phasing out single-use plastics and the circular economy recycling for plastic.

Across 2019, there were 575 million plastic items littered in NSW. The Plastic Act Plan commits to phase out single-use and other problematic plastics by 2025, reduce plastic litter by 30%, make NSW a leader in plastic research, and produce legislation to implement essential initiatives.

Soft plastic shopping bags, single-use plastic stirrers and cutlery, single-use plastic plates, bowls, and expand polystyrene foodware will all be banned in NSW by 2022.

The Plastic Free July initiative has shown how Australian councils are working to reduce plastic waste. According to Monash University research, the key to changing behaviour is to empower individuals, share good stories of solutions, and engage the community.

The WWF-Australia has presented Australia's challenge of take-make-dispose plastic, which has a significant impact on biodiversity. The move away from single-use plastics is beginning, but the key difficulty is ensuring that harmful and problematic plastics are not replaced with the other problematic materials. Where single-use alternatives are required, regenerative and renewable solutions should be the target.

Linking community and industry through innovation were discussed by Liz Kasell, REDcycle program's founder. Every day Australians return around 4 million pieces of soft plastic to REDcycle bins.

REDcycle Program joined forces with iQ Renew to reshape the value chain for soft plastic in Australia, showing that good things can be accomplished through collaboration.

Day three of the Conference - Three streams ran concurrently throughout the conference covering topics of: FOGO (Part 1 & 2), Recycling, Energy from Waste, Product Stewardship, Problem Waste.

Keynotes: Meeting the challenge of halving Australian food waste by 2030 and ministerial update were addressed in the keynote presentations.

Unprecedented action by governments, industry and the community is needed to make feasible Australia halve food waste by 2030, it will require a whole value chain approach and a lot of collaboration.

Key areas of action such as production, handling and storage, processing, packaging, distribution, market, and consumption were discussed.

Extend Producer Responsibility Panel

Extending producer responsibility is a step toward a circular economy, but there are certain obstacles to overcome, such as better data measurement, traceability, and the establishment of progress reports and policy agendas. To engage people, a behaviour-changing communication effort is required, since EPR requires the collaboration of all industry actors.

Disaster Waste Management Panel

In 2022, New South Wales was hit by severe storms and flooding, in term of waste management, 75% of the waste in the flood clean-up has gone to large commercial facilities. The Environmental Protection Agency (EPA) is implementing shoreline clean-up projects. The number of tonnes of waste sent out to landfill after flood catastrophes has been updated.

In emergencies and disasters, managing waste collection for reuse and recycling can be much easier if people sort waste right at the bin.

FOGO

In Sydney, a food waste recycling project is underway to engage apartment buildings.

The founder of Goterra, Olympia Yarger, spoke about the challenges and prospects of food waste management. MIBS (modular infrastructure for biological services) can improve logistics and create regional opportunities.

Compostable bags and bin liners are important for keeping food organics out of landfills; according to studies, the cost-benefit of caddy liners which reduces contamination with inappropriate plastic bags in FOGO bins covers the cost of liners for councils. WRAP's 2021 Household Food Waste Guide recommends that the supply of liners should be free, continuous and in a sufficient quantity for households. Australian standard AS 4736 is highly important.

To increase organic processing capabilities, more technology and infrastructure are needed. In this stream, major themes discussed were strategic thinking linked to the creation of viable markets for products, research on materials and packaging design, legislation to combat greenwashing, and a collaborative strategy including all stakeholders to succeed and create benefits.

Projects, market campaigns, education and ongoing communications are all essential to raise public awareness and encourage people to participate in the circular economy for food.

Recycling

Significant waste information was found in a case study that used various forms of data to provide useful information about what goes in the recycled yellow lid bin and the general waste bin. The survey found five major recycling contaminants, with bagged materials coming in first.

The adoption of FOGO bins and education communication are two components that could be prioritised in order to reduce waste in landfills.

According to the APCO 2025 national packaging targets, more packaging data, and data from MRFs and recyclers are needed to advance the goals.

Researchers, industry partners, and manufacturers are working together to develop innovative products that incorporate waste materials as part of Victoria's circular economy transformation. According to case studies, the Victorian Government is driving end-market demand for priority materials through its own procurement under the Recycled First Policy.

Shoalhaven City Council has demonstrated how they are integrating recycling operations for a sustainable circular economy through a variety of processing infrastructure, recycling plants

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and recovery facilities. Multiple stakeholders and a technological research centre are working on advanced recycling technology initiatives.

Product Stewardship

One of the national packaging targets is to phase out problematic and unnecessary single-use plastic packaging. APCO has been leading efforts with industry and government to develop an industry-led and solution to EPS for businesses and consumers. The publication of an EPS Roadmap is planned for mid-2022.

Dr. Tony Wilkins spoke about how to create an accredited product stewardship scheme, as well as the management structure, operation, barriers, and benefits of a PSS management hub for more effective marketing and awareness.

Revolve ReCYCLING has been diverting bikes from landfills in order to promote the circular economy of bicycles. The linear economy of bikes is wasting significant resources in Australia, where 800,000 bikes or 10,000 tonnes are discarded every year.

To scale up product stewardship, it is necessary to measure its efficacy, as well as provide consistent data reporting and transparency.

Energy from Waste

The presentations addressed an introduction of EfW, policy and project updates to connect existing waste policies, projects in NSW, and technologies developed in Finland.

The NSW Energy from Waste Policy Statement (2021) has been updated to reflect the latest advice on air emissions standards from the Office of the NSW.

There was a clear message that energy from waste should be seen as an alternative for contributing diversion of non-recyclables waste from landfill and reduction of greenhouse gases, not an alternative for FOGO and recycling. Presenters did emphasise the importance of community conversations at the local council level. The circular economy principles of designing out waste and pollution, keeping products and materials in use as long as possible and regenerating natural systems all playing a part in work done before waste is considered as an input for an EfW facility.

Problem Waste

COVID-19 caused an excess of plastic trash in healthcare, and the level of health care waste exposed waste management system cracks. Over 8 billion doses of vaccine have been given worldwide producing 144,000 tonnes of new waste in the form of syringes, needles, and safety boxes.

Australia's health care sector is the second greatest carbon emitter per capita, according to data published.

The NSW public health service produces 52,000 T of waste, which costs over \$16 million to manage, according to the NSW Circular Plastics in Healthcare Report.

In the healthcare system, single-use plastics are prevalent. There are some misconceptions about what can be recycled and what is considered clinical waste. Projects in hospitals to develop recycling, cost savings, environmental benefits and staff engagement have been covered in the CLEANWAY presentation.

Electronic and Electrical Waste (E-WASTE) is one of the fastest growing streams globally. The key difficulties that comprise this issue, such as illegal dumping, lack of regulatory frameworks, and lack of recycling infrastructure capacity, have been identified by an E-WASTE material flow analysis across Western Australia.

Shoalhaven Council

Peter Windley and David Hojem attended the Conference and presented on Councils waste operations and took part in a discussion panel on Disaster Waste Management. The abstract summary: -

Shoalhaven City Council owns and operates 10 Recycling and Waste Facilities across the Shoalhaven LGA, accepting ~135,000tpa of waste and recyclable materials.

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Council proposes to diversify its waste management and recycling infrastructure at the West Nowra precinct and increase its processing and recycling options to maximise diversion from landfill while optimising an integrated system striving to achieve better environmental outcomes and send more resources and products to a Circular Economy.

Council has established or is currently planning recycling facilities including, a Glass Recycling Plant, Materials Recovery Facility (MRF), Bioelektra Advanced Recycling Technology facility (ART), MICROfactorie™ Green Ceramic facility and processing for Organics, Cardboard, Electrical Cables, and Plastics.

The presentations were excellent, and comments made during the presentations was that Shoalhaven operations for waste are incredible.

Clr Patricia White

CL22.292 Waste Conference 2022

HPERM Ref: D22/237014

Submitted by: Cllr Mark Kitchener

Attachments: 1. Waste Conference 2022 Report [↓](#)

Reason for Report

To provide a report (Attachment 1) from Cllr Mark Kitchener on the Waste Conference 2022 held in Coffs Harbour, 3-5 May 2022 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council further promote and support Waste Management strategies being implemented throughout the Shoalhaven as follows.

Promotion:

1. Make approaches to the TV media (as a minimum ABC TV and WIN TV) with a proposal to put together news or editorial screenings on Waste Management in the Shoalhaven.
2. Build a static display of the recycling operations at the West Nowra Landfill site to further educate the public on creating a sustainable Circular Economy. (billboard at the weighbridge)

Support:

3. Invite representatives from Federal, State and interested Local Governments Areas and representative stakeholders from relevant companies, for a guided tour of the West Nowra Facility and a following discussion about future collaboration.
4. Further utilise end products from West Nowra Recycling and Waste Facility in appropriate industries. E.g., Recycled glass sand for asphalt, pipe bedding and concrete and other civil constructions
5. Include an individual interview with management of the West Nowra Recycling and Waste Facility in the induction program for new councillors.

Options

1. As recommended
2. Request further information on the conference

CL22.292

Title: Waste Conference 2022

<u>Date:</u>	3 – 5 May 2022
<u>Venue:</u>	Opal Cove Resort Coffs Harbour
<u>Theme:</u>	Sustainable Solutions for an Evolving Industry
<u>SCC Representatives:</u>	Clrs Mark Kitchener and Patricia White – staff David Hojem, Peter Windley,
<u>Keynote Speakers:</u>	Cate McQuillen, Claire Kneller, Jodie Bricout, Mark Barthel, The Hon James Griffin.
<u>Conference Format:</u>	Keynote presentations and panels in the mornings followed by concurrent stream presentations for the rest of the day.

Summary of Presentations:

The theme of the conference was “Sustainable Solutions for an Evolving Industry.” In total there were five keynote addresses, ninety-six presentations, eight panel discussions, seven question sessions, two field trips and one film screening. Presentations fell into the following categories: Education, Landfill, Operation Equipment, Fleet and Safety, Indigenous Waste Management, Recycling and Landfill Equipment, Litter and Illegal Dumping, Technology and Innovation, Strategy and Planning, Circular Economy, Plastics, Food Organics Garden Organics (FOGO), Recycling, Energy from Waste (EfW), Product Stewardship and Problem Waste.

The following report is an overall impression of the future direction of Waste Management in Australia. The report is based on salient points made by some Keynote speakers and other professionals within the industry who delivered presentations at the Waste Conference. Comparisons are made between what is occurring around the country and what is being implemented in the Shoalhaven. Examples of Waste Management strategies in Local Government Areas are included.

It is reasonable to suggest most Local Government Areas are attempting to reduce pollution, protect the environment and combat the threat of climate change. In addition to managing curbside collections, landfill and buyback recycling shops, councils use strategies of education together with punitive measures to change the culture pertaining to consumer waste. Residents need to be informed of their role in the ‘War against Waste’ and further instructed on how to reduce levels of contamination in curbside pickups. A common focus is on diverting waste from landfill and identifying waste as a resource to create a Circular Economy.

Some of the diverse strategies presented at the conference included: catching windblown litter, plastics recycling, landfill construction costs, halving food waste, Metso waste crusher, phasing out single use plastics, bottom ash incinerator, recycling operations, bicycle recycling, caddy liners, product rebates, and more.

There are numerous strategies and educational programs being implemented by many local councils, by industry, not for profit organizations and other groups that deal with different waste issues in Australia. Collectively, these measures are slowly bringing about a growing awareness of the waste issue. However, the consensus was, unless there is a complete turnaround to the way people value the Circular Economy, or the government reclassifies waste to be an essential service like water and power - which have different funding models - then these strategies will not be enough to meet the national targets in time.

A. *Luke Rogers, in Transforming Victoria's Household Recycling Behaviours Formative Research* asks, "does waste education work?" After many years of educational programs, contamination in curbside pickups is still high and reducing contamination is still a significant priority. The goal should be a rebrand of waste education focusing on behaviour patterns, attitudes, social norms, peer pressure, capability, context, and in-home infrastructure.

When in doubt about what can be recycled, culturally diverse Victorians rely on personal networks for information and ask a friend. If the makeup of a commodity is unknown, it is considered waste and is destined to leave the household irrespective of the coloured lid on the bin. Differentiation between different forms of plastic, and cardboard is still largely ignored.

A huge effort has gone into educating the community about recycling but there are many challenges remaining. There is still uncertainty about what goes in what bin. Despite the numerous communication and educative strategies implemented by councils regarding responsible Waste Management, trends indicate, that whilst there have been ongoing procedural changes to put the onus back onto the consumer, such trends are only changing at a very slow rate.

B. *Rupert Saville, in What is the Real Cost of Litter and Illegal Dumping* said, litter and illegal dumping have environmental and social impacts and it is difficult to determine a monetary value. These impacts are noticeable in the marine environment, inland environment, inland waterways, and terrestrial environments resulting in issues of entanglement, plastic ingestion, chemical and physical contaminants, and can be detrimental to human health.

Plastic is the costliest type of litter, while the dumping of household waste is the most noticed type of illegal activity. To eliminate litter across NSW would cost \$309 million per year and illegal dumping \$300 million per year. Education programs have resulted in a 43% reduction in litter since 2014, but so much more needs to be done.

Councils are slowly achieving an impact on Waste Management in Australia by identifying what is attainable within their own Local Government Area. Every council has a different approach and are at different stages of development. Isolated examples of best practice are creating a critical mass that is changing the attitude toward Waste Management in mainstream Australia.

The 'Return and Earn Container Scheme' is gaining some momentum but is only really attracting individuals and groups motivated by financial gain and the already converted. Maybe the most realistic and achievable thing is to provide strategies, along with supporting infrastructure, to make it easy for masses of people to remove their rubbish while unwittingly participating in a Circular Economy.

With the decommissioning of the China Sword Program, Australia must find homegrown and innovative solutions to its Waste Management issues. China currently focuses on its domestic recycling capacity, and this caused local commodity prices to fall. Material Recovery Facilities (MRFs) were no longer profitable at new commodity prices and existing gate fees. Reduced revenue threatened the sustainability of some MRF industries in Australia.

C. Anecdotal evidence indicates that the Shoalhaven City Council, having concentrated on integrated recycling operations to divert waste from landfill and by recognizing most waste as a potential resource, is now at the forefront of creating a regionalized Circular Economy. The Shoalhaven City Council has already adopted and implemented many advanced recycling technologies that other Local Government Areas are still discussing, trialing; or removing their waste problems by transporting waste elsewhere.

Shoalhaven City Council has the objective of developing a business case for every waste stream that enters the system. By 2024, when all recycling initiatives are fully operational the Shoalhaven City Council will be diverting 90% of all waste, creating a sustainable Circular Economy.

Diverting 90% of waste from landfill will help protect the environment, further combat climate change, and more than meet proposed targets set by the government. Diversion from landfill will also save the Shoalhaven Council \$147 per tonne payable to the State Government for the waste levy. A saving of approximately 8.5 million dollars per year that can be used to further develop Waste Management strategies or for the provision of other forms of infrastructure. Recycling also creates a revenue stream from the end products produced.

D. Some of the strategies presented at the conference have complex planning requirements, are at the cutting edge of technology, or require a change of behaviour and attitude. Not all these innovative practices are suitable to all councils. Councils differ in many ways, including but not restricted to, location, geology, terrain, population size and density, demographic diversity, ratable community, success at grant funding, transport networks, political support, community involvement, needs, wants, and desires. A strategy that is suitable to one Local Government Area could be a complete failure in another.

Some examples of possible strategies that could be adapted in most councils were presented by:

E. *Monique Lewellyn, in Halving Household Food Waste: Which Behaviours Matter* said, “tackling food waste at home is the single most powerful thing an individual can do to take climate action.”

Between 2007 and 2018 the UKs voluntary agreement program, the ‘Courtauld Commitment’ reduced food waste by 3.5 million tonne saving food businesses and consumers nineteen billion dollars. Halving food loss and waste in Australia is feasible, but it will require unprecedented action by governments, industry, and the community. It will also require a “whole of value” chain approach and a lot of collaboration.

However, the business case for action is compelling, with strong and realistic possibilities to save money, fight hunger, curb climate change, and conserve resources. Australia must make food wastage a thing of the past by empowering people to make simple changes in their household. Organize the fridge and create a ‘use it up shelf’ to eat leftovers. Use tape on containers to identify items that must be eaten, shop less frequently and eat what is at home. Have a meal of “use up” items every week. (Use it up ozharvest.org/useitup) Everyone needs to be a part of the solution.

F. *James Vincent, in Free Residential Asbestos Disposal Scheme* said, “managing asbestos waste is an important issue because of the threat to public health and the environment through exposure.”

The Illawarra Shoalhaven Joint Organization (ISJO) offered a free asbestos removal service for small quantities of loose, non-friable asbestos from residential properties. This asbestos had to be already separated from building and not associated with any recent renovation or repairs within the last seven years.

The program expected participants from one hundred and twenty properties but ended up with participants from eighty properties. The result was 5.9 tonnes of asbestos removed from the community at a disposal cost \$33 558. If this amount of asbestos was illegally dumped in the bush it would cost council four times as much to remove.

G. *Kim Potter, in The Circular Cafés Project: Engaging Business for Impact* said, the project is a collaboration between member councils and local businesses in the Northern Rivers Region to participate in a circular economy. Cross council and stakeholder collaboration builds an engaging and aspirational brand that is empathy driven.

In the Northern Rivers Precinct, cafes employ over eight thousand people. These businesses are adaptable, innovative, and agile but need a lot of support to normalize and effectively manage food waste. Cafes are influencers of consumer behavior and a daily touch point for many people and are recognized for co-creating a reuse culture within the Northern River's community.

The project worked with over one hundred businesses, saved eight hundred and ninety-five tonnes of resources from landfill, and recirculated three hundred and forty-eight tonnes. Tweed engaged twenty-four business and diverted seventy-six tonnes of food waste back into compost. To be truly circular, waste needs to be regenerative and returned to food production.

Diversion of waste in each business will save over three tonnes of food waste going to landfill every year. Now the participating businesses are looking to manage impacts both in the immediate community and along the supply chains and distribution channels.

H. *Lara Barclay, in Recycle Mate: Australia's first Artificial Intelligence Community Driven Recycling App* described, the mobile phone App as cutting-edge artificial intelligence technology. It was three years in development but built on desktop research due to the impacts of Covid 19. It is an App that moves around the country with the owner.

Its goal is to be a one-stop shop providing Australia's first community artificial intelligence rubbish library, producing accurate granular data for users collecting data from councils' recyclers and the community. With over twenty thousand recyclable commodities in Australia, the App is still in its infancy.

Like 'Recycle Soldier' and 'Revolve Recycling,' an item is photographed, then downloaded to use the App to identify if it is recyclable. There are five thousand primary items already listed, all with photo identification and over one thousand links to cultural dialects. The App supports local, state, and national programs and is national data hub password protected.

I. *Leanne Wiseman, in The Right to Repair and the Circular Economy* said, "the repair, reuse, recycle movement is gaining ground bringing back sustainable and environment friendly repair skills."

Establishing an Australian repair network will benefit Australia's recycle movement and promote the Circular Economy. Repairing a product made to last is always cheaper than building it from scratch. Shifting from a product to a service model, will lower production costs thanks to re-use. There is an identifiable growing need to buy products that are repairable and for access to choose a repairer. There is a strong case for change to share diagnostic data with users particularly as it relates to car servicing.

The right to repair laws for fixable electronics has been pushed forward after an agreement with consumer affairs. The right to repair motor vehicles, agricultural machinery and other consumer items is following closely behind. However, an act to amend the Competition and Consumer Act 2010 in relation to sharing information for motor vehicle service and repair and for related purposes covers a whole range of policy areas and will be difficult to achieve.

J. The above-mentioned Waste Management strategies all play an important role in the groundbreaking work being done to influence Australian consumers about their waste habits. While these presentations were excellent, it was inspirational to listen to *Peter Windley, speaking on, Diversifying Council Recycling Operations for a Sustainable Circular Economy in the Shoalhaven.*

Pride at occasionally winning a local government award is one thing, but it is taken to another level when most participants attending a conference randomly sing the praises of the Local Government Area to which one belongs. Numbers of participants actively sought out Shoalhaven staff to ask advice, guidance, and to request tours of the West Nowra Landfill Facility. Within networking sessions, questions about how waste services staff from Shoalhaven have achieved so much in such a heavily regulated industry, were often

asked. It appeared that Shoalhaven staff working within the legislative framework, are recognized as movers and shakers at the cutting edge of vision and technology. It is entirely plausible that Shoalhaven staff delivering presentations, can influence decision makers in the industry.

Peter Windley's presentation included Shoalhaven's wholistic view for the management of waste.

Shoalhaven City Council has already established multiple recycling operations and has commenced several other innovative recycling projects, ensuring fully integrated processes in a diverse recycling operation towards a Circular Economy.

Council proposes to further diversify its Waste Management and recycling infrastructure at West Nowra and intends to increase its processing and recycling options to maximize diversion from landfill while optimizing an integrated system. This will achieve better environmental outcomes and send more resources and products to a Circular Economy.

Shoalhaven City Council has established or is currently constructing recycling facilities including, a Glass Recycling Plant, Materials Recovery Facility, Bioelektra (Alternative Waste Technology/ AWT), a MICROfactorie™ and processing equipment for cardboard, electrical cables, and plastics.

Shoalhaven City Council is on track to achieve the NSW Department of Planning, Industry and Environment's, Waste and Sustainable Materials Strategy 2041 (WaSM 2041) targets of:

reducing total waste generated by 10% per person by 2030;
have an 80% average recovery rate from all waste streams by 2030;
significantly increase the use of recycled content by governments and industry;
phase out problematic and unnecessary plastics by 2025,
halve the amount of organic waste sent to landfill by 2030.

Established Resources, Infrastructure and Services

Shoalhaven City Council owns and operates ten Recycling and Waste Facilities across the 4567km² Shoalhaven Local Government Area. Council accepts 138,000 tonnes of combined Municipal Solid Waste (MSW), Commercial and Industrial (C&I) and Construction and Demolition (C&D) waste streams annually and has:

- 78 Staff
- 2 Landfills at West Nowra and Huskisson
- 10 transfer stations throughout the Shoalhaven that provide sorting, segregation, and resource recovery services across all sites, seven days per week
- Garden Organics and Bulky Goods collection service
- Commercial Waste and Recycling collection service
- Parks Litter and Public Litter collection servicing councils' commercial facilities i.e Tourist Parks, Works Depots, Swimming Pools etc.
- 10 Public Drop-Off and Transfer Stations diverting 13,200 tonnes per annum
- 10 Community Recycling Centres diverting 130 tonnes per annum of Problematic Waste Materials from landfill

- 7 Buy-Back Shops selling items for reuse and diverting 640 tonnes per annum from landfill
 - Landfill Gas Electricity Generation since 2002 producing 750kw of power per annum
 - Temporary Commingled Recycling Sorting and Transfer Station - 14,000 tonne initially sorted and transferred to Sydney for further processing.
1. Organics Recycling Operation: 32,000m³ or 15,000 tonnes per annum of garden organics diverted from landfill. These shredded garden organics are processed to an Australian standard mulch-type material and given free to Shoalhaven residents for reuse in their gardens.
 2. Glass Recycling Plant: Council saw an opportunity to focus on the reject glass fines stream found in comingled MRFs that usually ends up in landfill. Waste Management staff then designed a system to recover this material and return it to a Circular Economy. In January 2020 Council commenced laying the slab for an in-house designed Glass Processing Plant at the Recycling and Waste Facility at West Nowra.

Commissioned in May 2021 the washed glass sand has attracted interest from multiple customers with over 1,800 tonnes returned to the Circular Economy in the first nine weeks. Over 6000 tonnes have now been used in civil construction and major infrastructure projects.

In 2021 the Glass Recycling Facility won the Local Government NSW Excellence in Environment Award for Transition to a Circular Economy. The facility also won the Environmental Enhancement Project including Recovery, Recycling and Reusing category at the 2022 Institute of Public Works Engineering Australia (IPWEA), engineering excellence awards.
 3. Polystyrene Recycling Plants at West Nowra & Ulladulla: Thus far this recycling plant has achieved 56 tonnes per annum of polystyrene recovered and processed to export quality and 35,000,000 litres of foam diverted from landfill in five years. This is equivalent to 30% of a landfill cell air space helping to extend the life of the West Nowra Facility.
 4. Waste Shredder Operations: Diverts 1500 tonnes per annum of mattresses, lounges, tyres and recovered recycling residual materials to multiple downstream processors including:
 - Processed Engineered Fuel (PEF): used in the cement manufacturing industry as a replacement for fossil fuels (Coal & Gas).
 - PVC, PP and HDPE Plastics: are shredded, granulated, and sold back to plastic manufacturers for products such as construction, drainage pipes and concrete reinforcement chairs.
 5. Baling Plant: Diverts 1500 tonnes per annum of paper, cardboard, and plastics.
 6. Electrical Cable Recycling Plant: Diverts 21 tonnes per annum of copper and mixed plastic granules. Copper is currently sold at \$12,000 per tonne.

Current Recycling Infrastructure Projects

1. Bio Elektra:

This state-of-the-art facility will be Australia's first Advanced Recycling Treatment Plant capable of diverting over 90% of mixed waste from landfill. The process involves sterilization using autoclaves that dries the waste eliminating odours and sorts the dry material through a series of processes to separate all recyclable components.

What are the environmental benefits?

Increased resource recovery.

Further opportunities to increase the amount and diversity of recycling.

Sterilized waste is free of odour or biological activity.

Clean recyclable materials are separated.

The unrecyclable reject material returned to landfill is inert, significantly reducing the landfill environmental risk.

Projected landfill life at West Nowra is extended from 10 years to more than 50 years.

No additional curbside collection vehicles are required.

2. Materials Recovery Facility (MRF):

This modern and advanced Materials Recovery Facility using high levels of technology and innovation (including Optical Sorting and Artificial Intelligence (AI)) to maximize recovery rates and purity of outputs from not only traditional curbside comingled recycling but multiple other sources and waste streams. This facility will allow council to incorporate existing recycling operations to further recover and recycle problematic packaging and other problematic waste streams (non-curbside comingle) currently recovered on site.

The MRF will also have best practice plastics beneficiation to recover problematic plastics and recycle them to the highest order (flake and pellets) that will be sold directly into the plastic manufacturing industry in Australia. The MRF can also segregate and process soft plastics diverting them from landfill. Shoalhaven will be among the first regions in Australia to implement this initiative.

The MRF will assist in Council achieving the WaSM 2041 targets of an 80% average recovery rate from all waste streams by 2030. It will also set a goal to triple the plastics recycling rate by 2030, as set out in the NSW Plastics Action Plan June 2021. The proposed MRF will directly divert 6,000 tonnes of waste from multiple waste streams from landfill per annum.

3. MICROfactorie:

Shoalhaven City Council in partnership with the University of NSW Sustainable Materials Research & Technology Centre (SMaRT), proposes to establish a MICROfactorie™. This MICROfactorie re-manufactures glass and mattresses into green ceramics used as kitchen benches, tabletops, tiles, furnishings, and other applications. It also re-manufactures plastics into filament for 3D printing purposes.

The UNSW SMaRT Centre is led by global pioneer in waste technology, Professor Veena Sahajwalla. This MICROfactorie™ will be the first established for council use to promote a circular economy and re-manufacturing in the Shoalhaven and Illawarra region.

4. Landfill Gas Generation Upgrade and Solar Projects:

The upgrade of the Landfill Gas Generation Plant will generate an additional 6MW of electricity.

Supplementing the West Nowra Recycling and Waste Facility with solar power generation will help address the targets in the NSW Net Zero Plan Stage 1: 2020–2030 for clean and renewable energy production.

5. Leachate Treatment Project:

Up to 240 000 litres of leachate water will be recycled per month to a high-quality water standard, for use on site and in other recycling operations.

The leachate treatment project involves the installation of a dedicated Surface Activation Foam Fractionation (SAFF) unit for the treatment and remediation of both landfill leachate and process waters. The ability to treat all site water to meet ANZECC guidelines for freshwater, including the removal of PFAS toxins, allows for the West Nowra facility to become a closed loop water processor, reducing its impact on the Council's water distribution network.

This process allows the Shoalhaven to treat any water that falls on the site or is created during the recycling and landfilling operations to a level suitable for reuse in irrigation, dust suppression and process water. The SAFF unit will provide the site with confidence in its leachate management and ability to continue to meet its environmental obligations.

6. Rubber Crumb Plant:

The Shoalhaven Rubber Crumb Plant Project will utilize tyres and waste rubber materials that are currently destined for landfill. The Plant will create a valuable crumbed rubber and mesh powder commodity ready for use in local Shoalhaven civil infrastructure projects, such as a commercial polymer replacement in asphalts and bitumen.

The proposed crumbing technology removes 99% of all contaminants and provides Council with an exceptionally high purity product which is attractive to the recycled products market. This project will improve Council's landfill diversion, support local business, reduce Council's costs and improve the environmental performance of Council and its contractors.

The proposed Rubber Crumb Plant will increase the total number of tyres recycled from 58 tonnes per annum to approximately 160 tonnes per annum. The plant also has the potential to increase the volume of tyres recycled to 270 tonnes per annum. Improved technologies will see a better quality, high value crumb rubber output for reuse within the region, particularly in civil infrastructure projects.

7. Plastics, Recovery, Recycling & Remanufacturing Facility:

The South Coast Plastics Recovery, Recycling and Remanufacturing Facility will utilize plastic waste from residential recycling to create a valuable, highly marketable pelleted plastic commodity for reuse within the Australian Circular Economy. The Facility will increase the availability of high-quality onshore plastic products, facilitate increased manufacturing within NSW and Australia and ease the pressure associated with the COAG ban on the export of waste plastic.

The Facility will create regional employment, boost environmental performance and awareness, increase landfill diversion of plastic waste, and provide the local community access to innovative, leading plastics processing technology.

During the past the Shoalhaven City Council has also implemented the following plastic focused programs: home sustainability workshops, boomerang bags, plastic free July, plastic wise communities, plastic pollution solution and school breakfasts 'Wasteless.'

Additional waste reduction programs include Shoalhaven Environmental Expo, King and Queen of Green, Tip Tours, Community Presentations, Wombat Recycling Ambassador, National Recycling Week, World Environment Day, Waste to Art Project, Litter Travelling Trash Troupe, Litter Beach Clean Ups 'Pickitup,' School Presentations and Tours, and School Waste Warrior Theater.

Facilitation and incentives: Love Food/Hate Waste, Household Chemical Clean Out, Parks and Street Litter Campaigns, Illegal Dumping Campaigns, Bin Trim, Green and Bulky Services and Recycling Calendar, Community Recycling Centres, (household problem wastes)

Community Collaboration: Take 3 for the Sea, CUAD, Adopt a Road, and more have been implemented in the Shoalhaven to manage waste and combat climate change.

The Shoalhaven City Council is doing an exemplary job in Waste Management, educating the community, and making individuals aware of pollution issues locally, nationally and globally. It seems reasonable to suggest that building on the Shoalhaven's strengths by identifying best practice around the country and including what is advantageous to the Shoalhaven's Waste Management strategy will further augment what has already been achieved.

It is time the current Shoalhaven Administration stopped comparing itself to Bryon Bay and other category five Local Government Areas and recognized that other councils are following in the footsteps of the Shoalhaven. Anecdotal evidence suggests the Shoalhaven is at the forefront, not only in Waste Management but in Water Management, Tourism and Regional Development. It is this council's responsibility to give council staff the support, resources, encouragement and trust needed to lead by example. Investing in its people and utilizing the expertise, skills and experience of its professional staff will ultimately lead to success.

It is time to recognize the work that the Shoalhaven has been doing for decades regarding climate change and protecting the environment through its waste services and realize that the Shoalhaven is ahead of the game. For those people in the community who are critical of the Shoalhaven's efforts and say it is not doing enough then they either have no personal interest in what happens to waste, no concept of the role they need to play in the future regarding waste, have been misinformed or are totally ignorant of council responsibilities in servicing the Shoalhaven community.

Local Governments have a monopoly in waste collection, so it is not enough for the current Shoalhaven Administration to say how impressed it is with the work being done by council staff regarding waste. It is time to act, deliver and further improve what has been done in the past to make this asset work harder for the benefit of the community and to consolidate Shoalhaven City Councils position as leader of the country in diversifying council recycling operations to create a sustainable circular economy.

This administration can shape the future of Waste Management by making strategic policy decisions that proactively create real solutions to waste issues rather than reactively solving problems. It is only when people change their thinking that action follows and sometimes one must act before, they change the way they think.

Recommendation:

That Council further promote, and support Waste Management strategies being implemented throughout the Shoalhaven.

Promotion:

- a) Invite ABC TV to produce a series of episodes on Waste Management in the Shoalhaven to be screened on shows such as 4 corners, Australian Story, Landline or the like.
- b) Invite WIN TV to put together a news report on Shoalhaven Waste Management.
- c) Build a static display of the recycling operations at the West Nowra Landfill site to further educate the public on creating a sustainable Circular Economy. (billboard at the weighbridge)

Support:

- d) Invite representatives from Federal, State and interested Local Governments Areas and representative stakeholders from relevant companies, for a guided tour of the West Nowra Facility and a following discussion about future collaboration.
- e) Further utilize end products from West Nowra Recycling and Waste Facility in appropriate industries. E.g., Recycled glass sand for asphalt, pipe bedding and concrete and other civil constructions
- f) Include an individual interview with management of the West Nowra Recycling and Waste Facility in the induction program for new councillors.

Councillor Mark Kitchener
1/6/22

CL22.293 Rescission Motion - CL22.252 - DA16/1465 - 173 Kinghorne St and 2 & 4 Albatross Rd - Nowra - Lot 1, 29 & 30 DP 25114

HPERM Ref: D22/237254

Submitted by: Clr Greg Watson
 Clr John Wells
 Clr Paul Ell

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL22.252 - DA16/1465 – 173 Kinghorne St & 2 & 4 Albatross Rd - Nowra - Lot 1, 29 & 30 DP 25114 of the Council Meeting held Monday 6 June 2022.

Background

The following resolution was adopted at the Ordinary Meeting held Monday 6 June 2022 (MIN22.369).

That Development Application DA16/1465 – mixed use development consisting of 55 residential units and commercial space on the land known as 173 Kinghorne Street and 2 & 4 Albatross Road, Nowra (Lot 1, 29 and 30 DP 25114) be determined by way of refusal for the reasons outlined in this report and detailed in Attachment 2.

Note by the CEO

The motion seeks to rescind the above resolution. No replacement motion has been submitted.

CL22.293

CL22.294 Notice of Motion - Living on the Coast Documentaries Sponsorship

HPERM Ref: D22/251385

Submitted by: Cllr Patricia White
Cllr Amanda Findley

Purpose / Summary

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

Recommendation

That:

1. Council support the Living on the Coast Documentaries with sponsorship of \$20,000 for 3 new episodes in season 2 of the series to be produced and aired in 2022/23. Funding to be provided from unallocated donations 2021/22.
2. In accordance with Section 356(2) of the Local Government Act, the proposed funding be advertised for a period of 28 days. Should Council receive any submissions objecting to the funding, a further report is to be provided to the Council outlining those submissions before payment is made.
3. Terms and conditions of the sponsorship to be determined by the CEO or his nominee.

Background

LIVING ON THE COAST – SERIES 2 – AIRING ON CHANNEL 9

It is with great excitement Michael Pignataro of Essential Films and Allan Baptist OAM, announced that the Nine Network has agreed to screen the first series 'Living on the Coast-Shoalhaven Recovers'.

The three half hour episodes will air on the NINE NETWORK starting on Saturday June 18 at midday on Channel 9 to all Australian Capital cities and throughout regional Australia on the WIN Network, with a potential audience of millions of Australians.

The national broadcaster has also asked for an additional 3 episodes to be developed.

Living on the Coast Season 2, a brand-new series, will be similar to the first and focus on coastal living themes with new stories of recovery, new characters and wonderful projects and events.

It may also visit its immediate neighbours and further introduce Australia to the region's entrepreneurs, artists, events, its food and wine and present our resilient, community minded locals, all of whom exude an attitude of energy and eagerness toward a bright future 'Living on the Coast'.

'Living on the Coast' has support from Channel 9 & the WIN Network to rescreen Season 1 and introduce Season 2 and are respectfully seeking sponsorship funding which supports the costs of filming, editing and production so that a 2022-23 screening can be realised.

The very successful first series screened, in regional Australia in 2021, to over 134,000 viewers also attracting 400,000 social media positive responses. An episode for viewing can be supplied if required.

CL22.294

I seek the support of all Councillors for this wonderful opportunity to showcase the Shoalhaven and our recovery from Fires, Floods and Covid to the whole of Australia.

Note by the CEO

The 2021/22 Unallocated Donations budget currently has sufficient funds available.

CL22.294

CL22.295 Notice of Motion - NSW Land Tax on Residential Properties

HPERM Ref: D22/253063

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 Council make strenuous representations to all Members of the NSW Parliament opposing the proposed imposition of Land Tax on residential and rural properties.

Background

Based on the initial figures outlined by the government late last year, property owners would be forced to pay \$1500 plus 1% of the land value each year. And based on this information, for NSW the average residential land value is around \$630,400 and the corresponding owner-occupied property tax would be \$2391.

CL22.295

LOCAL GOVERNMENT ACT 1993

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.