

## Ordinary Meeting

**Meeting Date:** Monday, 26 September, 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, recorded and made available on Council's website, 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 its 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 - 12 September 2022
  - Extra Ordinary Meeting - 20 September 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**

## 8. Mayoral Minute

### Mayoral Minute

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## 9. Deputations and Presentations

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## 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

CCL22.25	Tenders - Replacement of Two Timber Bridges with Concrete Structures  <i>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.</i>  <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL22.26	Tenders – Supply & Lay Asphalt - July 2022 to June 2024  <i>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.</i>

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

CCL22.27 Acquisition of Land & Easement - Cambewarra Locality

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

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



## MM22.21 Mayoral Minute - Manyana Special Conservation Area

HPERM Ref: D22/345508

### Recommendation

That Council:

1. Supports the community of Manyana's aspirations to conserve the land known as Manyana Beach Estate (Lot 172 DP755923 and Lot 823 DP247285) as the Manyana Special Conservation Reserve to be included in and managed as part of the Conjola National Park.
2. Acknowledges that it is understood that given listed threatened species the development has been declared a "controlled action" by the Commonwealth Government under the provisions of the Environment Protection and Biodiversity Conservation Act 1999 and this has effectively halted any development of the site at this point.
3. Acknowledges the offer from the NSW State Government in 2021, to help support the purchase of the land and reopen discussions with the NSW Government in this regard.
4. Acknowledges the desire of the NSW State Government to improve the safety of the Princes Highway to the South of Nowra, with changes and future works that will impact existing conservation lands, namely the potential loss of 20ha from the Conjola National Park and notes that the Manyana Special Conservation Reserve could be a candidate for purchase by the NSW Government as an offset for the future works, particularly land of equivalent size legislated to be removed from the Conjola National Park to allow for road safety improvements on the Princes Highway south of Nowra.
5. Write to the NSW Premier, Deputy Premier, Treasurer and relevant Government Ministers (Infrastructure, Planning, Transport and Regional Transport and Roads) requesting and supporting the NSW State Government's purchase of the Manyana Beach Estate / Special Conservation Reserve for conservation and for offsetting the future impacts created by Transport for NSW (TfNSW) and the representations also be sent to the relevant Shadow Ministers and The Greens NSW Parliamentary Representatives

### Details

Manyana Matters have been campaigning since the conclusion of the 2019/2020 Currowan Bushfire to save, for conservation purposes, the unburnt parcel of bushland in Manyana known as the Manyana Beach Estate or to the locals as the Manyana Special Conservation Reserve.

The NSW Parliament recently debated a bill introduced to revoke 16 hectares of land for the widening of the Princes Highway. This presents a unique opportunity for TfNSW to purchase the unburnt portion of land for conservation and add it to the Conjola National Park.

I seek Council's support to write to the relevant Ministers and other key stakeholders to bring this opportunity to their attention. I also seek to rescind the previous position of Council that sought compensation to Council should any purchase of this land be considered.

MM22.21

## **MM22.22 Mayoral Minute - Condolences - Uncle Jack Charles, Actor & Revered Aboriginal Elder**

**HPERM Ref:** D22/397130

### **Recommendation**

That Council acknowledges the passing of Uncle Jack Charles and pass condolences onto Uncle Jacks family.

### **Details**

Actor, musician and revered Victorian Aboriginal elder Uncle Jack Charles known as the “father of black theatre” has passed away peacefully, surrounded by his family on 13 September 2022, after suffering a stroke at the age of 79.

Uncle Jack was a proud Boon Wurrung, Dja Dja Wurrung, Woiwurrung and Yorta Yorta man, he achieved many things in his remarkable life: Elder, actor, musician, potter, activist, mentor, a household name and voice loved by all.

Uncle Jack was a co-founder of Australia’s first Indigenous led theatre group in Melbourne and he was awarded this year’s NAIDOC Male Elder of the Year, who had links to several other clans across south-eastern Australia

Shoalhaven City Council acknowledges the passing of Uncle Jack Charles and sends condolences to his family and friends.

MM22.22

## **MM22.23 Mayoral Minute - Congratulations Cllr Wells - Awarded Life Membership - Illawarra Academy of Sport**

**HPERM Ref:** D22/397026

### **Recommendation**

That Council:

1. Write to Councillor John Wells acknowledging and congratulating him on being awarded Life Membership to the Illawarra Academy of Sport.
2. Write to Paul Knight the incoming President of Illawarra Academy of Sport, congratulating him on becoming the first Aboriginal president.

### **Details**

Illawarra Academy of Sport (IAS) has announced, Paul Knight is their new President. Paul was the former Chief Executive of Illawarra Aboriginal Land Council. Paul is the first Aboriginal president for the IAS. Paul will take over from Councillor John Wells who, although did not renominate for the President's position, will remain on the IAS Board.

Councillor John Wells has served a remarkable 26 years on the IAS, the last five years as president and 8 years previous to that as Vice President. Councillor John Wells has assisted over 5,000 students being granted scholarships during his time on the IAS.

The IAS has recognised Councillor John Wells' contribution as President and long-term Director of the IAS over the last 26 years by awarding him life membership.

### **Background**

Whilst Councillor John Wells tenure as a member and a Director of IAS extends for over 26 years, his most recent position as Chair and President of the organisation has highlighted the skills and expertise that Councillor Wells has demonstrated throughout that time. With a series of staff turnover and the Illawarra Academy of Sport being placed in a pivotal position, Councillor Wells accepted the role of President, with a real intent of securing an improved financial position and a focus on providing stronger governance for the future.

Appointed in 2017, Councillor Wells oversaw the strong rebuilding of the organisation to the heightened and respected position that it currently holds. A revision of staff, revised allocation of duties and the development of the 2017-21 Strategic Plan established the platform that the IAS held and further revised in 2021.

An unprecedented level of support for the athletes through the coordinated and combined support of each of the Council areas as well as the increased sponsorship required to maintain the organisation ensued. Councillor Wells has been instrumental in building the relationships with each of the Councils within the catchment area, whilst remaining steadfastly focused upon the provision of support without an initial outlay of financial input by the parents to be a part of the IAS.

Councillor John Wells' leadership and sage advice has proven to place the IAS in a better position, but it is his ability to hear an alternative view, accept a position that might not have

MM22.23

been his initial view and fight for a better outcome that places Councillor Wells as a leader within the community and a respected member of all within the Academy.

On behalf of Shoalhaven City Council, I extend congratulations to Councillors John Wells on being Awarded Life Membership of the Illawarra Academy of Sport.

## CL22.448 Report of the Shoalhaven Sports Board - 24 August 2022

HPERM Ref: D22/387583

**Attachments:**

1. Draft Sportsgrounds Management Policy [↓](#)
2. Proposed changes - Draft Sportsgrounds Management Policy [↓](#)
3. Draft Elite Athlete Support Program Policy [↓](#)
4. Draft Sports Grants Program (Capital Works) Policy [↓](#)

### SB22.18 Policy Review - Sportsgrounds Management

HPERM Ref:  
D22/286646

#### Recommendation

That Council adopt the Sportsgrounds Management Policy, as endorsed by the Shoalhaven Sports Board.

### SB22.19 Policy Review - Elite Athlete Support Program

HPERM Ref:  
D22/286735

#### Recommendation

That Council adopt the Elite Athlete Support Program Policy, as endorsed by the Shoalhaven Sports Board.

### SB22.20 Policy Review - Sports Grants Program (Capital Works)

HPERM Ref:  
D22/286745

#### Recommendation

That Council adopt the Sports Grants Program (Capital Works) Policy, as endorsed by the Shoalhaven Sports Board.

### SB22.21 Additional Item - Sporting Event List / Report

#### Recommendation

That:

1. The Shoalhaven Sports Board receive regular updates/reports on sporting events that have been bid for or secured, similar to the report previously provided to the Shoalhaven Tourism Advisory Group.
2. Council write to all sporting bodies, associations and clubs and request that if they are hosting any type of large event the sporting body notify the Shoalhaven Sports Board.

CL22.448

# Sportsgrounds Management Policy

<b>Adoption Date:</b>	04/04/2017
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN17.245
<b>Review Date:</b>	26/09/2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL18/70

CL22.448 - Attachment 1

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## Sportsgrounds Management Policy

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### 1. Purpose

To provide policy guidance for the management of Council's sporting facilities at sportsgrounds, showgrounds and destination parks.

### 2. Statement

In the context of this policy a sporting facility or sportsground is public open space which Council maintains for active recreational use by organised sporting groups. A sportsground is not a natural area, park, beach, streetscape etc.

Council's sportsgrounds are managed by the Shoalhaven Swim Sport Fitness Department in three geographical areas in the Shoalhaven: Northern, Central and Southern. The Precinct manager in each area is responsible for the financial and operational management of all Swim Sport Fitness facilities in that area, and reports to the Manager, Shoalhaven Swim Sport Fitness.

### 3. Provisions

#### 3.1. Communications

- a. Council will consider sports planning, policy and funding recommendations from the Shoalhaven Sports Board.
- b. The Shoalhaven Sports Board *Terms of Reference* define the Board's operational parameters. The *Shoalhaven Sports Board Mission, Values and Aims* document (adopted 24/07/2018) outlines the Board's actions. The Board receives status updates from staff regarding operational matters at quarterly meetings. The Board is invited to attend annual sporting user group workshops.
- c. Council will receive planning, policy and funding recommendations from the relevant Sporting Association/Peak Body based in the Shoalhaven. Sports clubs are required to forward planning, policy and funding requests to their Sporting Association/Peak Body. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will consider recommendations from the appropriate representative body for that sport.
- d. Sporting individuals are required to seek support for planning, policy and funding requests from their sports club in the first instance and, via the club, from the Sporting Association/State Sporting Organisation (SSO)/Peak Body.
- e. Sporting Associations/SSOs/Peak Bodies are required to assess planning, policy and funding requests prior to forwarding their recommendation to Council. These Associations/SSOs/Peak Bodies are encouraged to formally meet at least once a year with relevant Council Officers to discuss current issues and development of their sport. Depending on the outcome of this meeting, Sporting Associations/Peak Bodies may be invited to present a report to the Shoalhaven Sports Board.
- f. Risk management issues associated with any Council managed facility should be communicated immediately to Council.
- g. All Council infrastructure (e.g. buildings, fixtures, irrigation, fire exits and fire-fighting equipment) is managed by Council in compliance with legislation. Please advise Council of any issues.

**Sportsgrounds Management Policy**

- h. Sporting Clubs are required to make seasonal applications for ground allocations to Council, and to have received Council's confirmation of the bookings prior to use of a ground.
- i. General planning, policy, legislative, funding and Shoalhaven-based sporting information will be communicated to Associations/SSOs/Peak Bodies, sports clubs and sporting individuals via Council's sporting precincts' staff, the Shoalhaven Sports Board and/or at annual sporting user group workshops.

**3.2. User Group Responsibilities**

- a. Peak Bodies and user groups are required to refer to Council's Community Infrastructure Guidelines before making submissions for proposed works to Council. No works are to proceed without Council's written approval (excluding pre-approved routine maintenance).
- b. Sportsground charges are applied in accordance with Council's adopted Fees and Charges. Local sporting and school groups are not charged for use of Shoalhaven sportsgrounds, canteens and floodlighting.
- c. User groups shall meet the cost of line marking (including the line marker/materials). Non-toxic line marking chalk/paint is to be used. Herbicides are prohibited in line marking solution/preparation.
- d. Pegs used on sportsgrounds (e.g. for securing covers/nets) are either to be painted a bright fluoro colour, or be plastic, coloured pegs, or have a cap placed on them.
  - i. All pegs are to be removed from the field when covers/nets are removed.
  - ii. Due to the disadvantage caused to all clubs when mowers are damaged and put out of service by pegs left on sportsgrounds, any costs associated with damage caused to the mowers will be charged to the responsible clubs. Should the incident be repeated by a club, the following will take effect:
    - A. the club will be invoiced for all costs associated with the damage;
    - B. cylinder mower will not be used on club's fields for a period of 12 months.
- e. Irrigation systems on sportsgrounds are routinely monitored and maintained according to monthly maintenance schedules. Council staff program the irrigation systems according to site conditions and facility usage. User groups are not to adjust irrigation programs. Any request for changes to irrigation programming are to be made to the relevant Precinct Coordinator. Council may cease irrigation where programs conflict with other scheduled maintenance.
- f. All topdressing materials and other proposed works are to be approved by Council prior to works commencing.
- g. User groups who use goal posts shall be responsible for the supply and maintenance of goal posts (including fixed posts) and seasonal removal and replacement. At shared facilities, where posts are required to be removed or replaced mid-season (for example for an event), the event organiser will be responsible for the costs of removing and replacing the posts. Works are to be approved by the sporting group who own the posts. All posts must conform to Council requirements and meet appropriate guidelines and standards for each sporting code.
- h. User groups shall be responsible for the maintenance and preparation of turf wickets, however Council may assume these responsibilities by mutual agreement with user groups. Synthetic wickets and nets are maintained by Council.



#### Sportsgrounds Management Policy

- i. Council maintains Council-managed fields according to a monthly maintenance schedule. In the event of overuse of an area, user groups are responsible for repair to degraded areas, e.g. returfing goalmouth areas. No works are to proceed without Council's written approval.
- j. In general, user groups shall meet the costs of alterations/maintenance required for the purpose of their sport. For example: 1. for off-season play at cricket fields, off-season clubs are responsible for the costs of laying and spreading dirt/sand composite over synthetic cricket wickets before and after the season (Council will lay mats over the pitch prior to laying of the dirt to ensure protection of the wicket). 2. Baseball facilities, including diamonds and mounds. 3. Cleaning/maintenance of playing surfaces/courts beyond scheduled maintenance as per item 3.2.i.
- k. User groups are responsible for cleaning canteen and amenity facilities (i.e. change rooms, changeroom toilets and showers, and canteen) after each use. Public toilets should be left in a tidy state and any issues reported to Council staff.
- l. Where a sportsground has a clubroom, the user group(s) is responsible for the cost associated with the maintenance of the interior of the building (i.e. cleaning, routine maintenance, utility accounts, general building improvements).  
  
Where the clubroom is hired out to casual users by Council, Council will contribute to the costs associated with maintenance, by agreement with the Precinct manager.
- m. Pest control in clubrooms and amenity buildings is the responsibility of user groups.
- n. Where a sportsground has a canteen, user groups are responsible to ensure their use of the canteen complies with legislated Environmental Health standards. Council is responsible to ensure the building's fixtures and fittings are maintained to legislated Environmental Health standards.
- o. Council's insurance does not provide cover for items that are left on the premises by user groups. User groups are recommended to obtain insurance for any possessions stored in buildings or on public land.
- p. All use of Council-managed land/buildings must comply with Council's *Terms and Conditions of Hire/Use – Public Halls/Community Centres, Meeting Rooms, Reserves, Sportsgrounds, Courts, Camping & Showgrounds*.

#### **3.3. Glass Bottle Free Sportsgrounds**

Council prohibits the supply, sale and consumption of drinks in glass bottles or glass containers on Council managed sportsgrounds.

#### **3.4. Sportsground Closures**

- a. At all times a club/user group which has been given a seasonal ground allocation is responsible for determining the suitability of a sportsground for play/training and to advise its members/participants of a sportsground closure.
- b. Council or a Management Committee, in consultation with Council, may determine the suitability of the ground for play and override a club/user group's determination.
- c. Council or a Management Committee, in consultation with Council, may determine whether a sportsground should be declared closed for a casual booking.
- d. Where a club/user group has determined a ground to be usable and excessive damage is caused, the club/user group will be responsible for repairs, to be undertaken in accordance with Council's policies and procedures. Precinct managers will determine if the damage is excessive, in liaison with the club/user group.
- e. Council reserves the right to cancel any booking or close any ground without notice.

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**Sportsgrounds Management Policy**

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**3.5. Sportsground Perimeter Fencing**

- a. One fenced “Feature” sportsground will be provided by Council in each of the Northern, Central and Southern areas, where an entry fee can be collected. “Feature” grounds must be made accessible to all legitimate hirers, in an equitable manner.
- b. Perimeter fencing of other sportsgrounds may be permitted in consultation with Council and where public access to the facility is not significantly affected. The fencing is to be provided by the Club.
- c. Showgrounds are excluded from this policy as perimeter fencing is needed to facilitate event usage.
- d. Some sportsgrounds may be protected by way of locked fencing, for example synthetic surfaces; however, these facilities should still be available to the community by way of casual hire.

**3.6. Signage**

- a. Sponsorship Signage  
Signage must clearly identify the said company as sponsors of that club and must contain the sporting clubs name and logo. Signage must be inward facing to the sportsground and not visible from the road. At multi-use facilities these signs may be displayed at the sporting field or clubhouse over the current sporting season only.
- b. Game Day Signage  
Signage displaying a private company’s details with no reference to sports club or association can only be put out on game day and must be removed at the end of that day.
- c. Other Signage  
All other signage must have Council approval and follow all legislative requirements as advised by Development Planners.

**3.7. Smoke Free Act**

All sportsgrounds are non-smoking venues as outlined in the Smoke Free Environment Act 2000.

**3.8 Filming / Drone Use**

These are to be conducted in accordance with Council’s Film and Video Production in Public Reserves and Public Places Policy.

**3.9 Helicopters**

Helicopter pilots land at their own discretion and are responsible for managing the operational and public risk of this activity, in accordance with the requirements of the relevant authority. Booking of the field is required, unless in an emergency.

**3.10 Priority of Use**

- a. During season, turf cricket pitches will not be available for hire by user groups other than the seasonally allocated club, except in consultation with that club.
- b. In the first instance Council promotes the use of showgrounds for one-off events – the Crown Land Management Act 2016 identifies the purpose of showgrounds on Crown Land to be “Public Recreation” or “Showground”. “Sportsground” (which is another possible purpose) is not identified by the Act for showgrounds. It is for this reason that

### **Sportsgrounds Management Policy**

non-sporting or one-off large sporting events take precedence over regular sporting use at Shoalhaven showgrounds.

- c. There is no limit to the frequency with which regular sporting use can be displaced from showgrounds. Where practically possible, advance notice (60 days) will be provided to sports clubs, and Council Officers/Management Committees will endeavour to assist in identifying alternate grounds for the use of displaced sporting user groups.
- d. Large events at Sportsgrounds – Large events and festivals (attracting, in total, more than 500 people in attendance throughout the event) which are inclusive and open to the broader community have a positive impact in bringing the community together, and are often used to raise funds for charities, community groups and community projects. They are integral to the visitor economy and provide significant tourism, trade and investment opportunities for the region.  
Large events will also have priority over regular events at sportsgrounds, if it is not possible or is inappropriate to conduct the event at a showground. If there are regular bookings for a sporting user group that conflict with a large event with significant community benefit, the sporting group will relocate to another ground, to free up the venue (Sports Board recommendation January 2009).
- e. Management Committees will refer all events that would displace a sporting or other user group, or that are over 200 people per day, to Council for approval prior to acceptance of the booking.
- f. Council or Management Committees will determine appropriate bond amounts, based on Council's Fees and Charges, to carry out repairs to grounds/facility post-events, where deemed necessary. Council will close grounds indefinitely where required, to ensure adequate playing surface recovery.

#### **3.11 Maximising Facility Usage**

- a. Many of Council's sporting facilities are used predominantly on weekends or in the evenings and most are currently sole purpose. Where sporting facilities experience down-time, it may be due to recovery time for fields to regenerate between use, turnover of seasons, or renovations. Overuse of sportsgrounds may lead to significant repair costs if not managed correctly. Sporting fields during down time also provide an aesthetic outlook for the public or for schools, and for the public to use when required.
- b. In line with Council's Community Infrastructure Strategic Plan 2017-2036, Council will focus on assisting clubs in upgrading facilities that provide for multiple sporting and recreation codes, shared social facilities and co-location of multi-purpose venues, with a focus on increasing facility usage.

#### **3.12 Shipping Containers**

Council's Temporary Storage (shipping) Container on Public Land policy outlines the conditions for placement of shipping containers on sportsgrounds. The policy is available on Council's website.

### **4. Implementation**

The City Lifestyles Directorate will administer this policy.

### **5. Review**

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

New Item Ref.	Current Text	Draft Text	Reason for change
	Dot points demarcate items under subheadings.	Lettering to demarcate items under subheadings.	Increased clarity for discussing the document/identifying clauses.
	Statement	Added description of Shoalhaven Swim Sport Fitness management structure	Added description of Shoalhaven Swim Sport Fitness management structure
<b>3.1</b>	<b>Sporting Group Communications</b>	<b>Communications</b>	Broaden the subject to include communications with Sports Board and other entities.
<b>3.1a</b>	Council will receive sports planning, policy and funding recommendations from Shoalhaven Sports Board.	Council will consider sports planning, policy and funding recommendations from Shoalhaven Sports Board.	Clarification of the function "consider"
<b>3.1b</b>	no text	The Shoalhaven Sports Board "Terms of Reference" defines the board's operational parameters. The "Shoalhaven Sports Board Mission, Values and Aims" document (adopted 24/07/2018) outlines the board's actions. The board receives status updates from staff regarding operational matters at quarterly meetings. The board is invited to attend annual sporting user-group workshops.	Define Council's communications with the Shoalhaven Sports Board.
<b>3.1c</b>	Shoalhaven Sports Board will receive planning, policy and funding recommendations from the one Sporting Association/Peak Body based in the Shoalhaven. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will accept recommendations from the appropriate representative body for that sport.	Council will receive planning, policy and funding recommendations from the relevant Sporting Association/Peak Body based in the Shoalhaven. Sporting Clubs are required to forward planning, policy and funding requests to their Sporting Association/Peak Body. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will consider recommendations from the appropriate representative body for that sport.	This Policy outlines the functions of Council rather than the Shoalhaven Sports Board (the Board's functions are identified in its Terms of Reference and Mission, Value and Aims documents).
<b>3.1d</b>	Sporting Individuals are requested to forward planning, policy and funding requests to their Sporting Club or Association/Peak Body.	Sporting Individuals are required to seek support for planning, policy and funding requests from their Sporting Club in the first instance, and via the club, from the Association/State Sporting Organisations (SSO)/Peak Body.	Move to point d for clarity. Advise individuals to contact club in first instance.

<b>3.1f</b>	Risk management issues associated with any sport played in or on a Council managed facility should be communicated immediately to Council.	Risk management issues associated with any Council managed facility should be communicated immediately to Council.	The item has been revised to more clearly specify risk management issues associated with the facility. Risk management issues associated with the sport are the responsibility of the club/user-group to manage.
<b>3.1g</b>	no text	All Council infrastructure (e.g. buildings, fixtures, irrigation, fire exits and fire-fighting equipment) is managed by Council in compliance with legislation. Please advise Council of any issues.	Asset protection and risk management safeguard.
<b>3.1h</b>	Sporting Clubs are requested to forward and confirm ground allocation requirements with Council before use of a ground.	Sporting Clubs are required to make Seasonal Applications for ground allocations to Council, and to have received Council's confirmation of the bookings prior to use of a ground.	Provide additional information in alignment with Council's historical procedures.
<b>3.1i</b>	General planning, policy, legislation, funding and specific Shoalhaven based sporting information will be communicated to Associations/Peak Bodies, Sporting Clubs and sporting individuals via the Shoalhaven Sports Board. However, in some circumstances this may involve written correspondence to relevant Associations/Peak Bodies, Sporting Clubs and sporting individuals.	General planning, policy, legislative, funding and Shoalhaven-based sporting information will be communicated to Associations/SSOs/Peak Bodies, sports clubs and sporting individuals via Council's sporting precincts' staff, the Shoalhaven Sports Board and/or at annual sporting user group workshops.	Add annual sporting user-group meetings
<b>3.2a</b>	no text	Peak Bodies and user groups are required to refer to Council's Community Infrastructure Guidelines before making submissions for proposed works to Council. No works are to proceed without Council's written approval (excluding pre-approved routine maintenance).	Provide additional information in alignment with Council's historical procedures. Asset protection and risk management safeguard.
<b>3.2c</b>	User groups shall meet the cost of line marking (including the line marker/materials).	User groups shall meet the cost of line marking (including the line marker/materials). Non-toxic line marking chalk/paint is to be used. Herbicides are prohibited in line marking solution/preparation.	Provide additional information in alignment with Council's historical procedures.

<b>3.2d</b>	no text	<p>Pegs used on sportsgrounds (eg. for securing covers/nets) are either to be painted a bright fluoro colour, or be plastic, coloured pegs, or have a cap placed on them.</p> <p>i. All pegs are to be removed from the field when covers/nets are removed.</p> <p>ii. Due to the disadvantage caused to all clubs when mowers are damaged and put out of service by pegs left on sportsgrounds, any costs associated with damage caused to the mowers will be charged to the responsible clubs. Should the incident be repeated by a club, the following will take effect:</p> <p>A. the club will be invoiced for all costs associated with the damage</p> <p>B. cylinder mower will not be used on club's fields for a period of 12 months.</p>	<p>New policy measure to address increasing incidence of major damage to cylinder mowers, incurring high costs of repair to Council and inconvenience to all user-groups.</p>
<b>3.2e</b>	no text	<p>Irrigation systems on sports grounds are routinely monitored and maintained according to monthly maintenance schedules. Council staff program the irrigation systems according to site conditions and facility usage. User groups are not to adjust irrigation programs. Any request for changes to irrigation programming are to be made to the relevant Precinct Coordinator. Council may cease irrigation where programs conflict with other scheduled maintenance.</p>	<p>Asset protection and risk management safeguard.</p>
<b>3.2f</b>	no text	<p>All topdressing materials and other proposed works are to be approved by Council prior to works commencing .</p>	<p>Asset protection and risk management safeguard.</p>

3.2g	User groups shall be responsible for the supply and maintenance of goal posts and seasonal removal and replacement where required. All posts must conform to Council requirements and meet appropriate guidelines and standards for each sporting code.	User groups who use goal posts shall be responsible for the supply and maintenance of goal posts and seasonal removal and replacement. At shared facilities, where posts are required to be removed or replaced mid-season (for example for an event), the event organiser will be responsible for the costs of removing and replacing the posts. Works are to be approved by the sporting group who own the posts. All posts must conform to Council requirements and meet appropriate guidelines and standards for each sporting code.	Clarify the process and ensure clubs approve works on their posts.
3.2h	User groups shall be responsible for the maintenance and preparation of turf wickets.	User groups shall be responsible for the maintenance and preparation of turf wickets, however Council may assume these responsibilities by mutual agreement with user groups. Synthetic wickets and nets are maintained by Council.	Provide additional information in alignment with Council's historical procedures.
3.2i	no text	Council maintains Council-managed fields according to a monthly maintenance schedule. In the event of overuse of an area, user groups are responsible for repair to degraded areas, e.g. returfing goalmouth areas. No works are to proceed without Council's written approval.	Provide additional information in alignment with Council's historical procedures.
3.2j	no text	In general, user groups shall meet the costs of alterations/maintenance required for the purpose of their sport. For example: 1. for off-season play at cricket fields, off-season clubs are responsible for the costs of laying and spreading dirt/sand composite over synthetic cricket wickets before and after the season (Council will lay mats over the pitch prior to laying of the dirt to ensure protection of the wicket). 2. Baseball facilities, including diamonds and mounds. 3. Cleaning/maintenance of playing surfaces/courts beyond scheduled maintenance as per item 3.2.i.	Provide additional information in alignment with Council's historical procedures.
3.2k	User groups are responsible for cleaning amenity facilities (i.e. change rooms & canteen) after each use.	User groups are responsible for cleaning canteen and amenity facilities (i.e. change rooms, changeroom toilets and showers, and canteen) after each use. Public toilets should be left in a tidy state and any issues reported to Council staff.	Provide additional information in alignment with Council's historical procedures.
3.2l	no text	Where a sportsground has a clubroom, the user group(s) is responsible for the cost associated with the maintenance of the interior of the building (i.e. cleaning,	Provide additional information in alignment with Council's historical procedures.

		<p>routine maintenance, utility accounts, general building improvements).</p> <p>Where the clubroom is hired out to casual users by Council, Council will contribute to the costs associated with maintenance, by agreement with the Precinct manager.</p>	
<b>3.2m</b>	no text	Pest control in clubrooms and amenity buildings is the responsibility of user groups.	Provide additional information in alignment with Council's historical procedures – pest control relates to the club's usage and cleaning practices.
<b>3.2n</b>	no text	Where a sportsground has a canteen, user groups are responsible to ensure their use of the canteen complies with legislated Environmental Health standards. Council is responsible to ensure the building's fixtures and fittings are maintained to legislated Environmental Health standards.	Provide additional information in alignment with Council's historical procedures.
<b>3.2o</b>	no text	Council's insurance does not provide cover for items that are left on the premises by user-groups. User-groups are recommended to obtain insurance for any possessions stored in buildings or on public land.	Provide additional information in alignment with Council's historical procedures.
<b>3.2p</b>	no text	All use of Council-managed land/buildings must comply with Council's <i>Terms and Conditions of Hire/Use – Public Halls/Community Centres, Meeting Rooms, Reserves, Sportsgrounds, Courts, Camping &amp; Showgrounds</i> .	Provide additional information in alignment with Council's historical procedures.
<b>3.4</b>	<b>Sportsground Closures</b>	<p>a. At all times a club/user group which has been given a seasonal ground allocation is responsible for determining the suitability of a sportsground for play/training and to advise its members/participants of a sportsground closure.</p> <p>b. Council or a Management Committee, in consultation with Council, may determine the suitability of the ground for play and override a club/user group's determination.</p> <p>c. Council or a Management Committee, in consultation with Council, may determine whether a sportsground should be declared closed for a casual booking.</p> <p>d. Where a club/user group has determined a ground to be usable and excessive damage is caused, the club/user group will be responsible for repairs, to be undertaken in accordance with Council's policies and</p>	This section has been re-structured for ease of understanding. The Management Committees' functions have been added.



		procedures. Precinct managers will determine if the damage is excessive, in liaison with the club/user group. e. Council reserves the right to cancel any booking or close any ground without notice.	
<b>3.5a</b>	One fenced 'feature' sportsground be provided in each of the Northern, Central and Southern areas of the City by Council where an entry fee can be collected and the accessible by all legitimate hirers is not affected.	One fenced 'Feature' sportsground be provided in each of the Northern, Central and Southern areas of the City by Council where an entry fee can be collected. "Feature" grounds must be made accessible to all legitimate hirers, in an equitable manner.	Grammatical corrections
<b>3.5d</b>	no text	Some sportsgrounds will be protected by way of locked fencing eg synthetic surfaces, however these facilities should still be available to the community by way of casual hire.	Provide additional information in alignment with Council's historical procedures.
<b>3.6</b>	no text	a. Sponsorship Signage Signage must clearly identify the said company as sponsors of that club and must contain the sporting clubs name and logo. Signage must be inward facing to the sportsground and not visible from the road. At multi-use facilities these signs may be displayed at the sporting field or clubhouse over the current sporting season only. b. Game Day Signage Signage displaying a private company's details with no reference to sports club or association can only be put out on game day and must be removed at the end of that day. c. Other Signage All other signage must have Council approval and follow all legislative requirements in consultation with Precinct managers.	Provide additional information regarding legislative requirements
<b>3.8</b>	no text	Filming / Drone Use These are to be conducted in accordance with Council's Film and Video Production in Public Reserves and Public Places Policy.	Provide additional information in alignment with Council's historical procedures.
<b>3.9</b>	no text	Helicopter pilots land at their own discretion and are responsible for managing the operational and public risk of this activity, in accordance with the requirements of the relevant authority. Booking of the field is required.	Provide additional information in alignment with Council's historical procedures.

<b>3.10a</b>	no text	During season, turf cricket pitches will not be available for hire by user groups other than the seasonally allocated club, except in consultation with that club.	Provide additional information in alignment with Council's historical procedures.
<b>3.10b</b>	no text	In the first instance Council promotes the use of showgrounds for one-off events – the Crown Land Management Act 2016 identifies the purpose of showgrounds on Crown Land to be “Public Recreation” or “Showground”. “Sportsground” (which is another possible purpose) is not identified by the Act for showgrounds. It is for this reason that non-sporting or one-off large sporting events take precedence over regular sporting use at Shoalhaven showgrounds.	Provide additional information in alignment with Council's historical procedures.
<b>3.10c</b>	no text	There is no limit to the frequency with which regular sporting use can be displaced from showgrounds. Where practically possible, advanced notice (60 days) will be provided to sporting clubs, and Council officers/Management Committees will endeavour to assist in identifying alternate grounds for the use of displaced sporting user groups.	Provide additional information in alignment with Council's historical procedures.

<b>3.10d</b>	no text	Large events at Sportsgrounds – Large events and festivals (attracting, in total, more than 500 people in attendance throughout the event) which are inclusive and open to the broader community have a positive impact in bringing the community together, and are often used to raise funds for charities, community groups and community projects. They are integral to the visitor economy and provide significant tourism, trade and investment opportunities for the region. Large events will also have priority over regular events at sportsgrounds, if it is not possible or is inappropriate to conduct the event at a showground. If there are regular bookings for a sporting user group that conflict with a large event with significant community benefit, the sporting group will relocate to another ground, to free up the venue (Sports Board recommendation January 2009).	Provide additional information in alignment with Council's historical procedures.
<b>3.10e</b>	no text	Management Committees will refer all events that would displace a sporting or other user group, or that are over 200 people per day, to Council for approval prior to acceptance of the booking.	Provide additional information in alignment with Council's historical procedures.
<b>3.10f</b>	no text	Council or Management Committees will determine appropriate bond amounts, based on Council's Fees and Charges, to carry out repairs to grounds/facility post-events, where deemed necessary. Council will close grounds indefinitely where required, to ensure adequate playing surface recovery.	Provide additional information in alignment with Council's historical procedures.

<b>3.11 a</b>	no text	Many of Council's sporting facilities are used predominantly on weekends or in the evenings and most are currently sole purpose. Where sporting facilities experience downtime, it may be due to recovery time for fields to regenerate between use, turnover of seasons, or renovations. Overuse of sportsgrounds may lead to significant repair costs if not managed correctly. Sporting fields during down time also provide an aesthetic outlook for the public or for schools, and for the public to use when required.	Provide additional information in alignment with Council's historical procedures.
<b>3.11 b</b>	no text	In line with Council's Community Infrastructure Strategic Plan 2017-2036, Council will focus on assisting clubs in upgrading facilities that provide for multiple sporting and recreation codes, shared social facilities and co-location of multi-purpose venues, with a focus on increasing facility usage.	Provide additional information in alignment with Council's historical procedures.
<b>3.12</b>	no text	<b>Shipping Containers</b> Council's Temporary Storage (shipping) Container on Public Land policy outlines the conditions for placement of shipping containers on sportsgrounds. The policy is available on Council's website.	Provide additional information in alignment with Council's historical procedures.

# Elite Athlete Support Program Policy

<b>Adoption Date:</b>	17/12/2013
<b>Amendment Date:</b>	27/01/2015, 27/06/2017
<b>Minute Number:</b>	MIN13.1224, MIN15.52, MIN17.562
<b>Review Date:</b>	26.09.2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL22/97

## Elite Athlete Support Program Policy

### 1. Purpose

To define ~~the Council's~~ criteria and guidelines ~~by in processing applications for which recognised elite athletes may receive Council support wishing to utilise for the use of Council's~~ Shoalhaven Swim Sport & Fitness ~~aquatics~~ Centres and recreation ~~and/~~ sporting facilities as part of their training and development.

### 2. Statement

~~Council's Shoalhaven Swim Sport Fitness Department operates aquatics and sporting facilities. The title shall be the Shoalhaven Elite Athlete Support Program, and the Policy will provide criteria for the assessment of candidates for the Program in three geographical areas in the Shoalhaven: the North, Central and South. The Precinct manager in each area is responsible for the financial and operational management of all Swim Sport Fitness facilities in that area. Precinct managers will assess applications against this Policy with consideration of potential value-adding and budgetary constraints in each precinct. Any Council support provided will be approved by the Manager, Shoalhaven Swim Sport Fitness. proposed by either:~~

- ~~• Shoalhaven Sports Board under the Shoalhaven Elite Athlete Support Program – Swimming~~
- ~~• Illawarra Academy of Sport under the Shoalhaven Elite Athlete Support Program for use of gymnasium facilities only – Gym use~~
- ~~•~~

~~This is to allow Council to assess approaches by elite athletes for the use of Council's Shoalhaven Swim & Fitness Centres or recreation / sporting facilities at no cost. This Policy is based on the following Council Minutes:~~

- ~~• Min13.891 – Preparation – Elite Athlete Support Program – Shoalhaven Swim & Fitness Centre & Sporting Facilities – Criteria~~
- ~~• Min13.1224 – Shoalhaven Sports Board – Council Policy – Adoption – Elite Athlete Support Program~~
- ~~• Min15.52 – Notice of Motion – Illawarra Academy of Sport – Scholarship holders – Leisure Centres – Free entry – Council Policy – Amendment – Elite Athletes Support Program~~

#### 2.1. Scope

~~Fee support or value-added services approved under this Program may only apply to the use of Council's Shoalhaven Swim Sport Fitness aquatics and sporting facilities. It will not apply to the use of non-sporting assets.~~

~~The Aquatics Manager will preside over initial applications for use of Shoalhaven Swim & Fitness Centres.~~

This Policy does not apply ~~at where a Council facilities that are~~ is managed by contractors, ~~by under lease or licence agreement, or by under control by a volunteer~~ Management Committees (as defined by Sections 355 and 377 of the Local Government Act 1993).

Elite Athlete Support Program Policy

**2.2. Applications**

Applications for fee support under this Policy should be made on the attached form “Application for ~~Fee-Council~~ Support”.

**3. Provisions**

~~Fee support may only apply to the use of Council's Shoalhaven Swim Sport & Fitness Centres and / or recreation / sporting facilities.~~

**3.1 Criteria for Applications**

The following criteria apply to applications that will be assessed:

3.1.1 The athlete must have represented Australia at an international or national elite junior or senior level. Selection of an athlete does not include persons whose representation is limited to school sports activities.

3.1.2 The athlete must have undergone their formative training in the Shoalhaven and be recognised as a medium/long term Shoalhaven Local Government Area resident. Swimmers must also have current or previous membership of the Swim Sport & Fitness Learn To Swim (squad) Program. The Shoalhaven Sports Board and Illawarra Academy of Sport will adhere to the following criteria in assessing athletes for free access to Council's Shoalhaven Swim & Fitness Centres and sporting facilities:

~~Applicants must meet the relevant criteria of the Shoalhaven Sporting Hall of Fame – refer to Attachment A – Trim No D14/172345.~~

**OR**

~~The athlete shall have Be a current Scholarship Agreement with member of the Illawarra Academy of Sport and be a minimum of are 16 years of age. They must continue to meet the c – criteria pertaining to potential candidates proposed of by the Illawarra Academy of Sport Scholarship Agreement is contained in Attachment B – 2017 Illawarra Academy of Sport Scholarship Agreement (–D17/181321).~~

3.1.3 Applicants must not be currently paid or ~~receive significant~~ sponsorship benefit~~sed~~ to compete in their respective sports.

3.1.4 Athletes receiving other Shoalhaven City Council financial or in-kind support are not eligible for support under the Elite Athlete Support Program.

3.1.5 ~~Access to this Program~~ shall be limited to individuals only, groups or teams will not be considered.

3.1.6 Exceptions to these criteria will be considered on their merits by relevant Precinct managers and approved by Manager, Shoalhaven Swim Sport Fitness.

**3.2 Guidelines**

#### Elite Athlete Support Program Policy

The following guidelines apply to the implementation of this Program:

3.2.1 External coaches of successful applicants will be required to pay all lane hire/facility charges as per Council's fees and charges.

~~An athlete's inclusion into the Elite Athlete Support Program should not inhibit Council support being also given under any other schemes currently providing a fee waiver or subsidy. Access to Council's Shoalhaven Swim & Fitness Centres and sporting facilities shall be limited to free casual swimming and gym or sportsground use. It does not extend to any other Swim Sport Fitness program such as coaching, personal training or group exercise classes.~~

~~3.6~~ 3.2.2 Recipients of support under this program must make a minimal level of fee contributions, to the equivalent payment of 1 session admission fee per week. The Manager, Shoalhaven Swim Sport Fitness may exercise discretion in granting exceptions to this requirement, based upon the current budgetary constraints in each precinct.

~~Access shall be limited to individuals only, groups or teams will not be considered.~~

3.2.3 Recipients of support under this program ~~a~~Successful applicants shall also be required to abide by Council's current ~~"7.01"~~ Shoalhaven Swim Sport & Fitness – Patron and Staff Guidelines – Patron Behaviour – Standard Operating Procedure (PRD16/71)". ~~Failure to do so may lead to the withdrawal of free casual entry and / or termination of membership.~~

3.2.4 Access to facilities will be permitted during normal hours of operation only.

3.2.5 Each athlete ~~will~~may be required to provide his / her own equipment for training sessions.

3.2.6 Illawarra Academy of Sport participant's access is limited to set programs designed by Illawarra Academy of Sport. Participants must not deviate from the set program.

3.2.7 Parents and other relatives of athletes under the Elite Athlete Support Program are not entitled to free access to facilities.

3.2.8 Use of Shoalhaven Swim Sport & Fitness ~~Centres and / or sporting~~ facilities must be relevant to the Elite Athlete's ~~chosen professional~~ field of endeavour.

#### 4. Implementation

The ~~Finance Corporate & Community Services City Lifestyles Group Directorate~~ of Council will administer this Policy.

Shoalhaven Swim Sport Fitness Precinct managers will assess applications against this Policy, and any Council support provided will be approved by the Manager, Shoalhaven Swim Sport Fitness. This process will ensure that applications:

- are processed in a timely manner
- are assessed in liaison with the applicant



**Elite Athlete Support Program Policy**

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- maximise value-adding of potential services offered by each Swim Sport Fitness facility
- maximise fee discounts within current budgetary constraints

A report outlining applications received and all Council support approved under this Program will be included in the quarterly update presented to the Shoalhaven Sports Board.

**5. Review**

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



**Application for Council Support  
Elite Athletes Support Program Access to  
Shoalhaven Swim Sport & Fitness Facilities & other Council Facilities**

Please complete the following application form & submit to Council via email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Personal Details	
Surname:	First Name:
Address:	Telephone (H):
	Telephone (W):
	Mobile Phone:
Email Address:	
Date of Birth:	Gender: Female <input type="checkbox"/> Male <input type="checkbox"/>
Country of Birth:	Nationality:
Facility	
Location/Facility to be used:	
Sporting Details	
Sport:	
Sporting Achievements: (please list & attach separate sheet if required)	
Have you been inducted into the Shoalhaven Sporting Hall of Fame: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are you a current member of Illawarra Academy of Sport: Yes <input type="checkbox"/> No <input type="checkbox"/>	
<u>Are you a current recipient of AIS Sport Scholarship (please attach evidence):</u> Yes <input type="checkbox"/> No <input type="checkbox"/>	
When did you commence your training in the Shoalhaven Area: .....	

CL22.448 - Attachment 3

<u>Details of your current/previous membership - Swim Sport &amp; Fitness Learn To Swim (squad) Program:</u> .....	
Have you represented Australia at an international level: Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Details:</u> .....	
Have you represented your sport at a National Elite Junior or Senior Level: (not including representation through school sports activities) Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Details: If yes in what sport?</u> .....	
<u>Have you attached Attach</u> proof/evidence of your induction & sporting achievement: Yes <input type="checkbox"/> No <input type="checkbox"/>	
<u>Provide details of other financial or in-kind support received from Shoalhaven City Council:</u> .....	
Have you been or are you currently been paid or receiving <u>in-kind</u> <input type="checkbox"/> <input type="checkbox"/> Sponsorship, <u>provide details:</u> Yes <input type="checkbox"/> No <input type="checkbox"/> .....	
Are you a resident of the Shoalhaven Area: Yes <input type="checkbox"/> No <input type="checkbox"/> <u>Date of Arrival:</u> .....	
<b>Candidates Proposed by Illawarra Academy of Sport:</b>	
Date of original signing to Academy:	
What sports:	
.....	
<b>Declaration</b>	
I, ..... agree that the information on this form is true and correct. <u>I agree to participate in marketing and promotion activities for Shoalhaven City Council and/or Shoalhaven Swim Sport Fitness as required.</u>	
I, ..... (parent/guardian signature)	
<i>Privacy Notification: the information requested on this form is being collected by Shoalhaven City Council for the use of the facilities only. The information will be used solely by Council officers for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on a voluntary basis and may apply to Council for access or amendment of the information at any time.</i>	

**APPROVAL/RECOMMENDATION:**

Date: .....

Reviewed – Shoalhaven Swim & Sport Fitness (Aquatics) Manager/Precinct manager:

.....

APPROVED / NOT APPROVED

**TERMS & CONDITIONS OF APPROVAL:**

.....  
.....

Term of Agreement - Commencement

Dates: .....

**APPROVAL:**

Date: .....

Signature, Shoalhaven Swim Sport Fitness Manager: .....

**Terms & Conditions**

~~External coaches of successful applicants will be required to pay all lane hire / facility charges as per Council's fees and charges~~

The following terms and conditions will apply (as per Item 3.2 of the Elite Athlete Support Program Policy):

3.2.1 External coaches of successful applicants will be required to pay all lane hire/facility charges as per Council's fees and charges.

3.2.2 Recipients of support under this program must make a minimal level of fee contributions, to the equivalent payment of 1 session admission fee per week. The Manager, Shoalhaven Swim Sport Fitness may exercise discretion in granting exceptions to this requirement, based upon the current budgetary constraints in each precinct.

3.2.3 Recipients of support under this program are required to abide by Council's current Shoalhaven Swim Sport & Fitness – Patron and Staff Guidelines – Patron Behaviour – Standard Operating Procedure (PRD16/71).

3.2.4 Access to facilities will be permitted during normal hours of operation only.

3.2.9 Each athlete will be required to provide his / her own equipment for training sessions.

3.2.10 Illawarra Academy of Sport participant's access is limited to set programs designed by Illawarra Academy of Sport. Participants must not deviate from the set program.

3.2.11 Parents and other relatives of athletes under the Elite Athlete Support Program are not entitled to free access to facilities.

3.2.12 Use of Shoalhaven Swim Sport & Fitness facilities must be relevant to the Elite Athlete's professional field of endeavour.

~~Inclusion in this program should not conflict with any other support schemes by way of fee waiver or subsidy currently offered by Council~~

~~Access to Council's Swim & Fitness facilities shall be limited to free casual swimming entry only and does not extend to any other program such as coaching, personal training or group exercise classes~~

~~Access shall be limited to individuals only, groups or teams will not be considered~~

~~Successful applicants shall abide by Council's Patron Behaviour Guidelines — failure to do so may lead to the withdrawal of free casual access~~

~~Access to facilities will be permitted during normal hours of operation only~~

~~Each athlete will be required to provide his/her own equipment for training purposes~~

~~Use of Council's facilities must be relevant to the Athlete's chosen field~~

## Sports Grants Program (Capital Works)

<b>Adoption Date:</b>	27/06/2006
<b>Amendment Date:</b>	18/12/2007, 28/04/2009, 21/12/2009, 18/05/2010, 21/05/2013, 28/03/2017, 17/04/2018, 29/10/2019
<b>Minute Number:</b>	MIN06.778, MIN07.1842, MIN09.509, MIN09.1789, MIN10.588, MIN13.532, MIN17.247, MIN18.273, MIN19.793
<b>Review Date:</b>	26/09/2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL22/64

## Sports Grants Program (Capital Works)

### 1. Purpose

To define the funding framework for sports groups to partner with Council to deliver capital works projects / improvements. The funding framework allows for design and delivery of new ~~works~~infrastructure, or improvements to existing capital fixed assets at sporting facilities on Council managed land.

### 2. Statement

The Sports Grants Program (Capital Works) Policy is overseen by Council's Shoalhaven Swim Sport Fitness Department which manages all Council-managed showground and sporting facilities.

#### 2.1. Who does the policy apply to?

The Sports Grants Program is available to all Shoalhaven based sports groups that meet the provisions of this policy and wish to undertake design for new ~~works~~infrastructure or improvements to existing fixed assets on Council managed land.

#### 2.2. Council Funding

Council funding for this program is to be reviewed annually during the budget process.

Council's matching financial contribution for this program is available to eligible Shoalhaven based sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by sporting organisations. Eligible projects will require endorsement from the relevant sporting association.

The program also supports those Shoalhaven based sporting groups who wish to accumulate funds for strategic projects by carrying over Council's matching contribution to the next financial year. ~~However, funds will only be carried over to match the amount collected by the sporting group for the nominated strategic project(s), which are agreed upon by the Shoalhaven Sports Board.~~

#### 2.3. Capital Improvements

Capital improvements to sporting facilities refer to the provision of new, or improvements to existing, capital fixed assets and should be in line with the Community Infrastructure Strategic Plan 2017-2036, and ~~support or encourage in accordance with~~ the following strategic goals/criteria:

- Consolidation of assets
- ~~Meet c~~Current legislative compliance
- Higher usage levels of fewer assets
- Multiple-use facilities
- Increased range of activities, services and programs being offered
- Increased participation, particularly by target groups (eg children, aged, disabled, different cultural backgrounds etc)

• Such improvements typically include:

- Design costs for capital projects
- Lighting of sports fields
- Improvements to amenities ~~iesy blocks~~

#### Sports Grants Program (Capital Works)

- Spectator facilities
- In-ground drainage and/or irrigation
- Improved playing surfaces
- Car park and access road sealing
- Long cycle refurbishment of tennis courts

~~This does not include Purchase or~~ provision of machinery ~~is not eligible under this Program.~~

#### 2.4. ~~Sporting~~ ~~g~~Groups involvement

The nature of this ~~p~~Program allows Shoalhaven-based sporting groups to determine their level of involvement and their preferred methods of collection of funds to partner ~~with~~ Council in the improvement of facilities on Council-managed land. Such methods could include direct levy of participants, fundraising, sponsorship or successful grant applications.

Council's Sportsgrounds Management Policy outlines the process for all communication which will take place between relevant Sporting Associations or Peak Bodies and Council.

#### 2.5. Criteria for ~~p~~Prioritisation

- a. Compliance with strategic and other plans of ~~e~~Council – 50%
- b. Value of additional in-kind labour to contribute – 15%
- c. Percentage of funding club is contributing – 10%
- d. The apparent ~~"readiness"~~ of the project to proceed – 15%
- e. Benefit to other users of the Council ~~M~~-managed Land – 10%

### 3. Provisions

The following provisions apply:

- This ~~Sports Grants~~ Program applies to all sports that occur on Council-managed land.
- Council's matching financial contribution is available for Shoalhaven sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by the applicant, with evidence of available funds at time of application.

• Applicants must read Council's Community Infrastructure Grants Guidelines and ensure projects meet these guidelines.

• Council will liaise with applicants to maximise project outcomes and meet the objectives of Council's Community Infrastructure Strategic Plan. Projects must be approved by Council prior to application to the Sports Grants Program.

• Applications are invited in April ~~each year~~ and ~~must be received by~~ close 30 June ~~each year~~. ~~Successful applications will be granted and expended during for~~ the following financial year.

• ~~The~~ Applications will be ~~considered~~ ~~assessed~~ by a working party comprised of:

- ~~T~~hree ~~representatives of the~~ Shoalhaven Sports Board, ~~members~~
- ~~One~~ ~~a member of~~ Shoalhaven City Council's Inclusion and Access Advisory Group ~~member~~
- ~~, and T~~wo or three Council staff from the Shoalhaven Swim Sport Fitness, Building Services and/or Works and Services Departments as appropriate to the applications under consideration ~~Council staff representatives.~~



Sports Grants Program (Capital Works)

- The ~~representatives working party~~ will meet to assess the applications and report to the ~~first Shoalhaven Sports Boards first meeting~~ following after 1 July the working party's determinations.
- Applications must include the following:
  - A statement of community benefit
  - Information regarding levels of participation in the sport
  - An assessment, either by the local sporting group or by the peak bodies of the relevant sporting codes, of ~~that sport's~~ future building and sporting facility requirements within the City-Shoalhaven over the next 20 years
  - ~~An~~ assessment of the club's financial capacity (including audited financial statements for the preceding three years)
  - A five year forward Business Plan, including financial projections
  - Site plans
  - Quotes for the planned work
- After 1 July the Shoalhaven Sports Board will ~~consider the project priority~~ prioritise the nominated projects for the remaining funding pool based on ~~these criteria~~ need and the ability of the project to be delivered or part-delivered in the relevant financial year. These priority projects will be reported to the Board for endorsement.
- In-kind contributions may be used to value-add to projects but will not substitute for the cash contribution component.
- Funds will not be carried over on a promise of raising matching funds in subsequent years and funds used to match previous Council contributions cannot be used to bid for funds in subsequent years.
- Projects qualifying for the Program will be subject to a financial limit of \$50,000 in matching funds.
- Where there is more than one application from a sporting code, the Association must indicate its priority. Associations should provide equal access for all clubs to Council's financial allocation. Where no Association / Peak Body exists, Council will liaise directly with the sporting clubs.
- Council's funding commitment to this Program will be reviewed annually as part of Council's annual Management Plan/Budget review.
- Once funding is approved contributory funds shall be paid to Council by the Sporting Association / Peak Body (or affiliated Club) prior to the project commencing. Council will provide Purchase Orders as per the successful quotes. All projects shall be overseen by a qualified / licensed operator approved by Council. This will require the qualified / licensed operator providing Council with relevant Work Health & Safety information and Safe Work Method Statements. Council has limited capacity to assist in project delivery and this may require ~~that some~~ the funds be allocated to recover relevant staffing costs. If Council is required to provide this service, it reserves the right to recoup its expenditure from the project allocation.
- After considering a staff report, the Shoalhaven Sports Board will recommend to Council the allocation of any unexpended funds for improvements to sports facilities.
- This Policy does not apply to:
  - Management Committees, other than committees administering tennis courts
  - Surf Life Saving Clubs
- The following groups are eligible:

#### Sports Grants Program (Capital Works)

- Management Committees with tennis courts – for tennis-related projects
- Sporting groups with lease/licence agreements where lease/licence payments contribute to a capital improvement 'sinking' fund
- All sporting clubs including tennis, swimming, water sports and skate clubs or groups
- ~~This policy does not apply to Management Committees, other than Committees administering tennis courts or sports with lease agreements with payments contributing to a capital improvement 'sinking' funds or swimming clubs, Surf Life Saving Clubs and skate park users that are funded from a separate annual capital works budget allocation.~~
- Where a project has not commenced in the financial year following the year of allocation, the funding may be withdrawn and re-allocated. The sport~~ings~~ group will be advised prior to the withdrawal of funding.
- Where the total project cost is:
  - ~~less than \$5,000 – one quote should be sought~~
  - ~~over \$5,000 and less than \$3,000 to \$294,999 – A minimum of two written one quotes is should be sought required~~
  - ~~over \$25,000 – at least three written quotes should be obtained.~~
  - ~~For amounts over \$30,000 - \$75,000, 124,999 – A minimum of three written quotes are formal advertisement for quotes, or a tender process is required – Council staff will advise required~~
- ~~Projects should be consistent with Council's Community Infrastructure Grants Guidelines and the Community Infrastructure Strategic Plan.~~
- All improvements or alterations to playing fields or facilities will become and remain the property of Council and cannot be removed by the hirer and/or user. Council is not required to compensate the hirer and/or user for the cost of such improvements or alterations.

#### **4. Implementation**

The City Lifestyles Directorate will administer this policy.

#### **5. Review**

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

Sports Grants Program (Capital Works)

Sports Grants Program  
(Capital Works)  
**Project Nomination Form**  
Annual closing date is 30 June



**PART A: To be completed by the Club(s) nominating the project** (please print)

Project name: \_\_\_\_\_

Project description: \_\_\_\_\_

Name of reserve / location: \_\_\_\_\_

Is the land managed by Shoalhaven City Council? Yes / No

Name of Club: \_\_\_\_\_

Postal address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Position held: \_\_\_\_\_

Business phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Does your club have an ABN? Yes / No If yes please supply ABN No.: \_\_\_\_\_

Is your club registered for GST? Yes / No

Does your Club have a Business Plan? If yes, please provide a copy of your Business Plan for the next 5 years, including financial projections.

Please provide details of any community benefit as a result of the nominated project:

\_\_\_\_\_  
\_\_\_\_\_

Club user profile. Please provide a breakdown of your current Club membership:

Child (0-11yrs) Male\_\_\_\_Female\_\_\_\_ Adults (18-49yrs) Male\_\_\_\_Female\_\_\_\_

Youth (12-17yrs) Male\_\_\_\_Female\_\_\_\_ Seniors (50+yrs) Male\_\_\_\_Female\_\_\_\_

Please highlight any changes to membership numbers as a result of this project

\_\_\_\_\_

Please provide audited financial statements for the preceding three years to enable assessment of the clubs financial capacity.

Proposed project starting date: \_\_\_\_\_ Anticipated project completion date: \_\_\_\_\_



**Sports Grants Program (Capital Works)**

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, Council may not be able to consider the matter. If you need further details, please contact the Information Officer, Shoalhaven City Council.

**PART B – To be completed by the relevant Association/Peak Body (please print)**

Name of organisation: \_\_\_\_\_

Postal address: \_\_\_\_\_

Contact person: \_\_\_\_\_

Position held: \_\_\_\_\_

Business phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

*Does the submitting group have a formal organisational structure (ie President, Secretary etc)? Yes / No. If Yes please provide details:*

*Does the proposed project meet the high priority needs of the sport. Yes / No If yes, please provide details how?*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please provide the future building and sporting facility requirements for your sporting organisation, within the City over the next 20 years.*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendation – If more than one application is submitted by your organisation a priority should be given to this project relative to other projects

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of contact person:** \_\_\_\_\_ **Date:** \_\_\_\_\_

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Information Officer, Shoalhaven City Council.

Sports Grants Program (Capital Works)

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**Please send completed nomination forms to:** [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) , or

The CEO  
Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541

File Reference 24899E

**Further Information:** Please contact Council on 4429 3111 or [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

CL22.448 - Attachment 4

## **CL22.449 Report of the Inclusion & Access Advisory Group - 29 August 2022**

HPERM Ref: D22/392466

### **IA22.15 Additional Item - Funding Program for Accessibility to Shops**

#### **Recommendation**

That Council:

1. Request staff to provide a Briefing to Councillors in relation to the funding program/campaign for accessibility of shop frontages.
2. Request staff be invited to make a presentation to the Nowra CBD Revitalisation Strategy Committee to request that the funding program for accessibility of shop frontages be reactivated.
3. Request the Media Team to run a campaign to educate businesses about accessibility issues in conjunction with relevant Directorates to include:
  - a. Development and compliance matters
  - b. Economic development factors
  - c. Community accessibility considerations; and
4. Staff liaise with the Nowra CBD Revitalisation Strategy Committee Chair in relation to part (3).

CL22.449

## CL22.450 Election of Deputy Mayor

**HPERM Ref:** D22/348088

**Department:** Business Assurance & Risk

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:** 1. Office of Local Government Factsheet – Election of Mayor and Deputy Mayor released September 2018. [↓](#)  
2. 2022 Nomination Form - Election of Deputy Mayor [↓](#)

### Reason for Report

To consider the election of a Deputy Mayor.

### Recommendation

That Council:

1. Elect a Deputy Mayor for a period of office of either 12 months (to September 2023) or Two (2) years (to September 2024)
2. Conduct an election (by show of hands) for Deputy Mayor for the resolved period.

### Options

1. Elect and appoint a Deputy Mayor (as recommended).

Implications: Council will continue to have an elected Deputy Mayor to assist with mayoral duties in the absence of the Mayor.

2. Not appoint a Deputy Mayor at this time.

Implications: Without an elected Deputy Mayor in place, Council would need to manage and where possible reassign duties of the Mayor when absent. This would include election of chairperson of Council Meetings when the Mayor is not present and/or election of a Deputy Mayor when an extended absence occurs. This approach may result in delay or gaps or an inconsistent approach in addressing mayoral duties in the Mayor's absence.

### Background

Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) the Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term.

The practice of the Council has traditionally been an appointment for 12 months.

The current options for Council to determine with respect to the tenure of the election for these roles are:

- The period from October 2022 until September 2023 (12 months)
- The period from October 2022 until September 2024 (2 years)

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

CL22.450



The Deputy Mayor also has a specific function under Section 369:

***“369 Who presides at meetings of the Council?”***

*(1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor (if any) presides at meetings of the Council.*

*(2) If the Mayor and the Deputy Mayor (if any) are absent, a Councillor elected to chair the meeting by the Councillors present presides at a meeting of the Council.”*

The Returning Officer for the Election will be the Director – City Performance (Kevin Voegt). Completed nomination forms are requested to be submitted to the Returning Officer prior to Midday on Monday, 26 September 2022.

Schedule 7 of the Local Government (General) Regulation 2021 prescribes three methods of election of these positions:

- open ballot (e.g. a show of hands)
- ordinary ballot, or
- preferential ballot.

The method of election is as outlined in the Attachment 1, being the Office of Local Government Factsheet – Election of Mayor and Deputy Mayor released September 2018.

The Nomination forms are provided under separate cover for use by Councillors. Additional forms are available from the Director – City Performance.

## Fact Sheet

# ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS



### Summary

Councillors must elect a mayor from among their number every two years unless they have a popularly elected mayor.

Councillors may also elect a deputy mayor. The deputy mayor may be elected for the mayoral term or a shorter term.

The election of the mayor and the deputy mayor must be conducted in accordance with clause 394 and Schedule 7 of the *Local Government (General) Regulation 2005* (the Regulation).

The purpose of this document is to assist councils to conduct mayoral and deputy mayoral elections in accordance with these requirements. It includes scripts for key activities to help returning officers exercise their functions. These scripts are provided in the text boxes inserted in the relevant parts of this document.

### How can councils use this document?

Electing a mayor is an important activity. It is vital that the process is smooth, open and easy to follow and not rushed or confusing. Where necessary, it may be appropriate to stop and provide clarification for the benefit of councillors, staff or the gallery.

Returning officers can circulate this document prior to the meeting to help councillors understand the election process.

### Election of a mayor after an ordinary election of councillors

An election for mayor must be held within three weeks of the declaration of the ordinary election at a meeting of the council.

The returning officer is to be the general manager or a person appointed by the general manager.

As no mayor or deputy mayor will be present at the start of the meeting, the first business of the meeting should be the election of a chairperson to preside at the meeting. Alternatively, the returning officer may assume the chair for the purpose of conducting the election.

### Mid-term election of a mayor

A mayor elected by councillors holds office for two years. A mid-term mayoral election must be held in the September two years after the ordinary election of councillors or the first election of a new council following its establishment.

### Procedures

#### Prior to the meeting

Before the council meeting at which the election is to be conducted, the returning officer will give notice of the election to the councillors.

The notice is to set out how a person may be nominated as a candidate for election as chairperson.

*As returning officer, I now invite nominations for the position of mayor/deputy mayor for [name of council] for a two year period.*

*In accordance with the Local Government (General) Regulation 2005, two or more councillors may nominate a councillor (one of whom may be the nominee) for the position of mayor/deputy mayor. Nominations must be in writing and the nominee must consent to their nomination in writing.*

A councillor may be nominated without notice for election as mayor or deputy mayor. The nomination is to be made in writing by two or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The returning officer checks the nomination forms and writes the nominees' names on a candidates' sheet.

#### At the meeting

At the start of the first meeting after an ordinary election, in the absence of a chairperson, the returning officer assumes the chair and announces that the first item of business is to be the election of a mayor.

If a chairperson is present, they announce that the first item of business is the election of the mayor then vacates the chair for the returning officer who will then conduct the election.

The returning officer reads out the names of the nominees and seeks confirmation that the nominee has accepted the nomination.

If only one councillor has been nominated for the position of mayor/deputy mayor, the nominee is elected.

*As there is only one nominee for the role of mayor/deputy mayor, I declare that [name of successful candidate] is elected as mayor/deputy mayor for the ensuing two years.*

If more than one candidate has been nominated, the council must determine by resolution, the method of voting for the position of mayor/deputy mayor, by way of one of the following methods:

- Open voting – i.e. by show of hands
- Ordinary ballot – i.e. a secret ballot (place an "X" against the candidate of their choice)
- Preferential ballot – i.e. place 1, 2, 3 etc. against each candidate.

The returning officer must ask for a motion to be put to the meeting by one of the councillors on the preferred method of voting for the election of a chairperson. This must then be seconded and voted on by the councillors.

**Note:** In the event of a tie, if there is a chairperson, they may use their casting vote. If there is a tie and no chairperson, an election for the role of chairperson should be conducted. Then the election for mayor resumes.

### Open voting (show of hands)

Open voting is the most transparent method of voting. It is also the least bureaucratic method and reflects normal council voting methods.

The returning officer will advise the meeting of the method of voting and explains the process.

*It has been resolved that the method of voting for the position of mayor/deputy mayor will be by show of hands.*

*Each councillor is entitled to vote for only one candidate in each round of voting.*

*I will now write each candidate's name on a slip of paper and deposit it in a barrel. The first name out of the barrel will be written first on the tally sheet, with second name out being written second on the tally sheet, etc.*

When all candidates' names have been written on the tally sheet, the returning officer announces the names of the candidates and, commencing with the first candidate, states the following:

*Would those councillors voting for [name of candidate] please raise your hand.*

The returning officer records the number of votes for each successive candidate on the tally sheet and announces the number of votes received for each candidate.

The minute taker records the vote of each councillor.

The returning officer should check with the minute taker that each councillor has voted. If a councillor has not voted it should be confirmed that they are abstaining (an informal vote).

#### Two candidates

If there are only two candidates for the position of mayor/deputy mayor and the voting is higher for one candidate than another (number of formal votes recorded on the tally sheet), the returning officer then announces the result.

*[Name of candidate] has the higher number of formal votes and as a result I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote**, the returning officer will advise the meeting of the following process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the*

*names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

#### Three or more candidates

If there are three or more candidates, the candidate with the lowest number of votes for the position of mayor/deputy mayor is excluded.

*[Name of candidate], having the lowest number of votes, is excluded.*

The voting continues as above until there are only two candidates remaining (see voting for **two candidates** above).

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

### Ordinary ballot – (secret ballot)

The returning officer advises the meeting of the method of voting and explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by ordinary ballot, in other words by placing an "X" against the candidate of the councillor's choice.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

It will be necessary to have a number of blank papers as this process may require more than one round of voting.

The returning officer writes the names on one set of the ballot papers and initials the front of each ballot paper.

A staff member distributes the ballot papers and collects them into the ballot box when completed and gives it to the returning officer who counts the votes and records them on the tally sheet.

The returning officer announces the results.

*[Name of candidate], having the lowest number of votes, is excluded.*

In the event that the **lowest number of votes are tied**, the returning officer advises the meeting of the following process:

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel.

The returning officer then draws a name out of the barrel and shows it to the meeting.

*I declare that [name of candidate] is excluded.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

The returning officer writes the names of the remaining candidates on a further set of the ballot papers and initials the front of each ballot paper.

The staff member distributes ballot papers listing the remaining candidates and collects them into the ballot box when completed and gives it to the returning officer who again counts the votes and records them on the tally sheet and announces the results.

The process continues until two candidates remain, where a final vote takes place.

*[Name of candidate] has the higher number of votes and I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** between the two remaining candidates, the returning officer makes the following statement and announces the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel.*

*Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Preferential ballot

The returning officer explains the process.

*It has been resolved that the method for voting for the position of mayor/deputy mayor will be by preferential ballot, i.e. placing 1, 2 and so on against the candidate of the councillor's choice in order of preference for all candidates.*

The returning officer announces the names of the candidates for mayor/deputy mayor and writes each candidate's name on a slip of paper and deposits it in a barrel.

The returning officer requests that a staff member shakes the barrel and advises that the order in which the names will appear on the ballot paper will be determined by a draw out of the barrel, i.e. first name out of the barrel is written first on the ballot papers and so on.

The returning officer writes the names on the ballot papers and initials the front of each ballot paper. This method of voting requires only one set of ballot papers.

A staff member distributes the ballot papers and collects them when completed and gives them to the returning officer who counts the first preference votes and records them on the tally sheet.

If a candidate has an absolute majority of first preference votes (more than half), the returning officer declares the outcome.

*[Name of candidate], having an absolute majority of first preference votes, is elected as mayor/deputy mayor for the ensuing two years.*

If no candidate has the absolute majority of first preference votes, the returning officer excludes the candidate with the lowest number of first preference votes.

*[Name of candidate], having the lowest number of first preference votes, is excluded.*

The preferences from the excluded candidate are distributed. This process continues until one candidate has received an absolute majority of votes, at which time the returning officer announces the result.

*[Name of candidate], having an absolute majority of votes, is elected as mayor/deputy mayor for the ensuing two years.*

In the event of a **tied vote** where there are only two candidates remaining in the election, the returning officer explains the process.

*The votes are tied between [name of candidate 1] and [name of candidate 2] having received [number] votes each, and, in accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be declared as mayor/deputy mayor.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests a staff member to shake the barrel. The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is elected as mayor/deputy mayor for the ensuing two years.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

In the event that the **lowest number of votes are tied** and where there are three or more candidates remaining in the election, the returning officer advises the meeting of the process.

*In accordance with clause 12 of Schedule 7 of the Local Government (General) Regulation 2005, I will now write the names of the candidates on similar slips of paper, fold them and place them in the barrel. Please note that the candidate whose name is drawn out will be excluded and their preferences distributed.*

It is appropriate to show the meeting the names and the barrel. Councillors may inspect but not touch the items.

The returning officer places the names of the candidates into the barrel and requests that a staff member shakes the barrel.

The returning officer then draws a name out of the barrel and shows the meeting.

*I declare that [name of candidate] is excluded and any votes cast for them will be distributed by preference.*

The returning officer then draws out the remaining name and reads it for completeness. The second name should be shown to the meeting.

## Schedule 7 - Election of Mayor by Councillors

### Part 1 Preliminary

#### 1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

#### 2 Nomination

- (1) A councillor may be nominated without notice for election as mayor or deputy mayor
- (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- (3) The nomination is to be delivered or sent to the returning officer.
- (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

#### 3 Election

- (1) If only one councillor is nominated, that councillor is elected.
- (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
- (3) The election is to be held at the council meeting at which the council resolves on the method of voting.
- (4) In this clause:  
*ballot* has its normal meaning of secret ballot.  
*open voting* means voting by a show of hands or similar means.

### Part 2 Ordinary ballot or open voting

#### 4 Application of Part

This Part applies if the election proceeds by ordinary ballot or by open voting.

#### 5 Marking of ballot-papers

- (1) If the election proceeds by ordinary ballot, the returning officer is to decide the manner in which votes are to be marked on the ballot-papers.
- (2) The formality of a ballot-paper under this Part must be determined in accordance with clause 345 (1) (b) and (c) and (6) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 6 Count—2 candidates

- (1) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (2) If there are only 2 candidates and they are tied, the one elected is to be chosen by lot.

#### 7 Count—3 or more candidates

- (1) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (2) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (3) If, after that, 3 or more candidates still remain, the procedure set out in subclause (2) is to be repeated until only 2 candidates remain.
- (4) A further vote is to be taken of the 2 remaining candidates.
- (5) Clause 6 of this Schedule then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (6) If at any stage during a count under subclause (1) or (2), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by lot.

### Part 3 Preferential ballot

#### 8 Application of Part

This Part applies if the election proceeds by preferential ballot.

#### 9 Ballot-papers and voting

- (1) The ballot-papers are to contain the names of all the candidates. The Councillors are to mark their votes by placing the numbers "1", "2" and so on against the various names so as to indicate the order of their preference for all the candidates.
- (2) The formality of a ballot-paper under this Part is to be determined in accordance with clause 345 (1) (b) and (c) and (5) of this Regulation as if it were a ballot-paper referred to in that clause.
- (3) An informal ballot-paper must be rejected at the count.

#### 10 Count

- (1) If a candidate has an absolute majority of first preference votes, that candidate is elected.
- (2) If not, the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot-papers counted to him or her are transferred to the candidates with second preferences on those ballot-papers.
- (3) A candidate who then has an absolute majority of votes is elected, but, if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and counting each of his or her unexhausted ballot-papers to the candidates remaining in the election next in order of the voter's preference is repeated until one candidate has received an absolute majority of votes. That candidate is elected.
- (4) In this clause, "**absolute majority**", in relation to votes, means a number that is more than one-half of the number of unexhausted formal ballot-papers.

#### 11 Tied candidates

- (1) If, on any count of votes, there are 2 candidates in, or remaining in, the election and the numbers of votes cast for the 2 candidates are equal—the candidate whose name is first chosen by lot is taken to have received an absolute majority of votes and is therefore taken to be elected.
- (2) If, on any count of votes, there are 3 or more candidates in, or remaining in, the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes on the count of the votes—the candidate whose name is first chosen by lot is taken to have the lowest number of votes and is therefore excluded.

### Part 4 General

#### 12 Choosing by lot

To choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

#### 13 Result

The result of the election (including the name of the candidate elected as mayor or deputy mayor) is:

- a) to be declared to councillors at the council meeting at which the election is held by the returning officer, and
- b) to be delivered or sent to the Departmental Chief Executive and to the Chief Executive of Local Government New South Wales.

### Election of Deputy Mayor

Under the provisions of Section 231 of the Local Government Act 1993 the Councillors may elect a person from among their members to be the Deputy Mayor.

#### Nomination

- a) The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- b) The nomination is to be delivered or sent to the Returning Officer, Director City Performance – Kevin Voegt by 12pm Midday on Monday 26 September 2022.

However, this does not preclude nominations being lodged without notice.

Should there be more than one candidate Council may elect to proceed by preferential ballot or ordinary ballot (show of hands).

### Nomination Form – Deputy Mayor

We the undersigned nominate Councillor \_\_\_\_\_ for election as Deputy Mayor.

#### Nominating Councillors

Name	Signature
_____	_____
_____	_____
_____	_____

I \_\_\_\_\_ by my signature below hereby consent to this nomination as Deputy Mayor.

\_\_\_\_\_  
Signature



## CL22.451 Determination of Date & Time of Council Meetings & Councillor Briefings

**HPERM Ref:** D22/348203

**Department:** Business Assurance & Risk

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:** 1. Proposed Meeting Dates [↓](#)

### Reason for Report

To consider options in setting time, date, and place for the Council meetings for November 2022 – October 2023.

### Recommendation

That Council:

1. Adopt a schedule of Ordinary Meeting dates as per the attached schedule (**Attachment 1** to this report) providing for two (2) Ordinary Council Meetings per month held on a Monday subject to the following:
  - a. Meetings and briefings not being held on public holidays or during the following periods:
    - i. Christmas / New Year break – 23 December 2022 – 20 January 2023
    - ii. Easter break – 7 to 10 April 2023
    - iii. Australian Local Government Association National General Assembly – 18 to 21 June 2023 – (indicative dates not yet confirmed)
    - iv. Mid-year Council Recess - July 2023 NSW school holidays– 3 to 14 July 2023
    - v. The 2023 Annual Conference of Local Government NSW - 22 to 24 October 2023 – (indicative dates not yet confirmed)
2. Reaffirm the authorisations to the Chief Executive Officer as set out in the report.
3. Determine the start time for Council meetings to be generally at 5.30pm.
4. Determine the start time for Councillor Briefings to be generally at 5.00 pm.
5. Reaffirm its current practice to hold deputation as part of the Ordinary Meeting.

### Options

1. As recommended – continuing current arrangements

Implications: A proposed meeting schedule continuing current arrangements is outlined in **Attachment 1** to the report. There are several efficiencies this model has proven as outlined in the report. Any amended schedule of meetings would need to cater for public holidays and other required times when

2. Adjust the day, time, schedule and/or arrangements for Council Meetings to an alternate model.

Implications: To facilitate the Council's consideration of alternate options it is recommended that the Council adopt the recommendation outlined in the report for the

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period to December 2022 to allow, briefing and implementation of any new arrangements to be put in place. It is noted adjustment to the current arrangements, may require a relative adjustment to business paper delivery timeframes and other related matters.

## Background

Council's Code of Meeting Practice states that "*The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings*" in accordance with Section 365 of the Local Government Act (namely at least ten times each year, each time in a different month).

How and when Council meetings are held is up to each Council to decide, although the *Local Government Act 1993* requires Council to meet at least 10 times a year, each time in a different month.

Councillors should be given at least three days' notice of meetings, except for extraordinary meetings called in an emergency.

All formal Council meetings must be held in accordance with requirements in the *Local Government Act 1993*, the *Local Government (General) Regulation 2021* (Regulation) and the Council's Code of Meeting Practice to determine a schedule of meetings the Council needs to determine the decision-making structure it wishes to put in place.

### ***The decision-making structure of the Council.***

*The Local Government Act* establishes the Council as the decision-making body with respect to the functions of the Council. In practice, decisions can be made by the Elected Council (at Ordinary and Extra Ordinary Meetings) or by an individual or body under Delegated Authority.

[\*The Local Government Act at Section 377\*](#) sets that the Council may delegate functions of the Council (other than some specific listed functions) to the CEO or any other person or body (not including another employee of the Council). A separate report is provided on the Agenda of this Meeting to outline proposed delegations to be provided to the CEO and Mayor of the Council in the form of an *Instrument of Delegation*.

In addition to Council meetings, Councils can establish Committees to oversee specific functions, projects or programs and report back to the Council on those matters. A Council Committee is one where members of the Committee are Councillors only. (As opposed to Advisory Committees which have other members, such as community representatives.)

Council must specify the function, purpose, and delegation of each of its committees when such a Committee is appointed but may amend those functions or purpose and delegation from time to time.

### ***Establishing 'Council Committees'***

A Council Committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council only.

The Chairperson of each Council Committee (i.e., a committee consisting of only Councillors) of Council must be:

- a) The mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or
- c) If the Council does not elect such a member – a member of the Committee elected by the Committee.

The Committee must be chaired by the Mayor, or a Chair elected from its membership or by the Council. The Mayor does not have to be the Chair of the Committee.

The meetings of Council Committees are required to be conducted in accordance with the meeting rules prescribed under the Act, the Regulation and Council's Code of Meeting Practice.

Each Councillor, whether a member of a Committee or not, is entitled to attend and speak at a meeting of a Council Committee. However, only Councillors who are members of the Committee are entitled to put business on the Committee's agenda, move or second a motion at the Committee meeting, or vote at the meeting.

### ***Frequency/Date and Time of Meetings***

The Council may set the times and days of meetings and briefings to suit their requirements. When considering times and dates, Council should consider:

- Availability of all Councillors for the majority of meetings (where possible to achieve)
- Accessibility of members of the public to attend meetings where required (in addition to webcasting)
- Work, Health and Safety of Councillors and Staff to attend and travel to and from the meetings.
- Provisions of the Code of Meeting Practice (e.g., The current Code sets that meeting must conclude by 10pm)
- Achieving an efficient and effective use of resources for the decision-making requirements of the Council.

Meeting Business papers are required to be provided to the Council 3 days prior to the meeting.

### **Current Practice**

In February 2022 at Council established a starting time for Ordinary meetings at 5.30pm, with two (2) Ordinary Meetings held per month. These meetings include in the order of business the hearing of deputations.

Briefing sessions are usually held on Thursdays preceding those meetings from 5pm (concluding at 7pm or before). These are confidential sessions.

The current practice is for reports are usually published and provided to Councillors on the Wednesday afternoon prior to a briefing held the next day (Thursday) and the meeting held on the following Monday.

### **Reflections on current ordinary meeting arrangements**

Council resolved at its inaugural Ordinary meeting, Tuesday 25 January 2022 (MIN22.11) to disestablish its core committees being the Development and Environment Committee and the Strategy and Assets Committee and that " *A future review to be undertaken (determined by the CEO) to review the success of the change from Committees to Ordinary*"

Changing the day of Council Meetings from a Tuesday to a Monday allowed time in the schedule to publish the Business Paper each Wednesday proceeding the meeting, allowing consideration by the Councillors of the reports prior to the briefing sessions held on Thursdays.

Council has not received any negative feedback from the community since the disestablishment of the "Core" Committees.

Further to this, Council staff have been monitoring the success of the two Ordinary meetings per month since implementing these arrangements.

During the period of January to August 2022 the Council has considered 339 reports. 52% of items were moved en bloc and the average meeting length has been 3 hrs 24 Mins. No meeting during this time has had more than 2 items on one paper that have been discussed for longer than 30mins each. During the term of the current council 'the motion be put' procedure has been used a total of 4 times and two (2) items in the period were debated in Committee of the Whole.

With the above mentioned statistics in mind the current practice of two Ordinary Meetings it is recommended by staff that Council continue with the current format.

#### Deputations / Public Forums

Upon adopting the Code of Meeting Practice at the Council Meeting, at its Ordinary Meeting in June 2022, Council determined that it did not wish to remove the deputations from Ordinary Meetings to a separate Public Forum model and it was resolved (MIN22.4)

*That Council:*

1. *Adopt the Draft Code of Meeting Practice as attached to the report with the following amendments which reflect the status quo:*
  - a. *The Public Forum (deputations) be retained within the Council Meeting*
  - b. *Council Meetings commencing at 5.30pm*
2. *Receive a Councillor Briefing / Workshop to allow for further discussion on options for Public Forums*
3. *Following the conclusion of Part 2 (above) a report be submitted to Council providing a further draft revision of the Code of Meeting Practice for adoption.*

To date a briefing has not occurred to consider further options or changes to the deputations/public forum model due to other business before the Council.

Should the Council in considering the information outlined in this report, still wish to reconsider the options for a change from the current deputations model, a briefing will be scheduled to discuss a range of options which include consideration of: appropriate days and time of a separate Public Forum model. It is staff recommendation however that Council reaffirm its current practice to hold deputation as part of the Ordinary Meeting at this time.

#### ***Authorities provided to the Chief Executive Officer with respect to meeting arrangements.***

As is the usual practice, it is recommended that Council resolve to provide the following authorisation to the Chief Executive Officer to enable the smooth scheduling and conduct of meetings without Council resolution:

- a) Calling of any Briefing Sessions or Meetings of any established Committees: the Chief Executive Officer be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for any regular Council Committees: The Chief Executive Officer be authorised to make changes to the commencing time for Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to Chief Executive Officer, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- c) To allow the Chief Executive Officer to consider alternate venues for the Ordinary Meeting of Council in special circumstances (noting that Webcasting services will be required)

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**Financial Implications**

The frequency and time dedicated to Council Meetings has a direct correlation with the administrative costs of those meetings.

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**Proposed Schedule of Ordinary Meetings only – Nov 2022 to Oct 2023**

<b>November 2022</b>		
Monday 14	5.30 pm	Ordinary Meeting
Monday 28	5.30 pm	Ordinary Meeting
<b>December 2022</b>		
Monday 5	5.30 pm	Ordinary Meeting
Monday 12	5.30 pm	Ordinary Meeting
<b>January 2023</b>		
Monday 23	5.30 pm	Ordinary Meeting
Monday 30	5.30 pm	Ordinary Meeting
<b>February 2023</b>		
Monday 13	5.30 pm	Ordinary Meeting
Monday 27	5.30 pm	Ordinary Meeting
<b>March 2023</b>		
Monday 13	5.30 pm	Ordinary Meeting
Monday 27	5.30 pm	Ordinary Meeting
<b>April 2023</b>		
Monday 3	5.30 pm	Ordinary Meeting
Monday 24	5.30 pm	Ordinary Meeting
<b>May 2023</b>		
Monday 8	5.30 pm	Ordinary Meeting
Monday 22	5.30 pm	Ordinary Meeting
<b>June 2023</b>		
Monday 5	5.30 pm	Ordinary Meeting
Monday 26	5.30 pm	Ordinary Meeting
<b>July 2023</b>		
Monday 17	5:00pm	Ordinary Meeting <i>(if required)</i>
Monday 31	5.30 pm	Ordinary Meeting
<b>August 2023</b>		
Monday 14	5.30 pm	Ordinary Meeting
Monday 28	5.30 pm	Ordinary Meeting
<b>September 2023</b>		
Monday 11	5.30 pm	Ordinary Meeting
Monday 25	5.30 pm	Ordinary Meeting
<b>October 2023</b>		
Monday 9	5.30 pm	Ordinary Meeting
Monday 30	5.30 pm	Ordinary Meeting

**Other important dates:**

Easter – Friday 7 April – Monday 10 April 2023

Anzac Day Public Holiday – Tuesday 25 April 2023

King's Birthday – Monday 12 June 2023

Australian Local Government Association National General Assembly – Sunday 19 to Wednesday 22 June 2023

Mid Year Break – Monday 3 July to Friday 14 July 2023

Labour Day – Monday 2 October 2023

The 2023 Annual Conference of Local Government NSW is currently scheduled to be held from 23 to 25 October 2023

## CL22.452 Ordinary Meeting - Order of Business

**HPERM Ref:** D22/348217

**Department:** Business Assurance & Risk

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

### Reason for Report

To determine the Order of Business for meetings of the Council (other than an Extra Ordinary meeting).

### Recommendation

That Council adopt the Order of Business for the Ordinary Meetings of Council as follows:

1. Acknowledgement of Country
2. Moment of Silence and Reflection
3. Australian National Anthem
4. Apologies/Leave of Absence
5. Confirmation of Minutes
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minutes
9. Deputations & Presentations
10. Call Over of the Business Paper
11. A Committee of the Whole (if necessary)
12. Report of Committees
13. Report of the Shoalhaven Traffic Committee (if required)
14. Officers Reports
15. Notices of Motion and Questions on Notice
16. Addendum Reports
17. Confidential Reports

\*If any items of business require attendance of specialist staff (e.g., Legal, Insurance, Property) then Council will generally consider those items following the Deputations

### Options

1. Council adopts the order of business as shown in the recommendation.
2. Council changes the order of business by removing or altering the order of items of business.

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## Background

Council's [Code of Meeting Practice](#) provides that "the Order of Business" on the Agenda for Council and Committee Meetings be as fixed by the Code or by resolution of Council. In accordance with Clause 8.1 of the Code of Meeting Practice the Council should now adopt a general order of business which applies to its meetings in this new term.

The Order of Business outlined in the recommendation is the Order of Business which was previously resolved by the current elected Council 25 January 2022.

For practical reasons, the welcoming aspects of the meeting should occur at the beginning of the meeting before the business of the meeting is dealt with.

With respect to the business of the Meeting, any Mayoral Minute will take precedence over all business on the Council's agenda for the meeting, as outlined at 9.7 of the Code of Meeting Practice. There is no specified order for business following the Mayoral Minutes required under the Local Government Act or Regulations.

The Council may pass a resolution at any meeting to change the order of business for that meeting (Clause 8.2) or move into Committee of the Whole to discuss an item (Clause 12.1).

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## CL22.453 Community Consultation & Committee System

**HPERM Ref:** D22/383146

**Department:** Business Assurance & Risk

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:** 1. Committee list (under separate cover) [⇒](#)

### Reason for Report

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

### Recommendation

That Council

1. Continue the operation of the following Committees, Boards & Reference Groups pursuant to Section 355 – Local Government Act and pursuant to Section 377 with purpose, delegation and sitting fee (if applicable), membership and quorum as outlined in the attachment to the report:
  - a. Audit, Risk and Improvement Committee (39763E) and authorise the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit, Risk & Improvement Committee charter.
  - b. Senior Staff Contractual Matters Committee (5001E).
  - c. Northern Floodplain Risk Management Committee (59952E)
  - d. Central Floodplain Risk Management Committee (59951E)
  - e. Southern Floodplain Risk Management Committee (59950E)
  - f. Northern Coastal Management Program Advisory Committee (64354E)
  - g. Central Coastal Management Program Advisory Committee (64355E)
  - h. Southern Coastal Management Program Advisory Committee (64356E)
  - i. Aboriginal Advisory Committee (1209E)
  - j. Homelessness Taskforce Shoalhaven (55584E)
  - k. Inclusion and Access Advisory Group (1228E)
  - l. Natural Area Volunteers Group (42643E)
  - m. Nowra CBD Revitalisation Strategy Committee (50242E)
  - n. Rural Fire Service Strategic Planning Committee (1227E)
  - o. Shoalhaven Arts Board (2123E)
  - p. Shoalhaven City Mayor's Relief Fund (3926E)
  - q. Shoalhaven Economic Growth Advocacy (SEGA) Group (70630E)
  - r. Shoalhaven Entertainment Centre Councillor Reference Group (61867E)
  - s. Shoalhaven Heads Estuary Taskforce (45866E).
  - t. Shoalhaven Motor Sports Working Group (69319E)

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- u. Shoalhaven River Festival Committee (59829E)
  - v. Shoalhaven Sports Board (12623E)
  - w. Strategic Planning Working Party (65374E)
  - x. Youth Advisory Committee (1506E)
2. Appoint Councillor and staff membership of each Committee or Board as outlined in the Attachment to the report.

### Options

1. That Council adopt the Committees with their purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the attachment.

Implications: This will continue current resourcing allocations and community membership.

2. That the proposed list of Committees be altered, and/or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependent upon the extent of the amendments, resources for the administration and support of Committees and other resource allocations may be impacted.

### Background

At the commencement of each term, the Council establishes its process of community consultation in terms of advisory and other Committees to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

The attachment and this report outline the Councillor and staff representation for Council's existing Committees and boards as determined at the Ordinary Meeting 25 January 2022.

The Council may wish to remove, amend the purpose and objectives or reappoint the Committee or Board by determining Councillor and staff representative members for the ensuing 12-month period.

The Terms of Reference of Committees and Boards are considered to be policies of the Council and may be viewed on the [Policies](#) section of the Council website which is listed in alphabetical order.

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## CL22.454 Council Representatives on Other Committees or Organisations Outside of Council

**HPERM Ref:** D22/384705

**Department:** Business Assurance & Risk

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

### Reason for Report

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

### Recommendation

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2023.

### Options

1. Council confirm membership as per the recommendation.
2. Council changes the membership of Councillors and other delegates on other Committees or Organisations Outside of Council.

### Background

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a)

<b>Australian Coastal Councils Association – 33451E</b>	
<b>Purpose:</b> To advocate of behalf of coastal councils. It also commissions research on behalf of councils in coastal areas in relation to a range of coastal issues.	
Note: The Committee of Management is a separate entity and nominations are called every two years. The representative(s) nominated below perform a liaison role only. The Association has confirmed that Council would be able to nominate a Councillor &/or a staff member.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Christen	Clr

b)

<b>Cemeteries and Crematoria Association of NSW – 33451E</b>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Unit Manager - Bereavement Services	Unit Manager - Bereavement Services

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c)

<b>Healthy Cities Illawarra Board of Directors – 4043E</b>	
<b>Purpose:</b> Healthy Cities Illawarra is a community based, non-profit organisation that is part of a worldwide movement initiated by the World Health Organisation, committed to improvement of health, environment and the quality of life within the Illawarra community.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Gray Clr D'Ath – Alternative representative	Clr Clr or CEO (or nominee) Clr – Alternative representative

d)

<b>Illawarra Academy of Sports – 2388E</b>	
<b>Purpose:</b> To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Mayor Appointed Representative – Clr Wells (also Chair of IAS)	Mayor Appointed Representative –

e)

<b>Illawarra Shoalhaven Joint Organisation – 2172E</b>	
The functions of the ISJO are: <b>Core Functions:</b> <ul style="list-style-type: none"> <li><b>Regional Strategic Planning</b>, including high level planning across the quadruple bottom line</li> <li><b>Inter-Governmental Collaboration</b>, working closely with the NSW Government as well as the Australian Government and other councils and JOs</li> <li><b>Regional Leadership and Advocacy</b>, as the preeminent regional voice for councils and communities</li> </ul> <b>Optional Functions:</b> <ul style="list-style-type: none"> <li><b>Enhancing Regional Strategic Capacity</b>, to support member councils to deliver services to their communities</li> <li><b>Regional Service Delivery</b>, to provide services directly to communities within the region.</li> </ul> The Illawarra Shoalhaven Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Findley – Mayor Clr Butler Clr White (alternate delegate)	Mayor Clr Clr (alternate delegate)

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- f) Note: The membership of this Committee consists of one representative from each sector. Cllr Findley and Cllr Pakes were appointed for a 4-year term. Cllr Findley has also been appointed as Chairperson for this committee, the Chair role being appointed to Cllr Findley as an individual member which does not transfer to any representative nominated by SSC. We were advised in late 2021 that the Jervis Bay Marine Park Director General will make contact to seek nominations to fill any vacancies created by the 2021 Local Government Elections, however no correspondence has been received from the Director General.

<b>Jervis Bay Marine Park Advisory Authority Committee – 1462E</b>	
<b>Purpose:</b> Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and: <ul style="list-style-type: none"> <li>• The conservation of the marine biological diversity within the Marine Park</li> <li>• The ecologically sustainable use of the Marine Park</li> <li>• The public use and enjoyment of the Marine Park</li> </ul>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Cllr Findley Cllr Christen (alternative representative) Cllr Ell (alternative representative)	Cllr Findley Cllr (alternative representative)

- g) Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate.

<b>NSW Country Mayors Association – 14214E</b>	
<b>Purpose:</b> The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution. Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Cllr Findley – Mayor Cllr Butler – Deputy Mayor (alternate delegate) Stephen Dunshea - CEO	Mayor Deputy Mayor (alternate delegate) CEO

- h)

<b>NSW Public Libraries Association – 14214E</b>	
<b>Purpose:</b> The New South Wales Public Libraries Association (NSWPLA) is the peak body for public libraries in New South Wales. The organisation advocates for the public library cause, provides relevant information to stakeholders, fosters cooperation and collaboration, and strengthens the public library network.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Cllr Butler Library Services Manager	Cllr Library Services Manager

- i)

<b>Rural Fire Service Shoalhaven District Liaison Committee – 2122E</b>
<b>Purpose:</b> The Liaison Committee will: <ol style="list-style-type: none"> <li>Monitor and periodically review the performance of this Rural Fire District Service Agreement by the Council and the RFS;</li> <li>Review the following documents prepared by the District Manager prior to submission to and consideration by the Council:</li> </ol>

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i. The annual budget and business plan; and ii. The quarterly financial and performance reports	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Christen Clr Ell CEO (or nominee)	Clr Clr CEO (or nominee)

j)

<b>Shoalhaven Bush Fire Management Committee – 2820E</b>	
<p><b>Purpose:</b> Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee:</p> <ul style="list-style-type: none"> <li>Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act;</li> <li>Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act;</li> <li>Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: <ul style="list-style-type: none"> <li>The Bush fire Co-ordinating Committee; or</li> <li>A public authority exercising its functions in the Bush Fire Management Committee's area.</li> </ul> </li> </ul> <p><u>Note:</u> The Committee has no power to conduct or take part in firefighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.</p>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Christen Clr Norris CEO (or nominee) as an observer	Clr Clr (Alternate) CEO (or nominee) as an observer

k)

<b>Shoalhaven Traffic Committee – 1491E</b>	
<p><b>Purpose:</b> The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed.</p> <p><u>NOTE-</u> the Local Traffic Committee is not a Committee appointed by Council under the Local Government Act but a Committee to be formed by Council in the exercise of its delegated powers. Councillor members are considered informal members who may contribute to discussion but may not vote.</p> <p>The recommendations from the Shoalhaven Traffic Committee are approved by the Director City Services under delegation of Council (MIN21.411) unless a Councillor requests that a specific item be considered at an Ordinary Meeting.</p>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Informal – Clr White Informal – Clr Norris CONVENOR/CHAIRPERSON - As appointed by the Director City Services	Informal – Clr Informal – Clr Informal – Clr CONVENOR/CHAIRPERSON - As appointed by the Director City Services

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l)

<b><u>South Coast Co-operative Library Services – 3934E</u></b>	
<p><b>Purpose:</b> To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement</p> <p><b>Note:</b> The member Councils are Shoalhaven City Council and Kiama Municipal Council.</p> <p>In accordance with the South Coast Cooperative Libraries Agreement the committee must meet at least once a year (for an AGM) and the membership must consist of a Councillor, Director responsible for Library Services and a Library Manager from each participating Council.</p>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members (suggested)</b>
Clr D'Ath Director City Lifestyles Manager - Library Services	Clr Director City Lifestyles Manager - Library Services

m)

<b>South Coast Correctional Centre Community Consultative Committee – 4043E</b>	
<p><b>Purpose:</b></p> <ul style="list-style-type: none"> <li>To assist in the development and maintenance of a positive relationship with the local community</li> <li>To provide a forum for local community consultation and comment on correctional programs and procedures</li> <li>To facilitate the involvement of the local community in correctional centres programs</li> <li>To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community</li> <li>To assist in the establishment of worthwhile community partnerships</li> </ul>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr D'Ath Clr Watson Mr Paul Keech - Director City Services	Clr Clr Director City Services

n)

<b>Board of the South Coast Regional Arts Development Organisation Committee – 4043E</b>	
<p><b>Purpose:</b></p> <ul style="list-style-type: none"> <li>To assist in the development and maintenance of a positive relationship with the local community</li> <li>To provide a forum for local community consultation and comment on correctional programs and procedures</li> <li>To facilitate the involvement of the local community in correctional centres programs</li> <li>To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community</li> <li>To assist in the establishment of worthwhile community partnerships</li> </ul>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr Gray Appropriate staff member as support person and proxy	Clr Gray Appropriate staff member as support person and proxy

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o)

<b>South East Australian Transport Strategy Inc – 3678E</b>	
<b>Purpose:</b> To improve the transport network to enhance economic development within the region.  Note: Council is entitled to one voting delegate but may also nominate alternative delegates (Councillors &/or staff).	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Clr White	Clr
Clr Ell (Alternate delegate)	Clr (Alternate delegate)
Clr Copley (Alternate delegate)	Clr (Alternate delegate)

p)

<b>South East Regional Weeds Committee – 52451E</b>	
<b>Purpose:</b> The purpose of the RWC is to provide 'tenure neutral' strategic planning and coordination of weed management activities at the regional level. These activities play an integral part in an overall state weed management framework.  The RWC is a local community advisory group under the provisions of Section 33 of the <i>Local Land Services Act 2013</i> .  The RWC is established to: <ul style="list-style-type: none"> <li>• Support implementation of the weeds components and underlining principles of the NSW Biosecurity Strategy, NSW Biosecurity Act and the NSW Invasive Species Plan 2015-2022;</li> <li>• Provide advice to the Board regarding delivery weed functions for the Local Land Services (LLS) consistent with the Local Strategic Plan;</li> <li>• To develop innovative and effective regional weed management strategic plans that consider risks, include all land tenure, and major stakeholders in the landscape; and</li> <li>• Provide a forum for the community and stakeholders in decision making, and develop communication education and awareness programs based on local and/or regional priority weeds and issues.</li> </ul>	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Biosecurity Coordinator (Scott Galbraith)	Biosecurity Coordinator (Scott Galbraith)

q) Note: The SRPP is made up of five members. Three of these are independent experts appointed by the Minister for Planning. The other two are Council representatives. The council appointed members can either be councillors, community members or a combination of both. If Council decides to appoint community representative(s) a formal expression of interest will need to be held.

Section 4.4 of the Sydney and Regional Planning Panel Operational Procedures states that two council members are appointed by each council. **At least one council member must have expertise in one or more of the following areas:**

- *planning,*
- *architecture,*
- *heritage, the environment,*
- *urban design,*
- *land economics,*
- *traffic and transport,*
- *law,*

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- engineering
- tourism.

**In confirming your nominations Council must indicate which member is an expert and in which field.**

<b><u>Southern Regional Planning Panel – 39782E</u></b>	
Meetings per year: As required	
<b>Purpose:</b> To determine regionally significant development applications	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
No members appointed	
<b>Sitting Fees</b> - A sitting fee of \$400.00 per meeting is paid to the Council and Community Representatives	

r)

<b>Southern Water Services Pty Ltd – 4043E</b>	
<b>Purpose:</b> To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.	
<b>Note:</b> Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “undertake the provision of water, sewerage and related services”. It currently has no relationship with Shoalhaven Water operations or staff.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
No members nominated	Clr
Ms Vanessa Phelan – Secretary	Clr
	Clr
	Clr
	Clr
	Ms Vanessa Phelan – Secretary

s)

<b>Ulladulla Harbour User Group – 4043E</b>	
<b>Purpose:</b> To assist Transport for NSW (Maritime Infrastructure Delivery Office – MIDO) to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour.	
<b>2022 Council Members</b>	<b>2022-2023 Council Members</b>
Commercial Services Manager	Commercial Services Manager

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## CL22.455 2023 Conferences

**HPERM Ref:** D22/348235

**Department:** Business Assurance & Risk

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

### Reason for Report

To provide details of various conferences from December 2023 which may be deemed as Council business to facilitate registration of Councillors.

### Recommendation

That Council

1. Authorises available Councillors to attend the following conferences and such attendance be deemed Council Business
  - a. Local Government Planning & Environmental Law Conference 2023
  - b. Waste 2023 Conference
  - c. 2023 OzWater Conference
  - d. NSW Coastal Conference
  - e. 2023 National Local Roads & Transport Congress
  - f. 2023 National General Assembly of Local Government
  - g. 2023 Australian Local Government Women's Association NSW State Conference
  - h. 2023 LGNSW Annual Conference
  - i. International Cities and Town Centres Conference (If held in Australia)
  - j. 2023 NSW Local Government Aboriginal Network Conference
  - k. 2023 Global Eco Asia-Pacific Tourism Conference
  - l. LGNSW International Women's Day- March 2023
  - m. IPWEA NSW & ACT Annual Roads Congress
  - n. SEGRA Conference
  - o. Australian Regional Tourism Convention
  - p. LGNSW Locally Led Event Breakfast
  - q. Cities Power Partnership's National Summit
  - r. Annual National Economic Recovery and Development Forum
2. Require that travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with Council members – Payment of Expenses and Provision of Facilities Policy
3. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

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## Options

1. As per the recommendation. Additional information on conferences which is not available at the time of publication of the report will be provided to the Councillors.
2. That Council receive an individual report for each conference.
3. That Council does not approve Councillor attendance at one or more of the listed Conferences as Council Business.

## Background

In order for Councillors' registration and associated expenses for attendance at Conferences outside the local government area to be covered by the [Council Members – Payment of Expenses and Provision of Facilities Policy](#), a resolution of the Council is required to determine the attendance as 'Council Business'.

The details of the Conferences available to the Council currently are as follows (note the blue underlined text below is a link to the webpage for each conference):

1. [Local Government Planning & Environmental Law Conference 2023](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
2. [Waste 2023 Conference](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
3. [2023 OzWater Conference](#)  
Dates: 10 - 12 May 2023  
Location: Sydney, NSW  
Costs of Registration: \$2,017.50 to \$2295.50
4. [NSW Coastal Conference](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
5. [2023 National Local Roads & Transport Congress](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
6. [2023 National General Assembly of Local Government](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
7. [2023 Australian Local Government Women's Association NSW State Conference](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD
8. [2023 LGNSW Annual Conference](#)  
Dates: TBD  
Location: TBD  
Costs of Registration: TBD

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9. [International Cities and Town Centres Conference \(if held in Australia\)](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

10. [2023 NSW Local Government Aboriginal Network Conference](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

11. [2023 Global Eco Asia-Pacific Tourism Conference](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

12. [LGNSW International Women's Day- March 2023](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

13. [IPWEA NSW & ACT Annual Roads Congress](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

14. [SEGRA Conference](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

15. [Australian Regional Tourism Convention](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

16. [LGNSW Locally Led Event Breakfast](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

17. [Cities Power Partnership's National Summit](#)

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

18. Annual National Economic Recovery and Development Forum

Dates: TBD  
Location: TBD  
Costs of Registration: TBD

For those conferences where details of the Conferences were not available at the time of this report, Councillors will be advised by email of the specific details. Councillors will also be advised further in relation to the above conferences, as conference dates get closer, and will be provided updates of changes in conference arrangements if and when they occur.

It is acknowledged that the above list may not include all conferences which may be available in the upcoming year. Conferences additional to those listed above which warrant

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consideration of attendance by Councillors will be reported individually to the Council once their details are advertised.

**Policy Implications**

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per Councillor exclusive of any conference arranged by either the Australian Local Government Association (ALGA) or NSW Local Government Associations (LGNSW).

**Financial Implications**

Funds are available for Councillors to attend these conferences.

The expenses relating to Councillors' attendance at conferences and other expenses are published annually on the Council's Website.

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## CL22.456 2022/2023 Community Donations

**HPERM Ref:** D22/369890

**Department:** Business Assurance & Risk

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:** 1. Minutes - Community Donations Assessment Panel (councillors information folder) [⇒](#)

### Reason for Report

This report seeks Council's approval for funding to the successful applicants as determined by the Community Donations Assessment Panel.

### Recommendation

That Council

1. Note the information in the report outlining the process followed for the 2022/2023 Community Donations Program, including the applications received
2. Approve the funding of the 2022/2023 Community Donations recommended by the Community Donations Panel, totalling \$205,168.40 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation for	Amount
Bravehearts Foundation Ltd	Ditto's Keep Safe Adventure - Personal Safety Program	\$6,450.00
Milton Ulladulla Family History Society Inc	Printing Journals Twice A Year	\$400.00
Shoalhaven Historical Society	Signage Replacement And Branding - Nowra Museum	\$2,402.00
Shoalhaven Neighbourhood Services	Printing & Distribution Of 4x Community Newsletters	\$1,000.00
Shoalhaven Youth Orchestra	Shoalhaven Youth Orchestra - In School Program	\$16,000.00
Tabourie Lake Museum	Opening Of Museum	\$6,500.00
Five Villages Community Garden, Yulunga Reserve**	Insurance, Rent & Utility Charges For Community Garden - Yulunga Reserve, Manyana	\$1,000.00
Bringing Quolls Back To Shoalhaven (Npct)	Quoll Rewild Project - Transport For Quolls	\$15,000.00
Greenwell Point Community Memorial Gardens	Memorial Gardens	\$10,000.00
Ulladulla Public School P&C	Sensory Garden And Vegetable Patch	\$2,500.00
Berry & District Garden Club Inc	Award Sponsorship And Fee Waiver For School Of Arts Hire	\$100.00
Callala Bay Community Association	Breakfast By The Bay - Australia Day Event	\$1,270.00
Currarong Nye Fireworks Show	Contribution Towards The NYE Fireworks Celebrations	\$5,000.00
Huskisson Chamber Of Commerce & Tourism Inc	Fireworks Display, Event Application Fee, Reserve Hire Fee	\$8,000.00

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Milton Follies	Monty Python's Spamalot Production - Venue Hire And Technician Hire	\$5,000.00
Milton Ulladulla Christmas Carols	Christmas Carols	\$2,500.00
Milton Ulladulla Lions Club Inc	2023 Australia Day Celebrations	\$14,333.00
Rotary Club Berry	Berry Small Farm Field Days Event	\$2,500.00
Rotary Club Berry	New Year's Eve Fireworks	\$7,500.00
Rotary Club Berry	Australia Day 2023	\$3,500.00
Rotary Club Berry	Berry Rotary Celtic Festival	\$2,000.00
Rotary Club Of Milton Ulladulla Inc	Ulladulla Blessing Of The Fleet Festival	\$10,000.00
Rotary Nowra Club	Australia Day 2023	\$15,000.00
Sanctuary Point Community Pride Inc	Neighbour Day 2023 BBQ	\$300.00
Shoalhaven Historic Vehicle Club	National Motoring Heritage Display Day	\$1,000.00
1st Burrill Ulladulla Scout Group	Rates/Water Rates Assistance	\$400.00
Albatross Musical Theatre Company	Rental Subsidies For School Of Arts & Annex, And Nowra Showground Youth Hall	\$8,000.00
Berry Branch Of The Cwa	Full Rates Subsidy	\$2,163.14
Berry Rsl Sub Branch	Rates Subsidy	\$2,833.06
Cambewarra School Of Arts Inc	Rates & Water Subsidy	\$2,900.00
City Of Shoalhaven Eisteddfod	Hire Of Council Facilities - SEC, School Of Arts, Bomaderry Indoor Sports Centre And Other Facilities (Non-Council)	\$11,500.00
Curarong Community Hall	Rates Subsidy	\$2,874.39
Friends Of Callala	Rental Of Community Centre - 105 Hours For 2022/23 Financial Year	\$1,642.00
Lay Missionaries Of Charity Soup Kitchen	Fee Waiver	\$1,716.00
Marine Rescue Nsw Jervis Bay Unit	Subsidy For Admiralty Wharf And Rental Fee For Voyager Park Offices & Operations Area	\$1,105.93
Milton District Cwa	Rates Subsidy	\$2,060.66
Mollymook Bridge Club Inc	Annual Rates - Previously Rates Paid By Donation	\$2,058.34
Music Shoalhaven Inc	Hall Hire - Nowra School Of Arts, And Tuning Of Piano	\$2,010.00
Noah's Inclusion Services	20% Rent Subsidy For One Year	\$5,200.00
Shoalhaven City Concert Band	Weekly Hire Of School Of Arts Annex + Concert Venue Hire	\$2,638.00
Shoalhaven Pistol Club	Rates Subsidy	\$1,112.62
Sussex Inlet Ctc	Rental Assistance	\$4,265.00
Sussex Inlet Foundation For Community Development	Rental Assistance	\$5,200.00

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Sussex Inlet Rsl Sub-Branch Memorial Hall	Rates Subsidy	\$2,056.78
Tomerong School of Arts	Cover Council Rates For 2023 FY	\$3,209.09
Upper Kangaroo River Progress Association	Rates Subsidy	\$968.39

3. Advise the remaining applicants that their applications for the Community Donations Program have been unsuccessful.
4. Sponsor the Shoalhaven Emergency Services Communication Awards as a Premier Partner to the amount of \$5,000 with the sponsorship being paid from the Community Donations Budget.

### Options

1. As recommended.

Implications: The donations (and one sponsorship) will be paid to the community organisations and groups as listed within the recommendation. This will result in funds of \$210,168.40 being expended from the Community Donations funds, leaving an available balance of \$26,994.60 in the Donations budget for 2022/2023.

2. That Council approve the funding as recommended by the Community Donations Panel totalling \$210,168.40, as well as any additional funding being awarded to those Community organisations or groups as decided by Council.

Implications: The available balance of \$26,994.60 will be reduced by any additional funds as decided by Council.

3. That Council determines funding to applicants differently to the recommendation made by the Community Donations Assessment Panel.

Implications: This could result in no availability of funds for the 2022 / 2023 financial year.

### Background

Since the adoption of the Community Donations Policy by Council on 27 June 2022, the following actions have been undertaken:

1. Correspondence to past donations recipients to advise them of the new process for applying for a donation, as well as the application period opening and closing dates – 14 July to 14 August 2022.
2. Advertising and promotion of the Community Donations Program via newspaper, Facebook, Council website and radio advertising.
3. Applications closed 14 August 2022.
4. A meeting of the Community Donations Assessment Panel was held on 7 September to assess the applications received. The minutes of the Community Donations Assessment Panel meeting can be found at Attachment 1.

As part of the new procedure in accordance with the [Community Donation Policy](#), which was adopted at the Ordinary meeting of 27 June 2022, a Community Donations Assessment Panel was formed with the purpose of independently assessing applications across different areas of Council which involved staff from Environmental Services, Community Connections, Arts & Culture, Shoalhaven Entertainment Centre, Tourism Events, Business Assurance & Risk and Governance.

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The Community Donations Assessment Panel met on Wednesday 7 September 2022. (Attachment 1) The panel considered all applications received and recommended that:

- That of the 57 applications received, 46 be provided funding in full or part
- That 11 applications do not receive funding on the basis that they are ineligible under the policy criteria, do not provide sufficient information for assessment, or were not considered appropriate to fund.
- That the Shoalhaven Emergency Services Communication Awards event which is ineligible as a Community Donation be considered as in previous years as a Sponsorship under the Council's Sponsorship Policy and be sponsored to the amount of \$5,000, being the Premier level sponsorship outlined in their proposal. Funding for the Sponsorship will be made from the Community Donations Budget.

### Community Engagement

Past recipients of "Allocated" and "Unallocated" donations were contacted via mail and email to advise of the new process in line with the [Community Donation Policy](#) and were encouraged to review the eligibility criteria to apply for a 2022 / 2023 donation.

Advertising was undertaken on Shoalhaven radio stations, Facebook and newspaper advertising in the Milton Ulladulla Times and South Coast Register throughout July and August.

Information, eligibility criteria and online application forms were made available via Council's website. The application period was open for one month, from 14 July 2022 to 14 August 2022.

### Financial Implications

The donations budget for the 2022/2023 financial year is \$245,497.00.

Funds of \$8,384.00 have already been expended from this total as shown below:

- |   |            |
|---|------------|
| • Keeping Kin Connected – MIN22.489                             | \$222.00   |
| • Shoalhaven Year 12 Aboriginal Graduation Ceremony – MIN22.515 | \$7,000.00 |
| • School of Arts Hire – Transitional arrangement in July 2022   | \$1,162.00 |

This leaves an available balance of \$237,113 prior to the determination of the Donation Applications for 2022/2023

The Community Donations Assessment Panel recommends funding of \$205,168.40 with an additional \$5000 for sponsorship for the Shoalhaven Emergency Services Communication Awards. If Council resolves to approve the recommendation as outlined in the report this would leave an available balance of \$26,944.60 in the Donations Budget for urgent events or items that arise through the remainder of the financial year – noting that Council has the opportunity to review remaining budget as part of each quarterly budget review.

## CL22.457 Investment Report - August 2022

**HPERM Ref:** D22/377508

**Department:** Finance

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:** 1. Shoalhaven Monthly Report - August 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 August 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 1.74% per annum for the month of August 2022, underperforming the benchmark AusBond Bank Bill Index (1.84% pa) by 10 basis points (0.10%).
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 August 2022 be received for information.

Implications: Nil

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

Implications: Nil

3. The report of the Record of Investments for the period to 31 August 2022 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 September 2022.

Implications: Nil

### Background

Please refer to the attached monthly report provided by Council's independent Investment Advisor, Imperium Markets Pty Ltd.

### Portfolio Return

The overall portfolio (excluding cash) returned 0.86% p.a. for the month of August 2022, due to the negative movement of the growth fund.

The investment returns excluding growth fund were a stable 1.74% p.a., underperforming the benchmark AusBond Bank Bill Index (1.84% p.a.) by -10bp p.a.

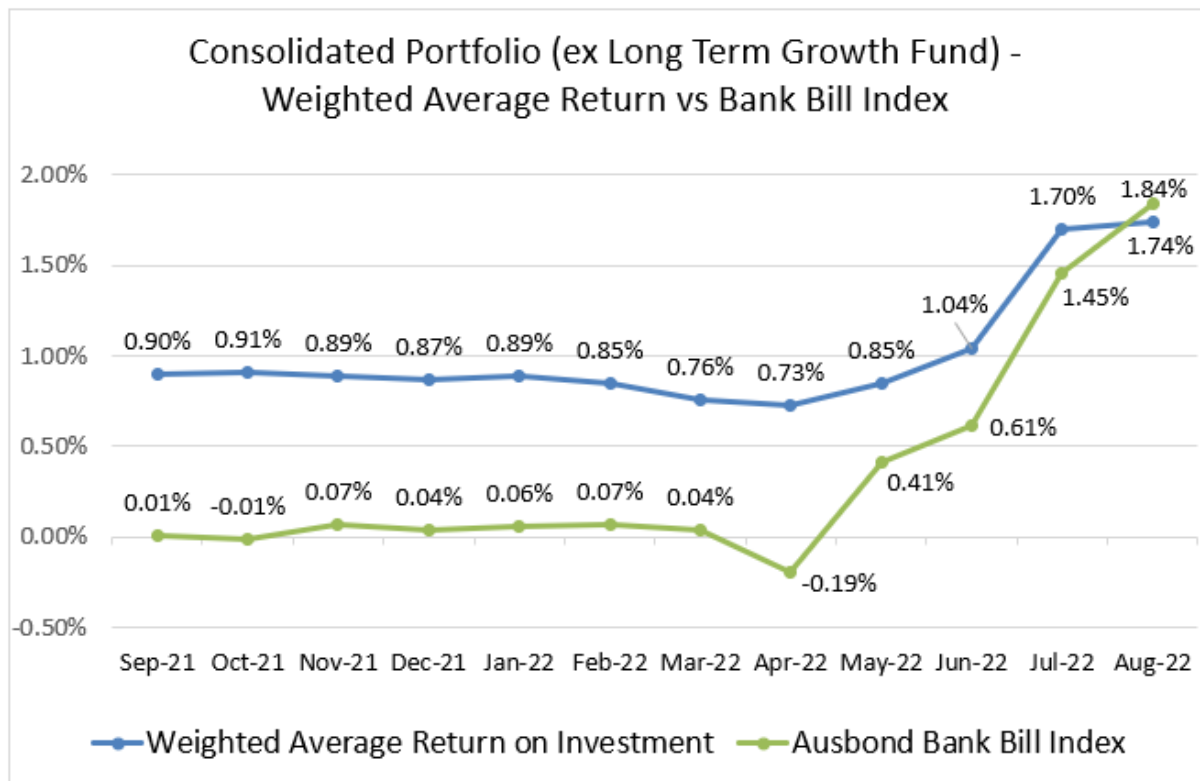
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The Reserve Bank decided to increase the cash rate target by 50 basis points to 2.35 per cent. It also increased the interest rate on Exchange Settlement balances by 50 basis points to 2.25 per cent. The Board is committed to returning inflation to the 2–3 per cent range over time.

### 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, slipping below it for the first time in August.

It should be noted that the Bank Bill Index will respond to increasing interest rates more quickly than Council's average returns. This is due to Council continuing to hold term deposits at lower interest rates than currently available, resulting in average returns lower than the benchmark. As Council reinvests its maturing term deposits its returns will improve to above benchmark over the coming months.



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### Investment Interest Earned – August 2022

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

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	128,162	106,636	(21,526)
Water	64,208	84,785	20,577
Sewer	30,519	54,711	24,192
<b>Total excluding Long-Term Growth Fund</b>	<b>222,889</b>	<b>246,132</b>	<b>23,243</b>

The interest earned for the month of August, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$246,132 compared to the monthly budget of \$222,889.

### 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	1,509,000	194,015	12.86%
Water	756,000	145,302	19.22%
Sewer	359,333	93,490	26.02%
<b>Total excluding Long-Term Growth Fund</b>	<b>2,624,333</b>	<b>432,807</b>	<b>16.49%</b>

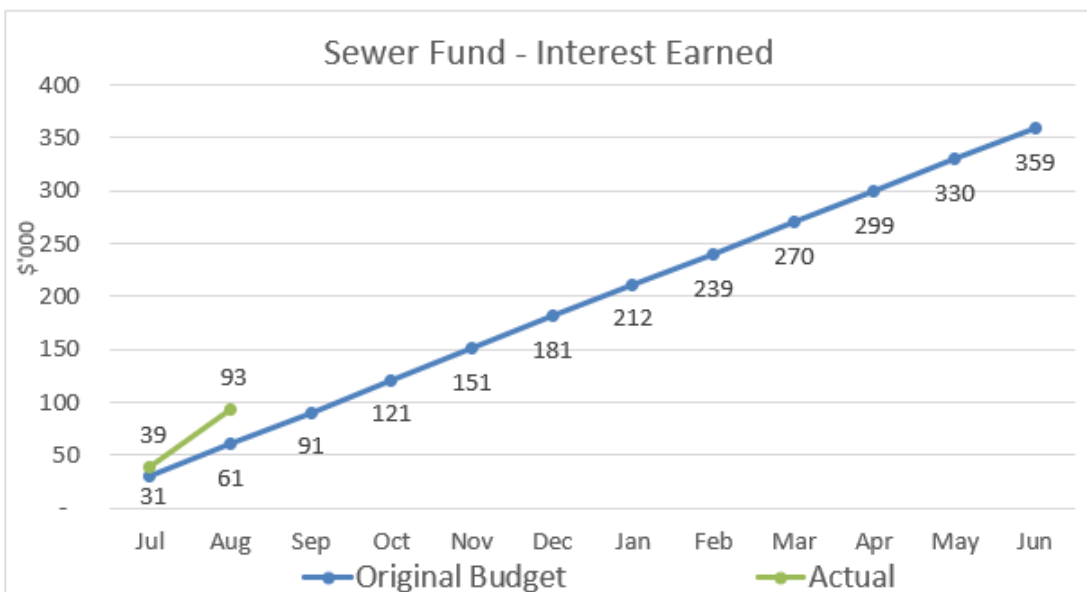
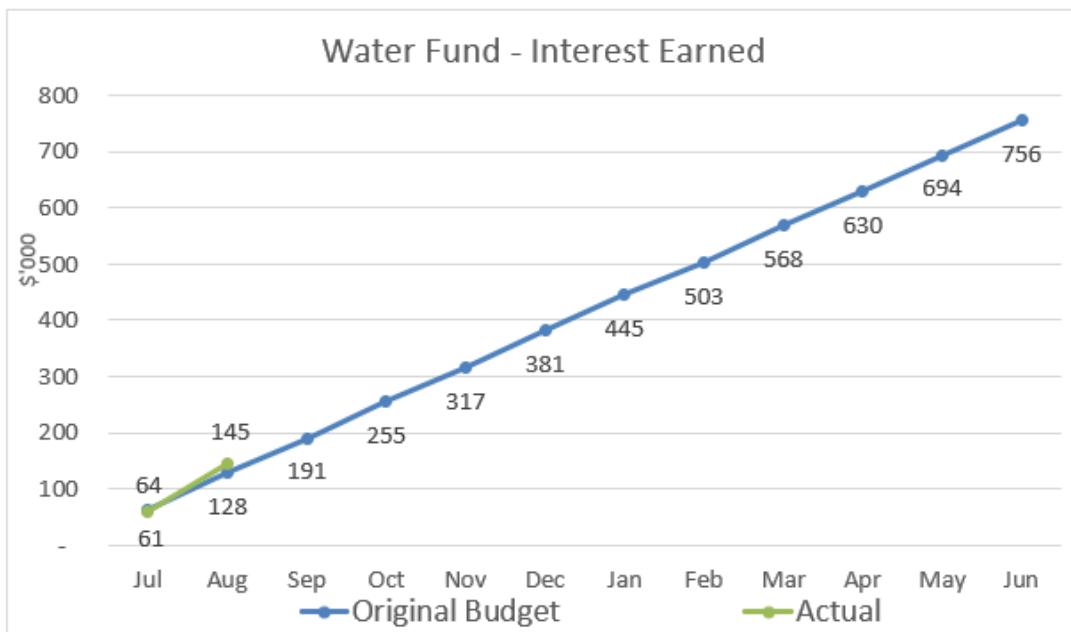
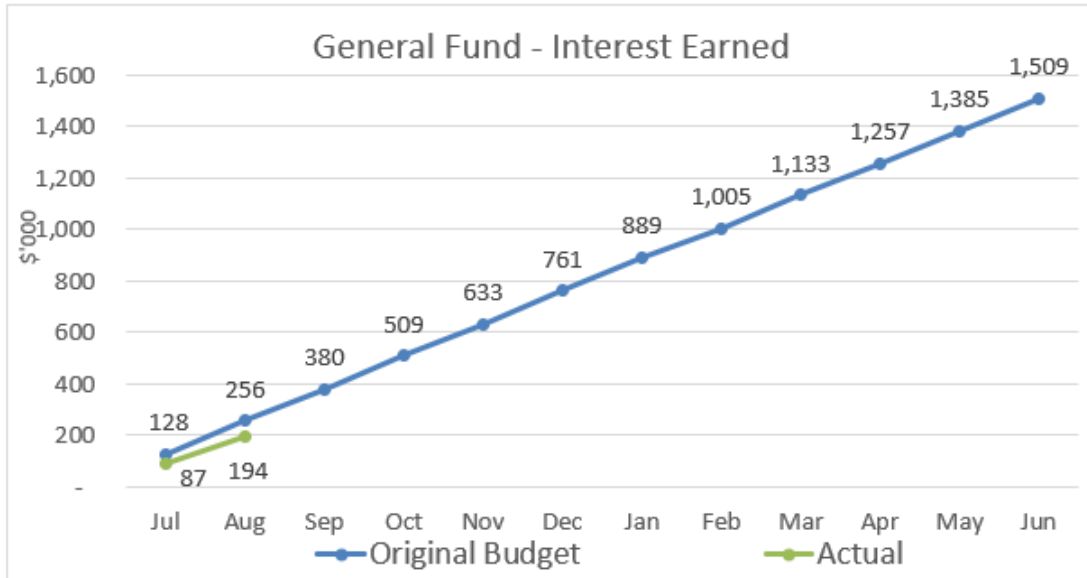
The cumulative interest earned for the year (July to August), excluding the change in fair value of TCorp Long-Term Growth Fund was \$432,807 which is 16.49% of the current full year budget.

The tables above suggest that General Fund is under-performing against budget. It should be noted however that a portion of the \$1,509,000 budget needs to be attributed to the Long-Term Growth Fund, which will be done in the September Quarterly Budget Review. This adjustment will reduce the General Fund Budget and increase the Long-Term Growth Fund by \$250,000.

Following this change, the monthly budget for General Fund will be \$104,917 and when compared to the actual earnings of \$106,636 will also show a favourable difference. Further, the annual budget will reduce to \$1,259,000. The actual YTD of \$194,015 represents achievement of 15.41% of budget compared to 16.67% of the year passed.

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

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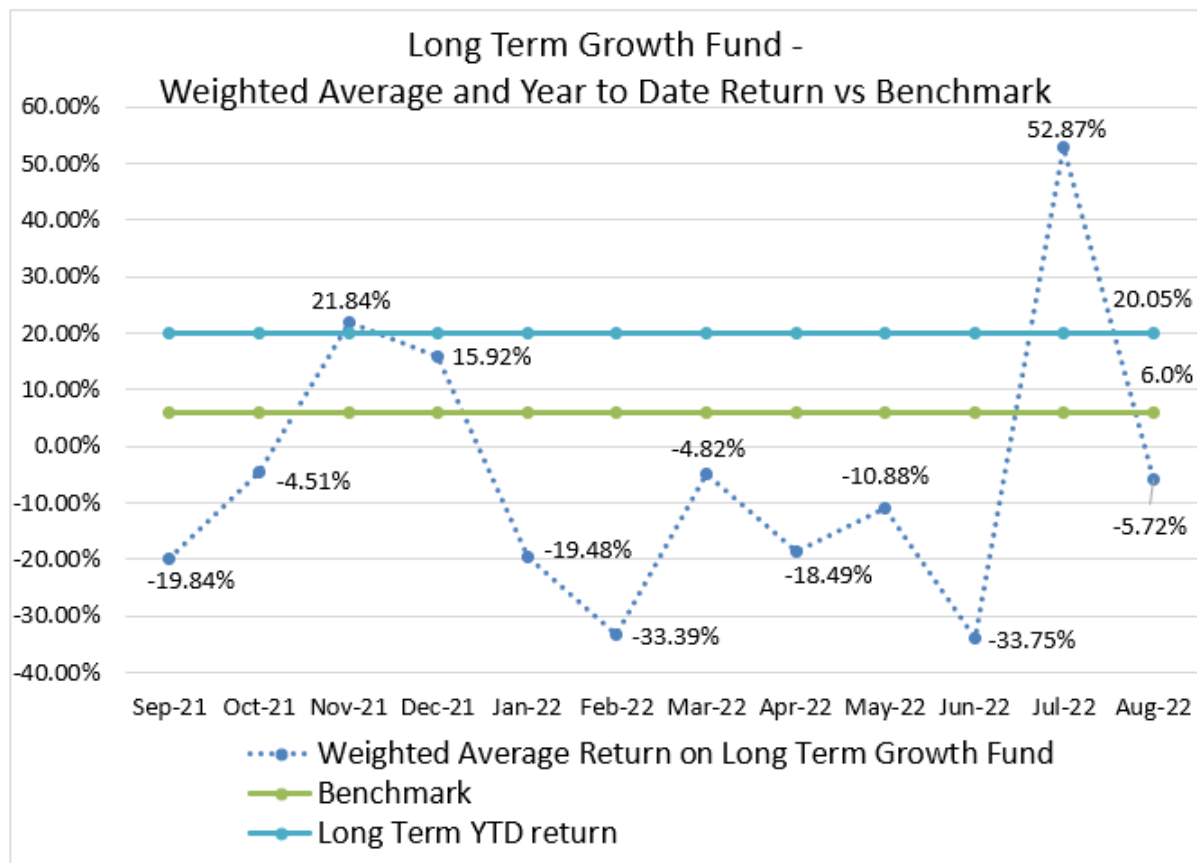
### Long-Term Growth Fund

Council's investment in TCorp's Long-Term Growth Fund returned a negative \$95,748 or -5.72% (annualised) for the month of August 2022, partly offsetting previous significant market gains, bringing the year-to-date return to 20.05% (14.05% above 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 the rolling twelve (12) months 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 6% 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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## Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$	\$
	August 2022	July 2022
<b>Cash and Investments Held</b>		
Cash at Bank - Transactional Account	20,060,028	8,049,539
Cash on Hand	20,191	20,391
Other Cash and Investments	185,474,791	185,558,755
	<b>205,555,010</b>	<b>193,628,685</b>
Fair Value Adjustment	(288,089)	(342,430)
Bank Reconciliation	338,837	845,167
	50,748	502,737
<b>Book Value of Cash and Investments</b>	<b>205,605,758</b>	<b>194,131,422</b>
<b>Less Cash &amp; Investments Held in Relation to Restricted Assets</b>		
Employee Leave Entitlements	7,049,913	7,049,913
Critical Asset Compliance	464,877	467,064
Other Internal Reserves	2,889,282	3,036,358
Section 7.11 Matching Funds	300,522	319,272
Industrial Land Development Reserve	6,619,575	6,475,818
Plant Replacement	1,165,661	1,514,807
S7.11 Recoupment	277,604	363,882
Water Communication Towers	4,669,993	4,656,581
Commitment To Capital Works	2,036,905	2,098,730
<b>Total Internally Restricted</b>	<b>25,474,332</b>	<b>25,982,425</b>
Loans - General Fund	8,934,953	10,162,233
Self-Insurance Liability	3,241,593	2,763,501
Grant reserve	28,160,683	28,199,654
Section 7.11	21,066,382	21,024,930
Special Rate Variation	5,384,440	4,081,927
Storm Water Levy	319,592	258,698
Trust - Mayors Relief Fund	107,732	107,570
Trust - General Trust	4,756,452	4,843,985
Waste Disposal	6,345,341	473,995
Sewer Fund	33,293,116	33,969,927
Sewer Plant Fund	4,873,875	4,895,759
Section 64 Water	20,797,476	20,720,086
Water Fund	29,428,944	27,827,880
Water Plant Fund	7,093,640	7,025,069
<b>Total Externally Restricted</b>	<b>173,804,219</b>	<b>166,355,214</b>
<b>Total Restricted</b>	<b>199,278,551</b>	<b>192,337,639</b>
<b>Unrestricted Cash Balance - General Fund</b>	<b>6,327,207</b>	<b>1,793,783</b>

**NOTE:** The Water Communication Towers reserve is no longer an external restriction, changed to internal on 30 June 2022.

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### Restricted Asset Movements

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

Total Cash	11,474,336	August is a rates instalment month plus receipts including quarter 1 Financial Assistance grant, Restart NSW grant and ATO BAS receipt.
Loans - General Fund	(1,227,280)	Delivery of major capital projects funded by loans including Boongaree & SEC upgrade.
Special Rate Variation	1,302,513	August is rates instalment month.
Waste Disposal	5,871,346	Receipts from ratepayers.
Water Fund	1,601,064	Receipts from ratepayers.
Unrestricted cash	4,533,426	August is rates instalment month.

### Liquidity Indicators

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

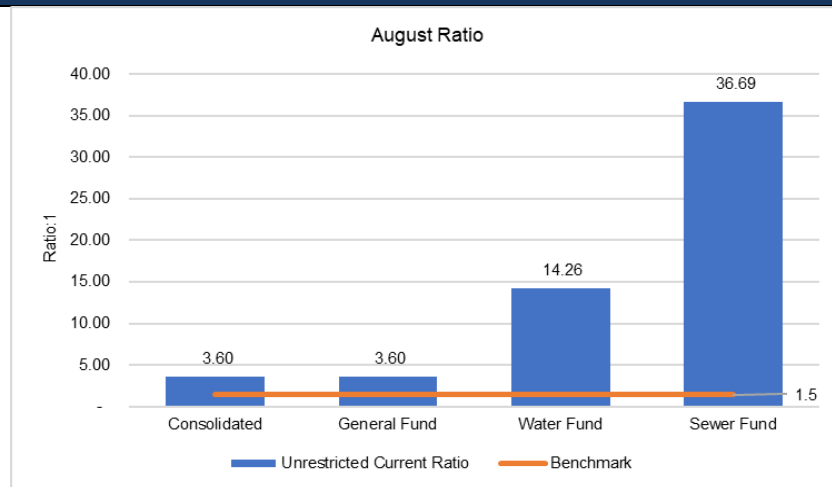
All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

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 a previous meeting.

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## Unrestricted Current Ratio

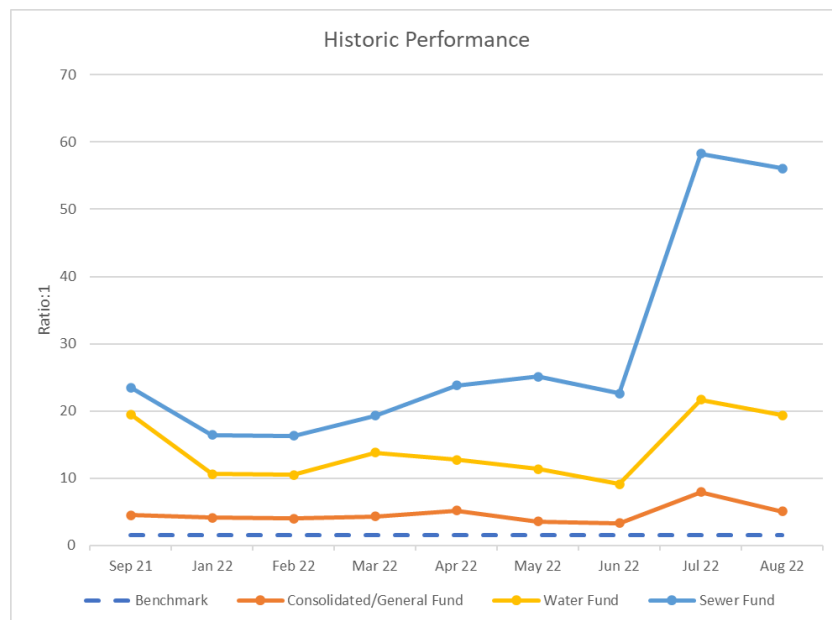


The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio =  

$$\frac{\text{Current Assets less all external restrictions}}{\text{Current Liabilities less specific purpose liabilities}}$$

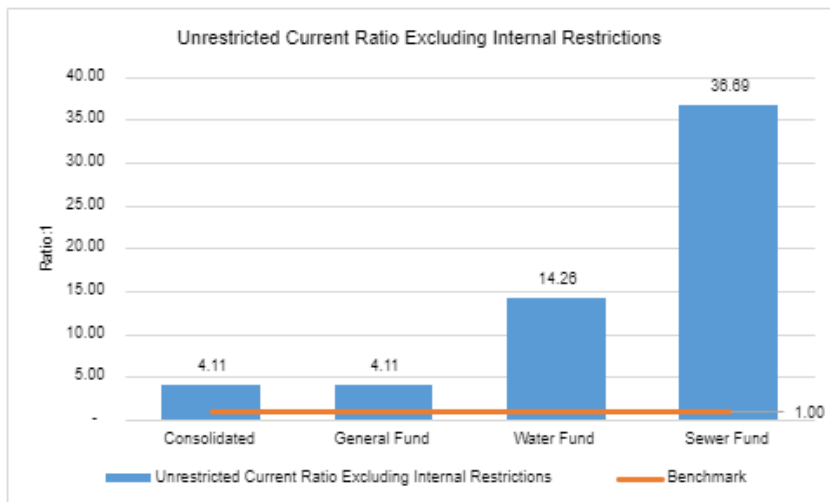
The ratio remains above the benchmark for all funds.



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

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### Unrestricted Current Ratio Excluding Internal Reserves

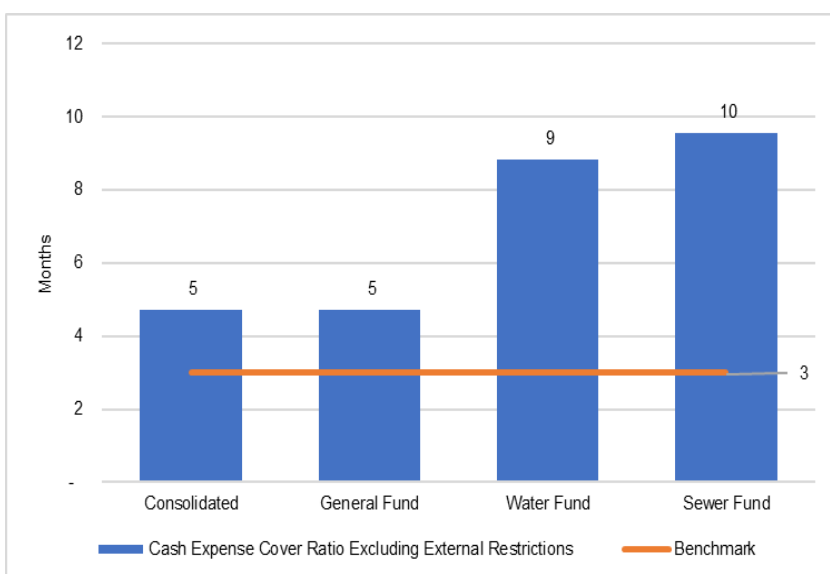


**Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves = (Current Assets less all external and internal restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

### Cash Expense Cover Ratio Excluding External Restrictions

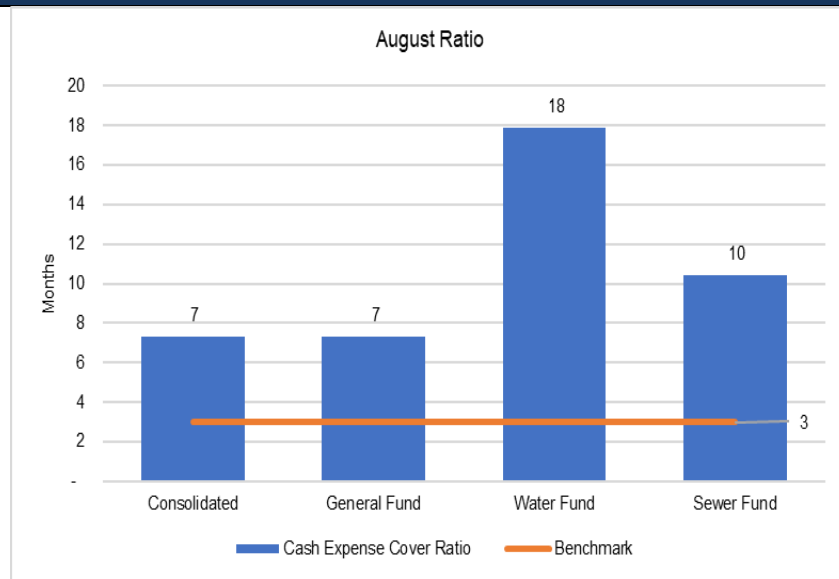


**Cash Expense Cover Ratio Excluding External Restrictions** takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

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

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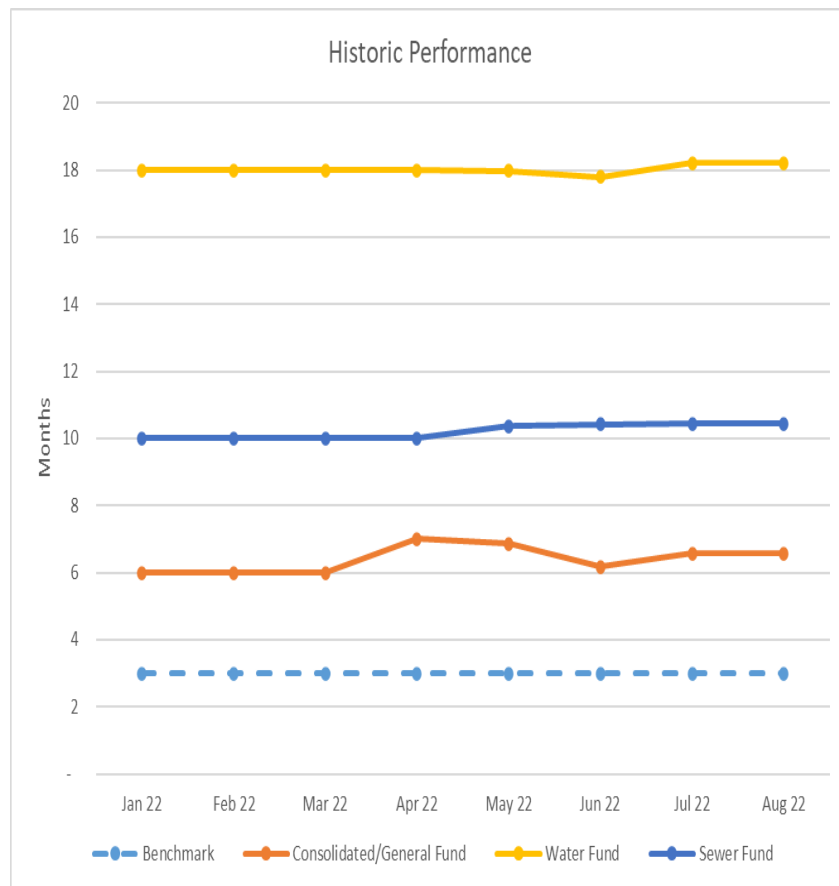
## Cash Expense Cover Ratio



**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 = (Cash equivalents, TDs and FRNs x 12) / (Payments from cash flow of operating and financing activities)

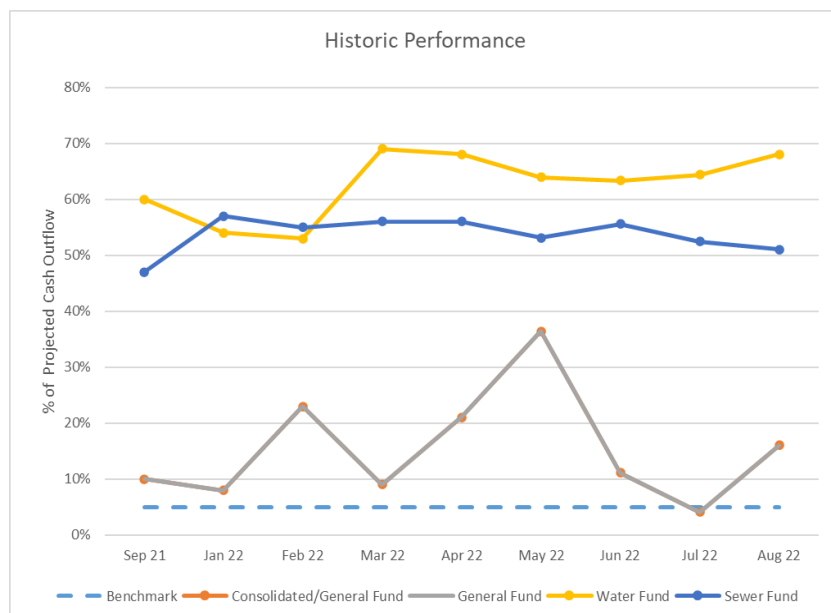
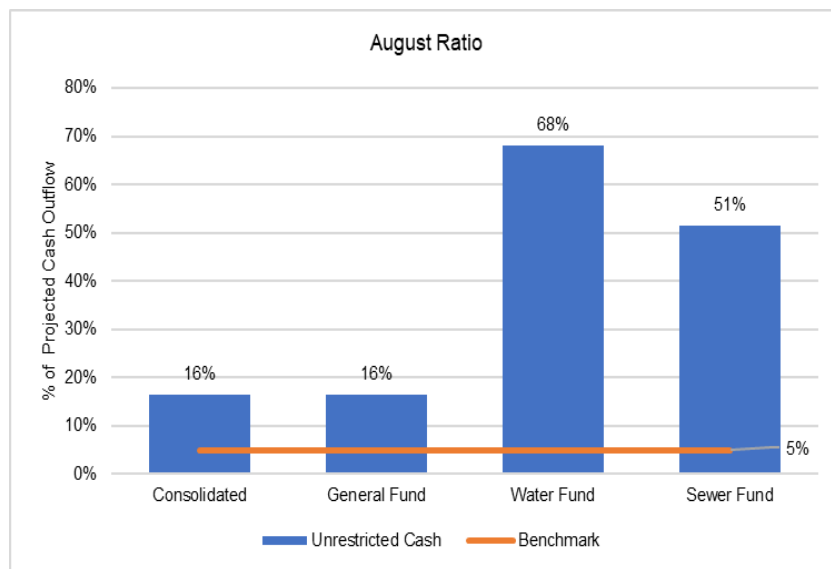
The ratio remains above the benchmark of 3 months as at the end of August 2022 for all funds.



The first graph displays the August 2022 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 8-months Cash Expenses Cover Ratio by fund.

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## 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 August for Sewer and Water funds and close to benchmark for the General fund.

The unrestricted cash is relatively low in August due to timing of receipts from rates and significant payments for capital projects in August.

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

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

### 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 POL 22/78.

Don Johnston

Date: 19 September 2022

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## CL22.458 DPOP 2021-22 - Quarterly Performance & Budget Report (April - June)

**HPERM Ref:** D22/281120

**Department:** Corporate Performance & Reporting

**Approver:** Sara McMahon, Manager - Business Assurance & Risk

**Attachments:**

1. DPOP 2021-22 - Quarterly Performance Report - April to June (under separate cover) [⇒](#)
2. Quarterly Budget Review - June 2022 (under separate cover) [⇒](#)
3. Capital Projects Status Update June Quarterly Review [↓](#)
4. Completed Notices of Motion report (councillors information folder) [⇒](#)
5. Uncompleted Notices of Motion report (councillors information folder) [⇒](#)

### Reason for Report

This report outlines Quarter 4 performance (April to June 2022) against actions and targets set in Council's 2021-22 Delivery Program and Operational Plan. Also, in accordance with Regulation 203 (1) of the Local Government (General) Regulation (2021), the responsible accounting officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the fourth quarter of the 2021/22 financial year.

### Recommendation

That Council:

1. Receive the June Quarterly Performance Report on the 2017-2022 Delivery Program and 2021-2022 Operational Plan and publish on Council's website.
2. Receive the June 2022 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the June 2022 Quarterly Budget Review Document
4. Adopt the Revotes (Uncommitted), as recommended in the June 2022 Quarterly Budget Review Document.
5. Endorse the deferral of the capital projects presented in Tables 10 and 11 of the report as part of the funding strategy to improve Council's working capital position – noting the opportunity to reinstate these projects at future quarterly budget reviews should Council's working capital and unrestricted cash balances improve.

### Options

1. Adopt the recommendation

Implications: Nil

2. Adopt an alternate recommendation

Implications: Staff will be required to rework the quarterly performance and budget report in accordance with the alternative resolution.

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## Background

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

Clause 203 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council a Quarterly Budget Review Statement that shows, by reference to the estimates of income and expenditure set out in the Operational Plan, a revised estimate of the income and expenditure for the full financial year.

The Responsible Accounting Officer is also required to report as to whether they believe the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

The June 2022 Quarterly Budget Report and Quarterly Budget Review Statement (QBR) include an analysis of the year-to-date result and the reasons for the major variances from the previously adopted Budget.

The June 2022 Quarterly Budget Report also provides budgetary details for each fund and group and commentary on progress against the budget. Any proposed changes to the budget are included in the attached June Quarterly Budget Review Statement.

## Summary of DPOP Performance

The following performance has been measured on 30 June 2022 across each of the key themes outlined in the Community Strategic Plan - Shoalhaven 2027.

Table 1

Theme	Progress snapshot
Resilient, safe, and inclusive communities	88% actions on track or completed
Sustainable, liveable environments	92% actions on track or completed
Prosperous communities	93% actions on track or completed
Responsible governance	95% actions on track or completed

## Key Highlights

Council has consistently delivered a range of services, projects and activities which work towards achieving the 10 priority goals outlined in Council's Delivery Program 2017-22. Performance comments are provided in the report against each of the 157 actions and related targets in Council's 2021-22 Operational Plan.

The complete DPOP Quarterly Performance Report (April - June) is included as **Attachment 1**.

Significant achievements between April and June 2022 include:

- Funding for the full establishment of the Shoalhaven Arts Foundation was allocated in the 2022/23 budget
- Community Workshop for Homelessness saw more than 50 community members attend to identify whole of community initiatives to address homelessness in the Shoalhaven
- Increased tonnes of material recycled to 39,894 tonnes, up 5% on last year

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- Ongoing diligence and commitment of the outdoor workforce in repairing roads and maintaining service provision during challenging wet weather
- Major local road repair programs complete include Browns Rd, Brinawarr St, BTU Rd rehabilitation, Orient Point Rd (Flora to Raglan St) Rehabilitation, Riversdale Rd reconstruction, Forest Rd heavy patching and construction complete for Coonemia Rd rehabilitation
- The extensive natural disaster event in March/July resulted in 98 landslips, 13 sinkholes and 2600 sites damaged. Council staff have worked tirelessly to restore access as soon as possible and thus minimise the impact of the extensive damage on communities while the complex process of enacting long-term repairs is undertaken. Repair programs are already starting on some roads and the plan is for the repair effort to be in full swing early in 2023.
- Sustainable Energy Strategy initiatives commenced include installation of LED lights in Council buildings and sports fields, installation of additional solar PV and batteries on Council assets and preparation of a tender for a renewable Power Purchase Agreement
- Economic Development team supported successful applications for 34 grants to the value of \$66M with another 37 applications still undetermined
- Throughout the year, 15 Council supported events went ahead with a total return on investment (ROI) of \$26,417,000
- Redevelopment of Vincentia's Burton Street Mall awarded to local contractor Jirgens Civil Pty Ltd, with demolition works complete and drainage works commencing
- Shoalhaven Water have completed the concept options and yield analysis for the improved transfer of water from northern to southern Shoalhaven
- Council's outstanding rates balance is 6.5%, well below the 10% target
- 550 workers and community members attended the Health and Wellbeing Expo held at the Shoalhaven Indoor Sports Centre

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### Behind Schedule or Needs Attention

The following six (6) Action items have been reported as behind schedule **as at 30 June 2022** and require attention. Full performance comments are in the attached report and remedial actions have been reported to senior management. Progress has been made against the new adopted DPOP 2022-23 and Q1 performance report is due to be reported to Council in November.

Table 2

Ref.	Action	Quarter 4 Comment (summary) Full comments in attached report
1.1.06.01	Perform the duties required to ensure the satisfactory operation of On-Site Sewage Management Systems	Program continued to uphold public safety and the protection of the environment.  Following consultation with affected ratepayers, Council adopted to apply an itemised On-site Sewage Management charge on applicable Annual Rates Notices, effective from 1 July 2022. This change in payment from an application fee to a levied charge for on-site sewage management not only provides a better service to our customers, but also facilitates improved processes and efficiencies

Ref.	Action	Quarter 4 Comment (summary) Full comments in attached report
		within this program.
1.1.06.05	Undertake retail food regulatory inspections to ensure compliance with legislative standards	In 2021/22, 529 Primary Inspections and 40 Re-inspections of retail food businesses were undertaken. The overall compliance rate for the year was 95%. Enforcement action comprising Warning letters, Improvement Notices and Penalty Infringement Notices were used to address the 5% of retail food businesses that were found non-compliant after the Primary Inspection.
1.3.01.01	Undertake scheduled park servicing as listed in the Maintenance Management System	Whilst Park maintenance crews have performed well in Q4 given the inclement weather that has caused fast growth and has reduced the areas that can be maintained due to water retention in the soil. 75% of scheduled services have been undertaken during the quarter.
2.1.04.01	Provide a safe and efficient active transport network of pathways for cycling, walking and various travel needs	A 10-year plan for footpath and cycleway projects has now been incorporated into the annual budget cycle and has been reviewed again for consideration by Council in June 2022. The broader review of the PAMP-Bike Plan strategies is in progress, a new PAMP/Bike Plan webpage was launched in May 2021, and a review of the PAMP/Bike Plan maps, scoring criteria and ranking spreadsheet is in progress by staff and will continue into 2022/23. A grant application has been submitted to facilitate completion of the work in 2022/23.
2.2.02.01	Assess and determine development applications within legislative timeframes and community expectations	Processing times this quarter are 53% within 40 days (target 65%). Continue to improve processing times through recruitment, continual review of the DA assessment process, processing of older applications from the system and working with the Department of Planning and Environment to ensure agency referrals are received in a timely fashion.
2.3.03.09	Prepare, review and implement Bushcare Group Action Plans in consultation with community	Number of plans reviewed is below the target of 8.  Juwin Head and Bawley Point group action plans to be reported to an upcoming Council ordinary meeting. Smiths Bay, Dot Butler Reserve, Mahogany Creek and Woodhill Cemetery plans are in various stages of redrafting and review with Hyams Beach and Milton Rainforest plans also in the early stages of review following discussions with the Bushcare groups.

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## On Hold

The following seven (7) Action items have been reported as on hold.

Table 3

Ref.	Action	Quarter 4 Comment (summary) Full comments in attached report
1.1.07.02	Review and update State Emergency Service and Rural Fire Service Building Services Agreements	Agreement has been reached on the management of emergency facilities with a draft RFS agreement currently at an advanced stage of development. The aim is to keep RFS / SES agreements largely consistent. Although the process has been impeded by agency staff turnover and operational demands, engagement and consultation are scheduled within the first quarter 2022.
1.3.03.03	Review and update the Community Infrastructure Strategic Plan (CISP)	A report recommending the approach and methodology for the review of the Community Infrastructure Strategic Plan (CISP) has been prepared for EMT. The revised document will need to consider and incorporate legislative changes, changing priorities, and consider and incorporate the consultation outcomes from various community groups. The timeline for review and delivery of the CISP requires review and will incorporate the Play Space Review. This will be recommenced once the recruitment of the incoming Strategic Asset Advisor is finalised.
1.3.03.04	Review and update the Play Space Strategy and Renewals Program	The Play Space strategy will be incorporated into the revised Community Infrastructure Strategic Plan, which is due to be reviewed in 2022/23.
3.1.01.04	Facilitate business training and enhance labour force capabilities in parallel with bushfires and pandemic recovery	Funding from Federal and State Governments in this area has meant an oversupply of training and mentor activities post floods and bushfires. This has put on hold training hosted by Shoalhaven City Council.
4.2.05.04	Review and update Council's Business Continuity Planning Documents	The Business Continuity Planning (BCP) program has been active during the Covid-19 period, with the Continuity Management Team meeting regularly to manage the response. Review of the BCP is underway aligning the documents with the relevant Australian Standards and drawing upon analysis of the recent experiences with disasters.
4.2.06.05	Commence planning for consolidation of Council's name and address register	Currently on hold pending the identification of name and address data sources and implementation of TechOne/OneCouncil Request Management.
4.2.10.02	Update the Shoalhaven City Council Property Strategy	It is intended to pursue a new Property Strategy, that takes a different strategic approach and direction to the previous 2016/2017 Property Strategy. Early works continuing ahead of internal dialogue and discussion with Council.

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### **Additional Operational Plan Actions arising from Notices of Motions (NoM's)**

Between 1 July 2021 and 30 June 2022, Council has endorsed 87 Notices of Motion (NoM's) which can be categorised as follows:

- 65 NoM's relate to information, donations / community support, maintenance / traffic requests, advocacy or Development Application call-ins and covered in business-as-usual operations.
- 22 NoM's relate to projects that required additional resources being added to the Operational Plan 2021-22. These Actions can be further categorised into the following areas:
  - Infrastructure Upgrades (5)
  - Forward Planning (14)
  - Land-use (3)

In addition, there are 7 NoM's remaining from the 170 NoM's resolved in 2020-21 which are currently categorised as 'in progress'.

Funding was allocated to the respective projects during the Quarterly Budget reviews. The full report of Completed and Uncompleted Notices of Motion's have been attached as **Attachment 4** and **Attachment 5**, respectively.

The progress of capital works was severely impacted by the recent East Coast Low weather pattern, which has brought unprecedented rainfall across all coastal areas in NSW. Due to continuous rainfalls and floods, construction works had to be put on hold, once the weather has improved, Council had to prioritise emergency works to ensure communities can be accessed and resources delivered to those most in need.

### **June 2022 Quarterly Budget Results Overview**

Shoalhaven City Council was severely impacted by the recent East Coast Low weather pattern, which has brought unprecedented rainfall across all coastal areas of NSW making the civil infrastructure damage for this natural disaster exceeding \$80M.

Preliminary year-end budget results indicate that Shoalhaven City Council remains in a sound financial position and continues operating effectively in the context of the COVID-19 pandemic and disaster recovery.

Council has reprioritised works to ensure communities can be accessed and resources delivered to those most in need. Council is focusing on repairing critical community infrastructure that was damaged as a result of the natural disasters and this change in priorities has a direct impact on allocations of the Council budget.

It is important to note that whilst the majority of costs to rebuild infrastructure will be recovered by Council via Federal and State Disaster Assistance Arrangements, some of the maintenance expenses, such as employee costs other than overtime, are not eligible for reimbursement and Council will need to fund them from its own budget.

As emergency repairs are taking priority over the planned capital works program, during the March Quarterly Review a significant number of capital projects were postponed until next financial year with some of the funds to be redirected towards emergency maintenance works. Maintenance budgets for roads, tree management, and open spaces require significant increase so Council can continue with the urgent works. The last quarter of the financial year has seen more expenditure on emergency repairs and maintenance resulting in additional capital projects being deferred to ensure that Council remains financially sustainable.

As a result of emergency repairs and additional maintenance the General Fund operating expenses are 3.6% above the final forecast budget (\$283M actuals vs. \$274M budget, unfavourable) mainly due to an increase in depreciation (road asset revaluations \$5.4M), park maintenance costs (\$1.2M), road maintenance costs (\$255K), tree management costs (\$173K), public amenity cleaning (\$275K) and legal costs and government levies (\$1M). The non-depreciation shortfall of \$4.6M in operating expenses will be partly addressed by the deferral of capital projects (\$1.2M) and the Stronger Communities Grant (\$2M). General Fund operating income was less than the forecast by 0.7% (\$319.6M actuals vs \$321.8M forecast, unfavourable) attributed mainly to a downward fluctuation in investments (\$2.2M).

The preliminary budget results for the Water fund are also very close to the budget forecast. The revenues for Water fund exceed the budget forecast by 4% (\$30.9M actuals vs \$29.7M forecast, favourable) mainly due to an increase in water usage revenues (\$1M). The operating expenses for Water Fund exceed the budget forecast by 0.8% (\$30.9M actuals vs \$30.7M forecast, unfavourable).

Similarly, the preliminary budget results for the Sewer Fund are also very close to the budget forecast. The revenues for the Sewer fund exceed the budget forecast by 0.4% (\$56.7M actuals vs \$56.4M forecast, favourable). The operating expenses for the Sewer fund exceed budget forecast by 1.7% (\$43.9M actuals vs \$43.2M forecast, unfavourable) mainly due to an increase in operational costs (\$393K).

The preliminary June results indicate that the Council is in a sound budget position and remains financially sustainable with an acceptable level of working capital and a sufficient level of unrestricted cash.

Despite the significant negative financial impact of the COVID-19 pandemic earlier in the year followed by major flood events, Shoalhaven City Council finished the 2021/22 financial year with a healthy working capital position of \$8.8M which is 15% of the current liabilities, and above the benchmark of 10%. The working capital position was calculated in accordance with the formula as outlined in the Liquidity Contingency Plan.

Table 4

Description		(\$'000)
Add	Current Asset	135,864
Less	Current Liabilities	60,388
<b>Calc</b>	<b>Net Current Asset</b>	<b>75,475</b>
Less	External restrictions	60,463
Less	Internal restrictions	28,970
Add	Provisions (Liabilities not expected to settle in 12 months)	22,759
<b>Calc</b>	<b>Available working capital</b>	<b>8,801</b>
<b>Calc</b>	<b>Working Capital as a % of Current Liabilities</b>	<b>15%</b>

Whilst year-end working capital position remains above the benchmark, and there are no current liquidity concerns, it is important to note that due to additional general fund expenses associated with natural disasters and revenue lost due to Council COVID discount policies, it would be prudent for Council to look for opportunities to improve its working capital position and unrestricted cash balance that can be used as “safety net” in case of further natural disasters which could potentially impose a short-term liquidity risk.

The provision of \$300 subsidy to ratepayers back in 2019/20 financial year had the most significant impact on unrestricted cash balance and reduced it by \$6.3M. Council was unable to replenish unrestricted cash balance since then due to ongoing impact of COVID-19 pandemic and a series of devastating natural disasters.

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As such, according to Council's Liquidity Contingency Plan, if Council's unrestricted cash position falls below liquidity indicators going forward due to unforeseen circumstances such as natural disasters, the internal borrowings arrangement will be initiated by management. It is recommended that, if such need occurs, to fund any unrestricted cash shortfall by means of internal loan from Council internal reserves – Section 7.11 Deleted Funds Reserve and/or Industrial Land Development Reserve. This would be subject to Council's ongoing appetite for further deferral of capital works funded by the general fund - which to date has been used as the mechanism to free up unrestricted cash.

Management continues to monitor the working capital position of the Council and continues to report on the key liquidity indicators to the Council on a monthly basis.

### Financial Impact of COVID-19

To assist residents during the unprecedented times of the COVID-19 pandemic and as well as supporting the recovery of the region, Council has endorsed an extensive Financial Relief Package. The financial impact of various financial assistance measures and impact of COVID-19 restrictions on the year-to-date budget results is summarised below:

Table 5

(\$'000) Unfav/(Fav)	*YTD March	YTD June
DA fees waived	802	811
Rent reduction – full year impact	156	156
S7.11 subsidy	943	1,510
S64 subsidy	608	786
<b>Total impact of Council COVID-19 Assistance Policies</b>	<b>2,509</b>	<b>3,263</b>
Holiday Haven income reduction	2,200	2,200
Holiday Haven expenditure savings	0	0
Swim Sport and Fitness income reduction	670	670
Swim Sport and Fitness expenditure savings	0	0
Entertainment Centre income reduction	1,000	1,000
Entertainment Centre expenditure savings	(583)	(583)
<b>Total impact of COVID Restrictions</b>	<b>3,287</b>	<b>3,287</b>
<b>Grand Total (net loss)</b>	<b>5,796</b>	<b>6,550</b>

\*As reported to Council in March Budget QR.

### Preliminary General Fund Year End Results and Quarterly Review Movements

The net operating result before capital grants and contributions of the General Fund as at 30 June 2022 Quarterly Budget Review, was a deficit of \$16.8M, a \$12.1M unfavourable variance to the forecasted \$4.7M deficit. This unfavourable variance is largely driven by the additional depreciation within the road assets resulting from the revaluation, and the unfavourable fluctuation in the long-term growth fund and investment fair valuations. It is important to note that the deferral of capital projects will address the majority of the unfavourable budget variations. Details of the proposed deferred projects are provided in Tables 10 & 11 below.

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The unrestricted cash balance movement was \$4.2M less than the forecasted amount of \$4.3M (unfavourable).

The following table presents a high-level summary of the budget and movements for the General Fund for 2021/22:

Table 6

Favourable / (Unfavourable) (\$'000)	Original Budget	Current Adopted Budget	June QR Adjustments	WIP Carried Forward	Revote	June QR Revised Budget	June Actuals
Net Operating Result	57,129	80,609	15,944	(46,673)	(1,203)	48,678	<b>36,531</b>
Net Operating Result before Capital Grants & Contributions	(1,334)	(13,685)	13,821	(5,598)	1,007	(4,736)	<b>(16,784)</b>
Net Cash & Investments Movement	(69,470)	(12,768)	60,403	(70,715)	2,177	(20,902)	<b>(25,095)</b>
Unrestricted Cash Movement	0	(213)	213	3,532	865	4,396	<b>204</b>

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The main contributing factor for the change to the operating result before capital grants and contributions is an increase in waste tipping fees and the financial assistance grant that was received in advance of the 2022-23 financial year, this was partially offset by a \$1M decrease in domestic waste revenue.

Capital grants and contributions budget is proposed to be increased by \$2M (favourable) to reflect capital grants and contributions received in the past three months.

It is important to note that proposed budget adjustments have covered the current adopted cash deficit of \$213K to bring the proposed unrestricted cash movement to balance (before Works in Progress carried forwards and revotes).

For a detailed list of budget variations and proposed budget adjustments please refer to **Attachment 2** – Quarterly Budget Review – June 2022.

### Capital Projects Progress Overview

**Attachment 3** provides a detailed update as at 5 August 2022 on the progress of 110 major capital projects with the annual budget allocation of over \$400K for each project (total budget of \$111M) which represents 54% of the adjusted annual capital budget of \$207M.

As at 5 August 2022, 73 projects remain on track, 20 completed, 6 are under close monitoring and 11 were flagged as on hold due to pending approvals from other government bodies (e.g., Bolong Road) and other external factors.

### Preliminary Water Fund Year End Results and Quarterly Review Movements

The net operating result before capital revenue of the Water Fund is a \$2.3M deficit when compared to the revised forecasted deficit of \$3.3M. The primary reason for this favourable variance is a combination of increased Water Usage revenue in the last quarter and additional revenue from private works.

Due to the deficit in the Water Fund no dividend will be payable to the General Fund in 2022/23.

The net cash and investments movement has improved compared to the revised budget.

Table 7

(\$'000)	Original Budget	Current Adopted Budget	June QR Adjustments	WIP Carried Forward	June QR Revised Budget	June Actuals
Net Operating Result	219	(23)	(795)	(139)	(957)	(45)
Net Operating Result before Capital Grants & Contributions	(631)	(2,557)	(695)	(6)	(3,257)	(2,346)
Net Cash Movement	(16,021)	(1,008)	(714)	1,482	(240)	1,255

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### Preliminary Sewer Fund Year End Results and Quarterly Review Movements

The net operating result before capital revenue of the Sewer Fund is a surplus of \$10.2M when compared to the forecasted surplus of \$10.7M. The primary reason for this unfavourable variance is the increased corporate overhead costs to the fund.

The estimated dividend payment to General Fund in the 2022/23 budget remains unchanged.

The net cash and investment movement has declined by \$526K compared to the forecasted budget.

Table 8

(\$'000)	Original Budget	Current Adopted Budget	June QR Adjustments	WIP Carried Forward	June QR Revised Budget	June Actuals
Net Operating Result	13,501	12,663	644	(52)	13,254	<b>12,747</b>
Net Operating Result before Capital Grants & Contributions	10,151	9,865	857	0	10,722	<b>10,215</b>
Net Cash Movement	(16,615)	799	1,182	150	2,132	<b>2,465</b>

### Proposed Uncommitted Revotes

According to the *Local Government Regulation 2021 – Reg 211 Authorisation of Expenditure*, Council is required to approve the carry forward of uncommitted expenditures (revotes).

The Uncommitted projects (below) do not have an existing contractual obligation and Council has an option to adopt all revotes listed below or to revote selected projects only.

Summary of proposed revotes (uncommitted):

Table 9

Type	Program	Project	Revote (Uncommitted) \$
Operating Expenditure	Community and Culture	Warden Head Master Plan	21,647
		School Bus Subsidy	2,807
		Reconciliation Action Plan	30,000
		Sport Australia's Regional Sport Events Fund	148,182
		Learning for a Better World - Libraries Education Program	375
		Social Recovery - June 2022 Floods AGRN1025	20,000
	Environmental Management	Currambene Falls Sediment Control Works	12,455
		Currarong Village - Weed Removal & Rehab (CEP)	1,020
		Mapping & Assessing Endangered Ecological Communities	10,000
		Foreshore Protection and Preservation - Community Engagement	40,000

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Type	Program	Project	Revote (Uncommitted) \$
		Hydraulic Assessment Risk Areas	20,000
		LLS Fieldday	30,000
	Fire Protection and Emergency Services	Burrier Rd - Natural Disaster Mar22 - Pavement SH00279	200,000
	Internal Corporate Services	Road Safety - Look Out Pedestrian Safety 2021/22	3,538
		NSW Planning Portal API Grant 2022	80,000
	Land Use Planning	Nowra CBD Historic Walk Grant	3,073
		Heritage Estates Erosion Control	44,909
		Badgee Def Matters Prop LP407	8,571
		Halloran Trust Planning Proposal	44,178
		Sealark Road Planning Proposal	4,770
		Illawarra Empl Lands Audit	14,713
		Inyadda Dr/Sunset Strip Manyana	18,727
		Badgee URA DCP Prep DCP126	8,623
		Falls Ck Woollamia Def Area Proponent Funded	38,822
		Nowra Riverfront - Urban Design Review	35,000
		Nowra Riverfront - Non- indigenous Heritage Review	45,455
		Nowra Riverfront - Economic Review	45,455
	Regulatory Services	Shoalhaven Biodiversity Corridor Grant	5,515
		Covered Loads Enforcement / Education Program 2021	1,845
		Contestable Funding-Media Project for use of RID Online	7,523
		Environmental Assessments for the Dog Policy Review	30,000
		Responsible Dog Ownership - Media Project	30,000
<b>Capital Expenditure</b>	Bridges	Bridge Program - Various - Bridge Concrete Culvt Replacement	30,950
		Steel arch refurbishment Various Locations Upgrade	28,688
	Buildings and Property	Endeavour Park Public Amenities Upgrades	1,000
		Public Amenity Door Lock Replacement Project	51,945
	Commercial Undertakings	BER - SMGLC - APZ construction - FY22	71,455
		Comerong Ferry Precinct Scoping	50,000

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Type	Program	Project	Revote (Uncommitted) \$
		BER - KV - Ingress Improvements - FY22	15,727
		BER - SMGLC - Lighting Upgrade	5,000
		BER - SMGLC - Lawn beams S7 & monument construct & land FY22	32,820
		Sporting Infrastructure - Stronger Country Community Grant	51,482
		BER - Warden Family Cemetery Capital Works	10,805
	Community and Culture	Murramarang Coastal Walk (Sus Tour Infr Grant)	638
		Multi Arts Facility - storage / rehearsal / workshop space	50,000
		Ulladulla Headland/ One Track (Sus Tour Infr Grant)	464
	Economic Development	Woollamia Maritime - Low Tide Improvements (Toe)	8,758
		Ulladulla Harbour - Visiting Berths (Waterways)	150,000
	Environmental Management	Huskisson - Sea Pool Steps	16,200
		Bendalong Boat Harbour Master Plan - Drainage	15,000
		Shoalhaven Heads Viewing Platform	26,250
		Implement Beach Scraping at High Priority Beaches	77,500
		Coastal Monitoring Implementation	26,000
		Managing & Stabilising Dune Systems Improving Beach Access	36,000
	Fire Protection and Emergency Services	Flamingo Av - Natural Disaster Mar22 - Sinkhole BM00375	20,000
	Open Space, Sport and Recreation	Crookhaven Oval amenities building - Design and invest	49,631
		Ulladulla Skatepark Works - SCCF 3-0541	87,624
		Sanctuary Point Skatepark Association	8,902
		Sanctuary Point Skatepark Works - SCCF 3-0541	36,278
		Mollymook Foreshore Livvi's Place Shade Sail	46,532
		SSF - S'ground Stimulus Round 2a - Milton - Stadium Shutter	31,887
	Roads and Transport	BBRF3 Myola Active Transport	20,614
		Roads to Recovery Program	151,848

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Type	Program	Project	Revote (Uncommitted) \$
		Mt Scanzi Rd, Budgong - Embankment Stabilisation Site 1	90,950
		Old Coach Road Re-wall Disaster Assist Rebuild	368,861
		Culburra - Culburra Rd (R2R) - CH 1.760 to 2.700km	13,143
		Landslip - Porters Creek Rd, Yatte Yattah - Natural Disaster	137,662
		Nowra - Kalandar St - Shared User Path - Hwy to Kinghorne St	4,045
		Caulfield Pde, Old Erowal Bay - Missing Link Asphalt Path	14,561
		Matron Porter/Bishop Dr - Pedestrian SUP Con Urban New	50,000
		Pine Forest Rd (From Connelly St) - Footpath Connection to S	60,000
		Lake Conjola, LC Entrance Road - SUP Bridge - BLERF	71,215
		Thomson St, Sussex Inlet - Raised Median, Cyclist Treatment	51,073
		RPA - Basin View Pde, Basin View - 24 to 38	28,129
		Mount Agony Rd - Road Damage - AGRN923 - SB00154 & SB00156	49,322
		Yerriyong Rd - Natural Disaster Mar22 - Road SH00283	10,000
		Roskell Rd - Natural Disaster Mar22 - Sinkhole NI00003	50,000
	Stormwater	Sussex Inlet Rd - Drainage Subsoil Drn Stg1 Urban Upgrade/New	28,538
		Mount Agony Rd - Pipe Culvert Damage - AGRN923 - SB00155	57,343
		Scott/Noakes - Natural Disaster Mar22 - Sinkhole DM00716	299,933
	Waterways Infrastructure	Callala Bay - widen ramp and new walkway - Lackersteen St	53,752
		Waterways - Fishing Cleaning Facilities Renewal	20,000
		Myola – Catherine St -Renewal– Boat Launching Ramp & Pontoon	51,892
		Conjola Park Rehabilitation	123,144
		Jervis Bay / Currumbene Creek / Myola – Fishing Access Impro	29,983
		Nowra (Terara) - Flood Levee - P1L2 - Natural Disaster	159,213
		O'Keefe's Point - Flood Levee - P5L1 - Natural Disaster	72,224
		Carters Corner Jetty Deck Refurb-RFCG022	140,704

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Type	Program	Project	Revote (Uncommitted) \$
		Short St-Paddlecraft Access - Lake Tabourie-RFCG036	45,000
		Boat Ramp Repair & Toe Extension-Shoalhaven Heads- RFCG021	89,271
<b>Grand Total</b>			<b>4,387,156</b>

#### Capital Projects in 2021/22 Budget

Shoalhaven City Council was severely impacted by the recent East Coast Low weather pattern, which brought unprecedented rainfall across all coastal areas of NSW, causing civil infrastructure damage to exceed \$50M. As a result of the additional costs incurred, some projects have been deferred and will be funded from unallocated 2022/23 or future years' budgets.

It is proposed to defer / adjust \$1.23M of the General Fund towards 2021/22 additional maintenance costs for Council to continue repairs post the weather event. The funds to be allocated are from the following capital projects that were completed or are to be carried-forward into the 2022/23 financial year. This approach will reduce the impact on the unrestricted cash position and Council continues to operate within a financially sustainable balanced budget.

Table 10

2021/22 June Adjustments	(\$'000)
<b>Deferred to be included in 2023/24</b>	
Shoalhaven Community & Rec Precinct Masterplan SCARP	260
Strategic Growth Management Planning	129
Strategic Transport Analysis	94
<b>Minor savings from completed projects</b>	
Other operating projects	29
Milton Ulladulla Croquet Project	18
Bay and Basin Leisure Centre Capital Program	17
Playground - Bomaderry - Sampson Crescent	6
Strategic Land Acquisition	5
	<b>558</b>

Table 11

2022/23 Deferral into future years (unfunded)	(\$'000)
Installation of Lions Club Shed - Proposed 21 Norfolk Ave	270
Boree St - LRRP Carpark #5 Bitumen Seal Urban Upgrade	150
Beach Access Upgrades	200
Review Community Infrastructure Strategic Plan	50
	<b>670</b>
<b>Total</b>	<b>1,228</b>

#### **Conclusion**

This financial year has seen some extraordinary events that have heavily impacted on Council's budget. In the December quarterly budget review, the impact of COVID and continued wet weather on the closure and low occupancy of Council's tourist parks and

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facilities was reported to have an impact on income of \$4.2M with some potential expenditure offsets of \$1.3M.

Following the December quarterly review there has been unprecedented rainfall causing a strain on roads, parks and tree maintenance of \$3M. The March quarterly review has identified \$4.9M in deferred capital works, \$800K in capital works savings and \$300K in operational savings to fund this additional cost or revenue shortfall. The March quarterly review reported that there was still some \$2.2M in income shortfalls / cost overruns yet to be offset. The June quarter has seen more emergency and maintenance costs incurred. The net result of a \$4.2M unrestricted cash deficit (unfavourable) is commendable considering the extraordinary events that have occurred during the 2022/23 financial year.

### **Communication Strategy**

Subject to Council's endorsement, the Quarterly Performance report will be made available on Council's website. A range of other communication methods may also be used to communicate the outcomes of the report including performance highlights across Council's social media platforms.

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Capital Projects Status Report as at 5 August - over \$400K

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
Bridges	Croobyar Rd - Bridge Pettys Rural Upgrade/New	464,907	813,413	348,506	57%	City Services	On Track	●	Design has been completed. Pre cast elements of the bridge have been installed. Construction has progressed to 75% complete and is due for completion prior to December 2022 in accordance with the Funding Deed (March 2023).
	Chisolms Ck Culvert - Bundewallah Bridge, Bundewallah	165,707	599,504	433,797	28%	City Services	On Hold	●	Design has been completed. Pre cast elements of the bridge have been ordered. Variation request for funding has been submitted to Transport NSW. The project is on hold until funding is approved.
	Good Dog Ck Culvert - Tannery Rd, Cambewarra	433,117	424,698	- 8,419	102%	City Services	On Track	●	Pre cast elements of the bridge have been installed. Construction has progressed to 90% complete and is due for completion at the end of July 2022, in accordance with the Funding Deed (March 2023).
	Koloona Bridge - Koloona Drive, Bangalee	429,101	873,888	444,788	49%	City Services	On Track	●	Design has been completed. Pre cast elements of the bridge have been ordered. The contract for construction has been let with construction scheduled for commencement in August 2022. The project is well on track for completion in accordance with the Funding Deed (March 2023).
	Yarramunmun Ck Culvert - Yalwal Rd, Buangla	325,021	598,799	273,778	54%	City Services	On Hold	●	Design has been completed. Pre cast elements of the bridge have been ordered. Variation request for funding has been submitted to Transport NSW. The project is on hold until funding is approved.
Buildings and Property	37 Hyams St Nowra - Purchase	962,545	962,936	391	100%	City Futures	Completed	●	Property was purchased
	Executive Suite Refurbishment	612,454	444,054	- 168,400	138%	City Performance	Completed	●	Works completed in March 22
	Nowra Admin Building Compliance (fire)	418,720	563,859	145,139	74%	City Services	On Track	●	Task 1 - Draft NISO (1) (notice to issue safety order) has been issued by Certification and Compliance for an updated Fire Safety Schedule. Review and feedback provided 7 April 2022. Expecting Fire Safety Order to be issued 20 May 2022. Revised date pending.  Task 2 - Draft NISO (2) has been issued by Certification & Compliance for commission of a Fire Engineering Report (FER). Review and feedback provided on 7 April 2022. Expecting Fire Safety Order to be issued 20 May 2022. Revised date pending.  The FER will define exact scope of building fire upgrades. Works continuing on combined fire water supply, system commissioning planned 13 July 2022.
	Nowra Library - Roofing	592,702	623,332	30,630	95%	City Services	Completed	●	Project is within Defect Liability Period until December 2022. No defects reported for the month.
	Nowra Showground buildings	105,686	431,287	325,601	25%	City Lifestyles	On Track	●	Waterproofing & tiling of pavilion concourse complete.
	Public Amenity - Hyams Beach Reserve - Design	134,273	428,688	294,415	31%	City Services	On Track	●	Construction of amenities is in progress. The slab for the building has been poured and blockwork completed. Next stage will be to install structural steel. Project targeted for completion by end of July 2022 pending weather.
	Sanctuary Point Library - Design & Invest	526,292	1,000,000	473,708	53%	City Lifestyles	On Track	●	A panel comprising council staff and Public Works Advisory officers has selected a list of construction firms (from an EOI process) that will be invited to tender for construction. The peer review of the detailed design documentation, being undertaken by PWA, is progressing with initial feedback provided to the architect team. Council are awaiting advice on the progress of the Development Application, expected to be received following the July Regional Planning meeting. The project is on track to be construction ready by January 2023, with delivery to follow subject to available funding.
	Milton Showground - Internal Roads Upgrade	65,410	517,707	452,297	13%	City Lifestyles	On Track	●	Project has been awarded. Construction works to begin start of July 2022.
Commercial Undertakings	Comerong Ferry Overhaul	1,903,065	2,088,163	185,098	91%	City Services	Completed	●	works completed
	Fleet Plant Purchases	3,578,888	3,193,792	- 385,096	112%	City Services	On Track	●	Processing, delivery times starting to increase. World Stock levels low
	Holiday Haven - Lake Conjola - Aquatic Recreation Area	1,298,905	1,298,905	-	100%	City Services	On Track	●	Contractor due for completion July due to extended wet weather minor works to be completed in August
	Holiday Haven Cabins	-	300,690	300,690	0%	City Services	On Track	●	Tenders received for the supply Tender assessment currently awaiting purchase. Orders in Place for supply of 5 safari tents awaiting delivery in New Financial year
	Holiday Haven Other Build	-	89,193	89,193	0%	City Services	On Track	●	Minor works to be completed purchase orders in place
	Mechanical Workshop Capital	15,062	25,213	10,151	60%	City Services	On Hold	●	New vehicles delivered and funds transferred. New Hoists were expected to arrive before EOFY. Additional items ordered pending delivery - delivery timeframes impacted by global supply chain issues

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	SEC Upgrade & Cladding	3,113,714	3,113,550	- 164	100%	City Services	On Track	●	Prolonged rain has delayed the testing and commissioning of the external plant room until the end of July. The contractor is pricing the BCA works as a variation to the contract. Building services are undertaking minor maintenance repairs. The existing fire order will be closed when the sprinkler works are completed and commissioned.
Community and Culture	Basin Walking Track Stage 1 (Sus Tour Infr Grant)	654,765	538,012	- 116,754	122%	City Services	On Track	●	This project is the construction of shared pathway along Sanctuary Point Road. It consists of 2m wide concrete path with 3 bridge crossings and approx. 50m of boardwalk.  98% of the path, 2 bridges and a section of boardwalk has been completed. Wet weather is causing delays in completing the project.
	Basin Walking Track Stage 2 (Sus Tour Infr Grant)	1,733,516	1,496,166	- 237,350	116%	City Services	On Track	●	Project as per Restart Grant Deed has been completed - Boardwalks and gravel paths. The project is now under an insurance claim for lost sections of boardwalk during the Feb/March storm events.
	Books & Audio Visual	379,814	422,196	42,382	90%	City Lifestyles	Completed	●	Books and audiovisual materials are being purchased regularly and the budget has been expended.
	Recovery and Resilience Grant - capital components	633,439	614,559	- 18,880	103%	City Lifestyles	On Track	●	All 25 hall and facilities power installations are complete which includes four Holiday Haven Caravan Site offices and the Wandandian Progress Association Hall. Wandandian Progress Association Hall MoU with SCC has provided an effective template for the installation of RRP into non-Council owned facilities. Data cabling installations 50% complete and screens delivery supply chains have recommenced. At the time of writing, the previously reported problematic screen delivery delays has eased. 14 x single sided 55 SAMSUNG information screens, two x 49 double sided screens and all VOIP telephones have been received at SCC. Screen fitment will commence this quarter. Screen delivery was preceded by installation site survey, information screen tendering and acquisition and design and prototype fabrication of information screen mount. The cascade of follow on challenges caused by COVID and subsequent supply chain delivery delay remains the single largest schedule and expenditure risk.
Economic Development	AATP Fire Reticulation	20,177	20,177	-	100%	City Futures	On Track	●	The supply of firefighting water is part of the AATP project currently underway. Two tenders were called earlier in 2022 and have now been awarded with construction to commence in July 2022. The contracts are for: Construction of an offline water storage facility at AATP (2 tanks) Reticulation of this non-potable water throughout the AATP  Construction of both phases should be completed in early 2023
	AATP Fire Water Storage	19,270	19,270	-	100%	City Futures	On Track	●	Contractor issued with Letter of Award.  Commencement of works expected late July
	AATP Stage 5 - Subdivision	2,036,468	2,036,467	- 0	100%	City Futures	On Track	●	Civil works package is nearing completion with roads ready for sealing and turf being laid. Water and sewer are connected and electrical connection booked for 13 July 2022.
	Huskisson Mangrove Boardwalk	3,677	3,677	-	100%	City Futures	On Track	●	Commence Draft Request For Tender based Design and Construct terms.
	Ulladulla Boardwalk and Ulladulla Harbourside	145,767	500,000	354,233	29%	City Futures	On Track	●	With detailed design completed in May the DA for the elevated boardwalk has been submitted for consideration by Council. An advanced design of the Ulladulla Harbourside including the carpark has been released to stakeholders for comment. This project is programmed to be completed in 2022
	Ulladulla Harbourside	-	-	-	#DIV/0!	City Futures	On Track	●	Final designs completed and stakeholder comments being sought. the adjoining boardwalk has progressed to the DA stage. Construction will occur later in 2022 following Boardwalk construction activities
	Flinders Roadworks - Stage 10	1,957,410	1,957,410	-	100%	City Futures	On Track	●	Duplicate project See Flinders Industrial Stage 10
	Ulladulla Maritime - Berthing Facility	370,633	232,202	- 138,432	160%	City Futures	On Hold	●	Await TNSW to provide Construction License to enable commencement of activities.
	Woolamia Industrial - Stage 5 - APZ Trail	4,940	4,940	-	100%	City Futures	On Hold	●	This project is on hold at this time.
Fire Protection and Emergency Services	Lake Conjola RFS Upgrade Existing Station	15,640	15,640	-	100%	City Services	On Track	●	Development Application (Ref. No. PAN-229657) currently being assessed, anticipated approval by the end of August. Application for landowners consent sent to the crown 7th July, time frame unknown for approval. It is proposed construction will be undertaken between Jan 23' - June 23'.

<span style="color: green;">●</span> On Track <span style="color: orange;">●</span> On Hold <span style="color: red;">●</span> Under Close Monitoring <span style="color: green;">●</span> Completed									
Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	Manyana Bendalong new RFS station	11,213	11,213	-	100%	City Services	On Track	●	The Flora and Fauna survey has been completed with the findings to inform the Statement of Environmental Effects and the Bushfire assessment. Completion of the reports will allow the DA Design documents to be lodged. Consultant quotes will be obtained for the detailed design and coordination of the electrical, hydraulic, engineering and Section J assessments. The activity 1 deliverables are unlikely to meet the funding deed dates. The next reporting date is the 31/10/2022.
	Shoalhaven Fire Control Centre - roads and parking LCLI	60,946	60,946	0	100%	City Services	On Track	●	Construction of the new Secured Overflow Carpark and Helicopter Landing Site due to commence on the 1st August, with a construction duration of 10 weeks.
Internal Corporate Services	City Services Equipment	426,733	424,684	- 2,049	100%	City Services	Completed	●	Vehicles have been purchased
	Fleet Vehicle Purchases	3,194,257	3,194,257	-	100%	City Services	On Track	●	Replacement forms have been sent out to drivers. Orders have been raised for quoted vehicles. New vehicle continue to arrive. Not all vehicles will be received this FY
Open Space, Sport and Recreation	Aboriginal Cup - Sports ground improvement works	178,008	500,000	321,992	36%	City Lifestyles	On Track	●	- Construction of temporary access road for Grandstand Project. Complete. - Swale to be cleared of vegetation followed by installation of drainage infrastructure. Complete. - Fill to be imported, spread and turfed over required areas to allow expansion of playing surface to meet NRL Standards. - Floodlight pole has been relocated at Southern end of field to allow 5m offset as required by NRL standards. - Rugby Park main field fence to be replaced. Currently awaiting quotes. - Road widening, car park grading and construction of bus turning circle. Currently out for quotation to local Indigenous civil companies – in accordance with the terms of the grant funding. Tree removal to commence mid-July 2022, to finish end of August 2022.
	Boongaree - Stage 1 - (BBRF, ECF, ECP)	2,003,559	2,149,600	146,041	93%	City Lifestyles	Completed	●	Boongaree Nature Play Park Stage 1 works completed, open for the public to use. Completed construction of Youth, Early Childhood, Exercise Zone, Learn to Ride Area, Car Park, and Public Amenity Building.
	Boongaree - Stage 2 to 7	530,712	567,805	37,093	93%	City Lifestyles	On Track	●	Stages 2 & 3 (Skatepark and Pump Track) Tender has been awarded to Convic. Demolition and delivery has commenced.  Stage 4a - Netball / Cricket Nets - Detail design complete. Tender awarded to Fulton Hogan. Delivery has commenced.  Stage 4b - Reconciliation Garden concept planning underway. Consultation and stakeholder workshops ongoing. Aboriginal Advisory Report completed. Concept plan has been formalised and will be distributed to Jerrinja Tribal Council, Jerrinja LALC, Nowra LALC and the Aboriginal Advisory Committee. Timeline for review to be determined by Elders.  Stages 5 and 7 - Eastern Fields, and Parking. Review of detail design for cricket pitch to identify best design. Review of detail design based on Hydraulic Assessment of Stage 7 sporting field design. Currently, Council has engaged an external design company specialising in sport infrastructure to review the detail design and amend as necessary.  Stage 6 - Dog park Dog fenced off leash area is proceeding to the exhibition phase. Delivery for works proposed to occur in early 2023.  Longitudinal Survey occurred on 21 January 2022, Next survey set for July 2022.  An application to the Multi-sport facility fund for staged 5 & 7 was successful. \$1.82m has been provided.
	C&R Bay and Basin Leisure Centre Redevelopment	79,452	79,452	-	100%	City Lifestyles	On Track	●	Progress: The Project Control Group, including representatives from SSF, has reviewed the concept design developed by the architect and has endorsed the concept design for the redevelopment of the centre. A presentation to Councillors of the concept design has been scheduled for 8 September. Program: Design is on track for completion by December 2022.
	Horse & Cattle Precinct - Nowra Showground	931,118	917,915	- 13,203	101%	City Lifestyles	On Track	●	The final Picnic shelter and seating component of this project is programmed to be installed mid July.
	Ray Brooks Reserve Boardwalk	28,253	106,887	78,634	26%	City Lifestyles	On Track	●	The project is programmed to start in July 2022 The project is programmed to be complete in November 2022

<div> <span>● On Track</span> <span>● On Hold</span> <span>● Under Close Monitoring</span> <span>● Completed</span> </div>									
Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	Southern SCARP - Artie Smith	804,063	1,000,000	195,937	80%	City Lifestyles	On Track	●	Progress: Stormwater works, electrical inground installation, hydraulic in ground works, slab for AFL/Cricket club house, initial oval car park kerb have been installed. Program: Rain delays of 4 days were experienced in the first week of July. The project completion date is forecast to be 23 March 2023, within the required completion date of June 2023. Budget: The project is currently tracking within budget, with a contingency budget of 10% of total project value. Community Concern: Some residents have complained at the number of trees that have been removed at the site. Advice has been communicated to the community and to residents explaining the necessity for this ( project design requirement or poor health of the trees). ). Extensive new plantings and landscaping form part of this project and will occur in the later stages of the program
	Showground Stimulus Round 1 - Milton - Amenities Bid	82,068	405,566	323,499	20%	City Lifestyles	On Track	●	Construction currently underway. Project delays due to weather has meant extension to grant funding acquittal deadlines have been provided for completion in August 2022.
	Ulladulla Tennis Lighting Upgrade	371,781	825,180	453,399	45%	City Lifestyles	On Track	●	Works underway. Programmed for completion July 2022.
Roads and Transport	Basin - Local Road Repair Program - Resheet / Reseal	170,963	414,991	244,028	41%	City Services	Completed	●	Overall budget spend of 41.2% due to consistent weather events and delays from contractors. Program shifted into the 22/23 FY for assessment and delivery
	Bolong Rd 9.46-10.08 widen shldr	-	-	-	#DIV/0!	City Services	On Hold	●	Council is seeking approval from TfNSW on funding variation of an additional \$1M. Current issues relating to acid sulphate soil, further geotechnical advice is needed.
	Braidwood Road - Safer Roads Project	630	630	-	100%	City Services	On Track	●	- Works are scheduled to be completed prior to 31 October 2022, as per approved EOT
	BTU Rd (R2R)	1,918,089	1,918,089	-	100%	City Services	Completed	●	Project completed in April 2022.
	Callala Bch Rd - Local Road Repair Program CH0.54 - CH1.82 Rd&Culv Rural Renewal	258,812	450,000	191,188	58%	City Services	On Track	●	Project design scope was altered to include the addition of a pedestrian walkway and box culvert. This scope will be postponed until 22/23FY. \$200k pavement rehab between Emmett St and Forest Rd was completed 17 December 21.
	Central - Local Road Repair Program - Resheet / Reseal	672,901	724,991	52,090	93%	City Services	Completed	●	Natural disaster event has delayed preparation works resulting in partial completion (90%) of the Central Resheet/Reseal program. Resources have been redirected to emergency response and ongoing critical road repairs. - incomplete works to be included in 22/23 FY Resheet/Reseal program.
	Coonemia Rd - CH 2.090 to 4.520	2,287,532	2,287,532	-	100%	City Services	Completed	●	Project completed in April 2022.
	Croobyar Rd, Milton - Road Rehab & Widening	243,846	407,911	164,064	60%	City Services	On Hold	●	Contract awarded and awaiting return of signed contract documents with amended pricing schedule. Contractor advised proposed commencement mid July with 6 to 7 week construction period. Currently liaising with DET in relation to neighboring construction
	Culburra - Culburra Rd (R2R) - CH 0.760 to 1.13km	9,204	8,890	- 314	104%	City Services	On Track	●	Design is 95% complete. Construction programmed for Q1 2022/23.
	Curarong - Curarong Rd Rehab - CH7.5-1 CH1.7	2,214,147	1,636,439	- 577,708	135%	City Services	On Track	●	Stage 1 Chainage 7.50km to 11.40km One section of crash barrier installation is outstanding due to further service locations required to avoid damaging the watermain.  Stage 2 Chainage 11.40km to 11.70km Road design incorporating twin 750 dia pipe culverts at Plutus Creek completed. All design work is now expected to be completed in two months time.
	Ferry Ln - Pedestrian SUP & K&G Rural New	138,736	75,616	- 63,119	183%	City Services	On Track	●	Tender assessment currently underway. Construction Q2.
	Hillcrest Ave	801,138	801,138	0	100%	City Services	Completed	●	Project completed on 24/08/2021.
	Junction Court Revitalisation	855,867	925,458	69,591	92%	City Services	On Track	●	Work in Junction court is substantially completed. Items completed in the month of June include: - Painting of pavement mural to footpath crossing into loading dock - Recoating of colour asphalt at Junction St / Kinghome St - Installation of bird proofing over new Festoon lights - Installation of additional plant containers  Installation of overhead festoon lights at Junction Court and Jelly Bean Park has been completed, however some minor defects need rectification.
	Kings Point Drive (2kms from Princes Highway)	99,415	500,000	400,585	20%	City Services	On Track	●	Contract for 1st stage awarded to Stefanutti Construction. Construction has commenced with completion expected September 2022.
	Lake Conjola Ent Rd - Local Road Repair Program - Various Sites Urban Upgrade	88,668	88,668	0	100%	City Services	On Track	●	Contract awarded to Cleary Bros. Works have commenced. Project completion expected September 2022.
	Main Rd, Cambewarra	47,675	420,995	373,320	11%	City Services	Needs Attention	●	Contracts provided to contractor and project commenced June 22. Recent rain has delayed completion till end of July 22



		<span style="color: green;">●</span> On Track <span style="color: orange;">●</span> On Hold <span style="color: red;">●</span> Under Close Monitoring <span style="color: green;">●</span> Completed							
Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	Matron Porter Dr SRP - (CH 3.65-3.96km)	671,253	763,405	92,151	88%	City Services	On Track	●	Works complete apart from line marking. Line marking scheduled for 11th July 2022.
	Matron Porter Drive SUP - Leo St to Bangalow St	684,280	612,465	- 71,815	112%	City Services	On Track	●	Construction Complete. SUP between Bangalow Street & Leo Drive.
	Moss Vale Rd Sth URA Road & Roundabout	2,157,665	2,157,665	-	100%	City Futures	On Track	●	Works have reached practical completion and final grant funding acquittal is being processed.
	Moss Vale Road South URA land acquisitions	9,732	138,385	128,654	7%	City Services	Completed	●	8 identified parcels of land for open space have been acquired successfully. This will allow embellishment to occur and usable for the first residents of the URA. 1 allotment to be dedicated as part of subdivision consent. 1 allotment not proceeding and will dedicated to SCC in a future development.
	Murramarang Rd – Shared User Path (Bawley Point - Kioloa)	220,695	694,502	473,808	32%	City Services	On Track	●	Contract awarded to Vogue Landscape and Design. Construction has commenced on site. Completion expected August 2022.
	North - Local Road Repair Program - Resheet / Reseal	304,473	556,991	252,518	55%	City Services	On Hold	●	Due to unseasonal weather conditions, all seal and preparation works have been delayed until 2022-23 FY. Resheeting works are in progress at various locations in the Northern district.
	Nowra CBD Renewal	-	765,674	765,674	0%	City Services	Needs Attention	●	Progress on this action requires the appointment of a Nowra CBD Place Manager. Attempts to appoint a Place Manager have been unsuccessful.
	Placemaking for Vincentia Village BBRF	704,724	704,724	-	100%	City Services	On Track	●	95% of all demolition is complete on the project including the existing amenities building. A temporary path has been installed to allow for continual access from east to west across the site for members of the public. All hydraulic and electrical in ground services are installed. The pad has been prepared for the construction the new amenities to commence. The project team is still working with the architect and engineers to finalise the design levels, which has slowed construction activity along with the latest rain event..
	Reconstruct Wheelbarrow Rd CH4.9 - Natural Disaster	610	610	-	100%	City Services	On Track	●	Design and tender documentation in progress. Works planned for completion in Q2 22/23
	River Rd, Shoalhaven Heads – Shared User Path and K&G	553,143	576,758	23,615	96%	City Services	Completed	●	Constructed new K&G and Shared User Path on the southern side of River Road, between Renown Ave and Matthews Street.
	Sanctuary Point -The Park Drive (Larmer - Boronia Ave) R2R	747,319	802,302	54,983	93%	City Services	On Track	●	Works completed. Non-conformance's identified during practical completion inspection. Variation from contractor received to undertake additional pavement works and rectify defects. Council to review submitted variation price and geotechnical report.
	South - Local Road Repair Program - Resheet / Reseal	447,487	744,992	297,505	60%	City Services	Completed	●	Seventy roads resealed. Rackman Cres, Nth Durras Rd, Mount Agony Rd, Coral Court & Slaughterhouse Rd postponed due to rain and the need to reallocate resources to reactive road maintenance tasks (eg. pothole repairs). Eighteen culdesacs resurfaced with Asphalt Deering St / St Vincent St Roundabout resurfaced with asphalt.
	South Nowra - Browns Rd (From McDonalds east)	517,717	500,000	- 17,717	104%	City Services	Completed	●	construction complete 10/6/22
	Special Local Roads Improvement Program	6,090,105	6,090,105	-	100%	City Services	On Track	●	Project still tracking within budget following variations and approval of remaining component of project.  Project to be rebaselined due to rain delays of 195 days and additional costs due to price escalations. Price Escalation Factors: Variations for Latent Conditions. Submission of Separable Portion Variations (\$2.8M).
	Sussex Inlet - The Springs Road Shared User Path Bridge(D&C)	982,841	982,841	-	100%	City Services	On Track	●	Construction in progress. Completion expected 29th July 2022.
	The Wool Rd/Memie - Blackspot Program	410,808	479,105	68,297	86%	City Services	On Track	●	Works generally completed. Defect in pavement has been identified and requires rectification. Investigation underway and works to be on-going
	Upper Kangaroo River Rd, Kangaroo Valley - Safer Roads Project	-	-	-	#DIV/0!	City Services	On Hold	●	Awaiting reopening of Barrangary Mountain and repair of land slide within project footprint. Project awarded and contracts being prepared for contractor signature. Awaiting signed LOA. Project commencement TBC.
	Worrigee - Worrigee Rd - Fixing Local Roads Program	103,555	183,000	79,445	57%	City Services	On Track	●	Works are from Regelia Pde to Isa Rd. Preliminary works including tree removal have commenced with Telstra relocations in progress. The construction Tender has been awarded. Construction is scheduled to commence Q1 2022/23.
Stormwater	Moss Vale Road South URA Drainage	2,417,618	2,417,618	-	100%	City Futures	On Hold	●	Drainage in stage 1 of the URA complete. Drainage works in future stages are on hold pending development progressing.
Strategic Roads and Bridges	Culburra Rd - RRRP CH7.71 CH8.413 Rural Renewal	792,482	695,064	- 97,418	114%	City Services	Needs Attention	●	Linemarking is still outstanding. Awaiting further instruction from Assets regarding available funds for AC intersection and ambulance pull over bay.

<div> <span>● On Track</span> <span>● On Hold</span> <span>● Under Close Monitoring</span> <span>● Completed</span> </div>									
Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	Far North Collector Road D & C	2,304,566	2,304,566	-	100%	City Services	On Track	●	<p>Good progress with embankment foundation treatments was made prior to the wet weather event commencing on 1st July. Bridging layers 500mm thick with geotextile have been placed south of Bomaderry Creek, to the west of the Taylors Lane roundabout and for a significant length of the Taylors Lane Connection. These foundation treatments have stood up well to the significant wet weather event and work is progressing again in various areas. Clearing of trees and preparation of piling pads at Bomaderry Creek has also been progressed with piling due to commence in the week commencing 18th July and then works through all of the bridge structures.</p> <p>TNSW has indicated its preference for the connection to Moss Vale Road to be amended from the current single lane roundabout to a dual lane roundabout which would cater for the long term demand despite agreement previously to adopt a solution for the medium term traffic forecast. TNSW has provided a strategic design for the long term MVR upgrade and the project team has reviewed and provided comments back to TNSW. The contractor has finalised a strategic cost estimate for the extra over cost for the dual lane roundabout to provide to TNSW to secure funding if the proposal is to proceed.</p> <p>Approval from DPI Fisheries to commence works at Bomaderry Creek has been obtained, however, DPI Fisheries still has concerns regarding the scour protection detail on the northern bank of the creek and has requested a site meeting after piling is complete to review scour protection proposals.</p> <p>Design approval for the protection structure from Jemena has been received verbally. A safety workshop with Jemena will be held on 20th July as a prerequisite of the work commencing around/over the Jemena asset.</p>
	Moss Vale Road URA Road Construction	1,348,874	1,350,000	1,126	100%	City Futures	On Track	●	<p>WIKI for Stage 1 subdivision SF10632 in Moss Vale Road South URA has been executed and the relevant part of the road completed. The remainder of the road network will be rolled out as the URA is developed overtime.</p>
Waste and Recycling Program	Biolektra Resource Recovery Facility RRF	1,711,689	1,711,689	-	100%	City Services	On Track	●	<p>Ongoing site works with main building contractor appointed. Revised program targets commissioning in late 2023</p>
	Landfill Extension - West Nowra	1,024,252	1,024,252	-	100%	City Services	On Track	●	<p>Ground preparation works - subject to rain delays Initial dam design works being undertaken for construction Q1 22/23</p>
	Materials Recovery Facility	8,177,568	8,177,568	-	100%	City Services	On Track	●	<p>Earthworks On Hold following direction from Planning. Development consent delays putting construction commencement out to 1st quarter of 2022/23. Contract for the design install and commission of the sorting plant has been awarded to Australian Bale Press Target date for commissioning June 2023</p>
	Shoalhaven MICROfactorie	652,337	652,337	-	100%	City Services	On Track	●	<p>Construction and procurement continues</p>
	Waste Landfill Cell Construction - West Nowra	484,069	484,069	-	100%	City Services	Completed	●	<p>This is a duplicate project. The works will be performed under ACT22348 - Waste Cell Install Liner and Leachate Controls</p>
	Waste Plant Purchases	2,516,839	2,516,839	-	100%	City Services	Completed	●	<p>Plant replacements ordered in accordance with schedule. Some items subject to nationwide delivery delays</p>
	West Nowra Leachate Treatment Project	887,990	887,990	-	100%	City Services	On Track	●	<p>OPEC have the system 80-90% complete Installation &amp; Commissioning planning commenced</p>
Water and Sewer Services	Brundee WPS 33kv substation	121,264	413,484	292,220	29%	Shoalhaven Water	Needs Attention	●	<p>Project has been impacted by longer than usual lead times for components. Construction due to commence by end of August 2022. Project board meeting to be arranged.</p>
	Burrier WPS 33 kv Substation	481,655	611,735	130,080	79%	Shoalhaven Water	Needs Attention	●	<p>Project has been impacted by longer than usual lead time times for materials. Contractors has identified an additional 12 weeks delay on procurement of major components. This represents a significant risk to project schedule and a project board meeting has been requested to discuss options and impacts. Costs on track and no impacts from rain events.</p>
	Flinders Depot Extension - Sewer Fund contribution	988,312	1,240,120	251,809	80%	Shoalhaven Water	On Track	●	<p>The project has experienced delays due to wet weather and contractor costing issues. Earthworks have been completed and the first concrete pour is due to commence early July. The sewer fund contribution has been included in the budget.</p>
	Moss Vale Rd expansion area - WWtr	4,462,093	4,395,582	- 66,511	102%	Shoalhaven Water	On Track	●	<p>Project tracking within budget following variations and approval of remaining component of project. Project to be re-baselined due to rain delays (195 days) and additional costs due to price escalations.</p>

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program Description	Project Description	Actuals (\$)	Proposed Budget (\$)	Forecasted Variance (Excl Commits) (\$)	% Complete (Excl Commits)	Directorate Description	Current Status	Current Status	Last Comment
	Nowra Nth surcharge main upgrade stage1	2,874,925	2,874,926	0	100%	Shoalhaven Water	On Track	●	Program has been delayed due to delays on Shoalhaven River Bridge construction project. Proposed cost increases are being addressed with TFNSW. Additional hours worked to complete the complex pipeline interconnection plan have increased costs.
	Nowra St Anns & Lyrebird Sewer Rising Main	735,463	735,325	- 138	100%	Shoalhaven Water	On Track	●	Project deliverables 99% complete. Minor site rectification works outstanding due to wet weather and ground conditions.
	Nowra Sth, Flinders Depot electrical work	988,157	1,240,120	251,964	80%	Shoalhaven Water	On Track	●	Deed of release agreed for Material Price Escalation. Piling Completed. Earthworks and floor slab formwork completed. Recent wet weather has potential to delay completion of the project.
	Pressure Sewer System Installation	523,279	470,715	- 52,565	111%	Shoalhaven Water	Completed	●	Higher than expected number of unforeseen pressure sewer installations.
	Sewer Currowan Fire Restor -Fishermans Paradise SPS F1 Upgra	475,049	474,908	- 141	100%	Shoalhaven Water	On Track	●	Pumping station now fully commissioned and operational. Minor defects to be completed. Expected to be completed by October 2022.
	SPS Emergency storage upgrade program	1,288,051	1,271,261	- 16,790	101%	Shoalhaven Water	Completed	●	Project completed.
	St Anns and Lyrebird Park SPS Upgrade	2,186,054	2,186,053	- 0	100%	Shoalhaven Water	Needs Attention	●	Delays experienced to sewage pumping station 3, St Anns Street, due to hard rock excavation. Staff are setting new baseline to account for extensions of time due to weather and rock.
	Sussex Inlet UV System	648,729	648,730	0	100%	Shoalhaven Water	On Track	●	All major works completed and operational. Sampling and final commissioning delayed due to weather.
	Water Moss Vale Road expansion area	2,117,605	2,181,753	64,148	97%	Shoalhaven Water	On Track	●	Project design phase now completed, with a staged procurement approach now initiated. The new Illaroo Road Water Pumping Station and Cambewarra Reservoir works to be delivered first and remaining water main works to follow. Project on track in regards to time and cost.
	Water New services instal & relocate	771,515	879,465	107,950	88%	Shoalhaven Water	On Hold	●	Service installations have been impacted due to the wet weather. Review being undertaken to catch up.
	Water Plant Purchases	1,076,860	1,076,860	-	100%	Shoalhaven Water	On Track	●	World stock levels are low, however recent evidence suggests that delivery times are starting to improve.
	Water Various Main Replacements	1,764,338	2,133,649	369,311	83%	Shoalhaven Water	On Track	●	This significant design project is separated into a number of packages. Package 1 in detailed design phase and nearing completion, packages 2 & 3 undergoing investigations (geotechnical and survey). Project schedule, work and cost on track
	Water Vehicle Purchases	836,538	836,538	-	100%	Shoalhaven Water	On Track	●	World stock levels are low, however recent evidence suggests that delivery times are starting to improve.
Waterways Infrastructure	Conjola Lake-Havilland St - Boat Launch Ramp & C/park BLERF	1,304,068	1,680,730	376,661	78%	City Services	On Track	●	Jirgens Civil awarded contract. Construction in progress. Project Completion expected August 2022.

## CL22.459 Policy - Complaints Handling Policy - Outcome of Public Exhibition

**HPERM Ref:** D22/386658

**Department:** Business Assurance & Risk  
**Group:** City Performance

**Attachments:** 1. Draft Complaints Handling Policy [↓](#)(under separate cover)

### Recommendation

That Council adopt the final Draft Complaints Handling Policy now the public exhibition period has expired with no submissions.

### Background

At its meeting on 1 August 2022, Council resolved to place on public exhibition the draft Complaints Handling Policy (POL20/10) and to receive a report after the public exhibition period to adopt the policy.

The Policy was placed on public exhibition for a period of 28 days which ended on 11 September 2022. No submissions were received in response to the public exhibition. On that basis no further amendments have been made to the Complaints Policy & Procedures which is presented as **Attachment 1** to this report for adoption.

The Complaints Policy & Procedures includes significant changes from the current policy document as it has been amended to reflect best practice Complaint Handling Practice outlined by the NSW Ombudsman. The draft policy has incorporated suggestions from staff and the Council's Audit Risk and Improvement Committee.

The approach of separating the policy and procedure has been taken as the Council is required to have a robust and public policy document in this space and there needs to be sufficient detail in the procedures to assist staff with the practicalities of managing complaints, including information for internal reference only. Council's Executive Management Team have separately considered and endorsed an Internal Complaints Handling Procedure.

The key components of the Complaints Handling Policy in addition to those outlined above are:

- clearer definition about what we consider a complaint under this policy as opposed to a request for service or action
- expanded organisational commitment detail
- clear policy direction on how we will handle complaints
- emphasis on frontline resolution of complaints reflecting our Customer Service Charter
- expanded definitions
- removal of internal references and direction to staff
- removal of detailed references to the National Competition Policy directives on Competitive Neutrality which were removed in the late 1990's and for which the OLG has removed guidance documentation. Any investigation about pricing or

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competition will reference our fees and charges and procurement frameworks, related council policy and legislation depending on the topic.

- details of how we will monitor review and report complaints for continuous improvement.
- Attached 'Individual Rights and Responsibilities for Parties to a Complaint' setting out clear expectations.
- The content of the short outdated related Complaints Referral to the Community Justice Centre – Administrative Policy and Procedure POL12/247 has also been incorporated into the draft policy document and it is recommended that this policy now be rescinded.

### **Policy Implications**

Council's Complaints Policy outlines the approach of the Council in responding to complaints. It relates to the Code of Conduct and Procedures and procedural documents.

Adoption of the Policy in September 2022 will closely align with the inclusion of management of complaints via the Council's online Request Management system which will provide additional accessibility to members of the public wishing to make complaints and more detailed statistical information for reporting and trend analysis.

### **Financial Implications**

The amended Policy does not implement changes which impact on financing or resourcing of complaints management.

### **Risk Implications**

The Council should hold a current complaints policy outlining clearly how we deal with complaints of wrongdoing by the Council and its officials. This policy provides a clear reference point for those who have identified wrongdoing and wish to bring it to the attention of Council to be addressed.

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## **CL22.460 Next Steps - Realising the Moss Vale North Urban Release Area**

**HPERM Ref:** D22/360180

**Department:** Strategic Planning

**Approver:** Carey McIntyre, Director – City Futures

**Attachments:**

1. Public Exhibition – Summary of Submissions Received (under separate cover) [⇒](#)
2. Summary of Changes – Planning Proposal and Development Control Plan Chapter [↓](#)

### **Reason for Report**

Detail the intended next steps to finalise the planning and development controls to ‘release’ and guide the delivery of the existing Moss Vale North Urban Release Area (MVRN URA), including:

- Presenting the outcomes of the public exhibition of the following documents for Council’s consideration:
  - Planning Proposal (PP) recommending changes to the existing planning controls in the Local Environmental Plan (LEP) applying to the URA.
  - Draft Development Controls for inclusion in the Development Control Plan (DCP) to guide future development of the URA.
- Seeking Council’s support for an approach to enable the timely finalisation of the PP and adoption of the development controls, including delegated authority to complete remaining tasks including amending the documents as appropriate to address submissions (received in response to the exhibition) and completing consultation with NSW Government Agencies.
- Providing an update on the related work planning the infrastructure required to support the future delivery of the URA

### **Recommendation**

That Council:

1. Proceed to finalise the Planning Proposal and adopt the draft Development Control Plan Chapter guiding the delivery of the Moss Vale North Urban Release Area, as amended in accordance with *Attachment 2* of this report.
2. Complete consultation with the following NSW Government Agencies:
  - a. Department of Planning and Environment – Water Licensing and Approvals
  - b. Transport for New South Wales
3. Delegate authority to the CEO, or his delegate, to update the Planning Proposal and Development Control Plan chapter and include any appropriate changes resulting from the:
  - a. Consultation with NSW Government Agencies.
  - b. *Moss Vale Road North Urban Release Area Riparian Assessment* prepared by Ecological Australia in April 2022.

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- c. Updated flood risk modelling.
4. Set an effective commencement date for the Development Control Plan Chapter of 27 March 2022.
5. Receive a further report on the proposed Development Contributions Framework delivering infrastructure for the Urban Release Area, including arrangements for the public exhibition of the framework.
6. Invite parties with a current or future interest(s) in the Urban Release Area who are seeking an alternative development outcome to that facilitated by the final Planning Proposal and draft Development Control Plan Chapter to submit requests for Planning Proposals and alternate development controls for Council's subsequent separate consideration.

## Options

1. As recommended.

Implications: Progresses the planning and delivery of the URA, facilitating the development of a potential 3,000+ new residential lots to meet housing demand. It finalises the PP making the necessary amendments to the Local Environmental Plan. It allows Council to adopt development controls to guide future development within the URA. It also allows for the continued preparation of the Development Contributions Framework to deliver essential infrastructure.

Completing this work is a high priority project, confirmed by Council's earlier decisions, within the adopted Local Strategic Planning Statement, and the Strategic Planning Works Program.

This resolution does not address all the submission feedback. Requests for changes from parties with a new or potential future interest in the URA for a different development outcome from the original Owners Group have been received in the final stages of the current process. Noting new interests and aspirations, the parties can submit requests for changes once the exhibited planning and development controls are settled. This would require the preparation of PP's and draft development controls, supported, as necessary, by technical studies. As this process incurs fees, the work can be programmed and delivered in a timely manner while managing impacts on Council's resources and other planning priorities.

2. Defer a decision until consultation with NSW Government Agencies is complete and a further report on the outcomes of the consultation and any required changes would then be presented to Council.

Implications: This would delay the planning and delivery of the URA but would provide Council with a comprehensive understanding of the changes required to the PP and draft Development Controls resulting from consultation with Government Agencies.

3. Defer a decision to consider the additional requests made by stakeholders with a potential or future interest in the ownership and development of the release area.

Implications: This would significantly delay the planning and delivery of the release area, potentially requiring the exhibition of the planning and development documents. It would also require resourcing and would impact on Council's finances and other planning priorities.

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4. An alternative resolution, including not to proceed.

Implications: Implications are subject to the nature and content of alternative resolutions, but any decision requiring further analysis, studies, or consideration of an alternative outcome for the release area will delay the work delivering the release area. It may also impact on Council's resources and other planning priorities. A recommendation to not proceed would effectively cease the project and the controls currently applying to the release area would be maintained. This includes the requirement to prepare development controls and arrangements for infrastructure before the area can be developed. This would mean no subdivision activity could be determined or occur.

## Background

The Moss Vale North Urban Release Area (MVRN URA) was initially identified as a 'New Living Area' in the endorsed *Nowra-Bomaderry Structure Plan* (2006). The release area was confirmed with land use zones, an enlarged footprint providing for additional lots/dwellings, and other related provisions guiding its release in the new City-wide Local Environmental Plan (*Shoalhaven Local Environmental Plan 2014*). Council later reconsidered the timing for the delivery of the URA in March and August 2017, resolving to bring forward planning work to accelerate its delivery.

In 2019, the Moss Vale North Owners Group, comprising several of the then major landowners within the release area, submitted an alternative outcome for the area for Council's consideration. This sought to deliver about 2,500 dwellings (an increase on the outcomes facilitated by the existing planning controls), adjust the size and function of the retail centre, refine the *E2 Environmental Conservation* zones applied to the riparian corridors, and adjust other components of the URA. The Owners Group supported its proposal with an indicative layout plan, draft development controls, and a range of technical studies undertaken for them relating to bushfire, traffic and transport, scenic values, contamination, biodiversity, and water management.

Council considered the alternative outcome and supporting information and resolved to work collaboratively with the Owners Group, giving 'in principle' support to the package being used as the basis for the documents required to 'release' and the delivery the areas development. These documents include a:

- Planning Proposal (PP) recommending adjusting amendments to the current planning controls applying to the URA in the City-wide Local Environmental Plan (LEP).
- New chapter in the City-wide Development Control Plan (DCP) setting controls to guide future development outcomes, including indicative layout and staging plans.
- Development Contributions Framework identifying the essential infrastructure to support the future community and funding and delivery mechanisms.

Throughout 2019-2020 an evidence base of technical studies was prepared to further inform the above documents. Council built on the documents provided by the Owners Group, commissioning studies for the retail centre, gas pipeline, scenic values, community infrastructure, traffic and transport, and water management. Wherever possible, the Owners Group's proposal or its intent was maintained, but the additional studies recommended adjustments to ensure the delivery of a responsible and sustainable development outcome that meets the needs of the future community. Other adjustments improved the commercial viability of the development outcome to help secure its timely delivery by industry.

In 2020, the PP was submitted to the NSW Department of Planning & Environments (DPE) 'Gateway' process and a determination was issued in December 2020 that included conditions setting out the need for further work, necessary consultation with State Government Agencies, and public exhibition requirements. The required consultation with NSW State Government Agencies and other bodies commenced in early 2021.



Throughout 2021, adjustments and refinements were made to the PP, draft development controls, and several of the technical studies as consultation was undertaken/completed with the following:

- NSW Department of Planning and Environment - Environment, Energy and Science
- NSE Department of Planning and Environment - Heritage
- Nowra Local Aboriginal Land Council
- Transport for NSW
- Endeavour Energy
- Jemena (Eastern Gas Pipeline)
- NSW Fisheries
- NSW Rural Fire Service

Disappointingly, the NSW Natural Resources Access Regulator (NRAR) did not respond despite the best efforts of Council staff. This resulted in an additional Riparian Assessment Report being prepared at a cost to assist and inform this agency's consideration of the PP. The report followed the agency's guidelines to classify the existing watercourses on site, identify appropriate corridors, and recommend measures to "offset" any reduction in existing or potential corridors required to facilitate the future development.

In mid-2021 Council resolved to:

1. *Endorse the continued preparation and advancement of a Planning Proposal, draft Development Control Plan, and proposed Development Contributions Framework, including consultation with relevant NSW Government Agencies (NSW Rural Fire Service & NSW Natural Resources Access Regulator).*
2. *Delegate authority to the CEO (Director – City Futures) to make necessary changes to the Planning Proposal and draft Development Control Plan to reflect the outcomes of the remaining Agency Consultation and technical studies as they are completed.*
3. *Receive a further detailed report on the proposed Development Contributions Framework (list of costed infrastructure and options to secure funding) when prepared.*
4. *Publicly exhibit the Planning Proposal and draft Development Control Plan, as amended, for a minimum of 28 days.*
5. *Receive a further report on the results of the public exhibition of the Planning Proposal and draft Development Control Plan and the work required to finalise these documents.*
6. *Endorse the public exhibition of suburb naming options (Badagarang and Gumbeengang) for a minimum of 28 days and receive a further report on the results of the public exhibition and the work required to settle new suburb arrangements.*
7. *Advise affected and adjoining landowners and relevant Community Consultative Bodies of this decision and associated public exhibitions).*

In late 2021/early 2022 the ownerships within the URA started to change with the emergence of new owners or parties with interests in some of the holdings within the area. The change in ownership interests has brought a range of aspirations that are different to the original Owners Group.

Consistent with the above resolution and following the completion of various required actions (e.g. pre-exhibition review of the PP by DPE) the PP, draft Development Controls, Riparian Assessment Report and a range of supporting material were publicly exhibited in mid-2022.

Note: A report on the proposed new suburb name of *Badagarang* for this area and the adjacent Moss Vale Road South URA was considered by Council in August 2022. Finalisation of the proposed name is now with the NSW Geographic Names Board (GNB).

## Public Exhibition Overview

The exhibition package, made up of the following, was formally publicly exhibited from 18 May to 1 July 2022 (44 days):

- [Public Notice](#)
- [Explanatory Document](#)
- [Planning Proposal](#)
- [Draft DCP Chapter NB4](#)
- [Riparian Assessment Report](#)
- [Gateway Documentation - \(895kb\)](#)
- [FAQs - Planning Proposal](#)
- [FAQs - Development Controls](#)
- [FAQs - Infrastructure](#)

The exhibited documents are still available for review at the above links.

## Public Exhibition Results

Thirteen (13) submissions were received in response to the public exhibition:

- Five (5) were made by people or companies with an ownership interest in the URA,
- One (1) from a community member, and
- Seven (7) from Government Agencies or infrastructure delivery authorities.

**Attachment 1** provides a summary of the submissions, comments on the matters raised, and identifies recommended changes to the PP and draft development controls. Copies of the actual submissions can be provided to Council if needed.

## Submissions – Ownerships Interests (minor)

Two (2) submissions were made by existing smaller landowners in the URA, seeking adjustments to the proposed planning controls and draft development controls as follows.:

- Expansion of the URA and its controls to include all of 50 Abernethys Lane (Lot 1 DP 1134376) to address concerns with potential impacts on the property, including flood risk, land use conflict, and loss of value. Only part of this property is currently included within the existing URA.

*Staff Comment - The land is already cleared of sensitive vegetation. Expanding the area of the URA and its associated controls to include the whole property would provide an extra 1.3 hectares of developable land, facilitating an increase in dwelling supply (approx. 19-20 lots). Including the whole property will also allow coordinated development with the remainder of the URA, including the management of flood risk and the restoration of riparian corridors.*

- Delete the minor road indicated on 91A Bells Lane (Lot 3 DP 708356) in the draft DCP to provide flexibility when considering and planning future development outcomes.

*Staff Comment - Deleting the proposed minor road in question will provide additional flexibility when designing development outcomes. Access arrangements would still*

*need to be addressed in any design work as a requirement of the draft development controls.*

Both requests are considered relatively minor, reasonable and should be supported.

### **Submissions – Ownerships Interests (major)**

Three (3) detailed/substantial submissions were received from development companies or their planning consultants with a current or intended interest in the URA. These submissions requested a significant number of changes, varying in scope and scale, to the proposed planning controls and draft development controls. They ranged from minor to major adjustments/changes required to facilitate an alternative development outcome to the one that arose from the dialogue with the original Owners Group.

In summary the adjustments/changes sought include:

- Alternative outcomes for riparian watercourses, the scenic/visual buffer along Moss Vale Road, public open space arrangements and the proposed location of the town centre.
- Expansion of the URA to include additional land.
- A revised road hierarchy and designs (detailed in a new traffic study).
- Different development staging (both areas and timing).
- Alternative arrangements for water management infrastructure.
- Greater opportunity to deliver small residential lots (300m<sup>2</sup>).
- Revisions to proposed requirements to manage future bushfire risk.
- Changes to various proposed development controls guiding subdivision and building design and required consultation with Jemena (the operator of the gas pipeline).

Some of the changes that are relatively minor can be supported and accommodated now, as detailed in **Attachments 1 and 2**. These include adjustments to the proposed land use zones applied to the smaller properties located throughout the URA, expanding the ability to deliver small lot housing, adjusting the consultation requirements with Jemena (Eastern Gas Pipeline) related to development applications and other minor amendments to the draft development controls.

The more significant requested changes/adjustment need further detailed consideration. The submissions detail the aspirations of parties with a new or potential future interest in the URA for a development outcome that differs somewhat from that of the original Owners Group on which the exhibited planning package have been based. These requests (often detailed and complex) have been received late in the process of preparing planning and development controls for the URA, after the preparation and exhibition of draft controls.

While some of the requested changes could have some merit and be worthy of further consideration, no substantial changes are recommended at this time, so as to avoid further delay in finalising the controls required to facilitate actual release of the URA and provide a supply of future residential land.

There is no time in the current process to fully consider the various requests/changes, the supporting information and investigate/confirm any subsequent amendments required to other parts of the planning and development controls to ensure consistency. It is also likely that the scale of a number of the requested changes would trigger a re-exhibition of the documents, adding further time to the finalisation of the documents.

The planning package that was exhibited was informed by a robust evidence base of technical studies, providing the confidence the development outcome that the controls facilitate is responsible, sustainable, and will meet the needs of the future community.

Council funded the development of the evidence base at a reasonable cost and considerable staff time and resources have been expended in getting to this point.

The parties with a current or future interest in the URA who are seeking an alternative development outcome are entitled to submit requests for changes, ideally this would occur (to enable better management and cost recovery) once the exhibited planning and development controls have been settled. This would then require the preparation/submission by the proponents of PP's and requests for alternative Development Controls, supported as necessary by technical studies. This provides an appropriate opportunity for Council to fully consider the changes. As the established process in this regard includes relevant fees, it allows work to be programmed and delivered in a timely manner while managing impacts on Council's resources and other planning priorities.

### **Submissions – Community**

One (1) submission was received from a community member of the broader community raising concerns regarding the loss of primary production land and lack of infrastructure to support the new community.

*Staff comment - it is acknowledged that the subject land is currently agricultural land. It was however rezoned residential in 2014 following a detailed strategic planning process to provide future settlement options for the regional centre of Nowra-Bomaderry. The overall package of supporting plans that are now being finalised and worked on consider the infrastructure required to support the new community.*

### **Submissions - Government Agencies**

The following Government Agencies (5) made further submissions on the planning and development controls when they were placed on public exhibition:

- NSW Rural Fire Service
- Transport for NSW
- DPE - Heritage
- DPE – Biodiversity and Conservation
- NSW Fisheries

DPE – Water Licencing & Approvals Team (formerly NRAR) made its first submission after being first asked for input in early 2021 and seven (7) weeks after the close of the public exhibition period.

Endeavour Energy also made a submission setting out its standard requirements for future development close to existing and planned electricity infrastructure. These have been incorporated into the draft development controls.

#### NSW Rural Fire Service

Requested a revised bushfire study, seeking:

1. The deletion of short fire run modelling.
2. An assessment of the proposed asset protection zones against Table A1.12.1 in *Planning for Bush Fire Protection 2019*.
3. Access arrangements for new subdivisions providing more than one access road for subdivisions of three or more lots.

The existing bushfire study recommends asset protection zones for two scenarios – acceptable solutions in accordance with Table A1.12.1 and a performance solution (using what is known as a short-fire run model). The PP confirms the Acceptable Solutions scenario

has been used to prepare the planning and development controls. The draft development controls:

1. Require compliance with Table A1.12.1
2. Provide indicative Asset Protection Zones (APZ's), based on the Acceptable Solution identified in the study,
3. Confirm that greater APZ's are required for special fire protection developments,
4. Require proponents to submit a staging plan demonstrating more than one access road for each subdivision stage including three or more lots, and
5. Indicate planned connections, but not the timing of those connections, between the release area and the existing road network.

There is no need to update the supporting technical study as requested.

#### Transport for NSW (TfNSW)

This extensive submission requests:

- An updated traffic and transport study analysing:
  - Updated potential dwelling yields.
  - Proposed intersection design for new connections to the release area.
  - Other modes of travel (public transport, walking, cycling, and micro-mobility).
  - Demand for rail services and improved access to Bomaderry Station.
- Information on the delivery of new and upgraded intersections to the URA, including timing and land reservation and acquisition proposals.
- Preservation of land for TfNSW's future projects, including the Nowra-Bomaderry Bypass and Moss Vale Road. This includes requests to:
  - Maintain the current width of the visual buffer along Moss Vale Road (currently zoned C3 Environmental Management).
  - Adjust the location of drainage infrastructure.
- Further information on how development proposals will be managed to comply with the indicative development staging.
- An analysis of noise impacts on future residential development.
- An increase in the width of shared user paths to 4 metres (from 2.5 metres).
- Additional references in the draft development controls to contemporary guidance and best practice for public transport planning.

Disappointingly not all these issues were raised in TfNSW's first submission and noting that the URA is already largely zoned and has a considerable planning (including transport) history, a meeting will be arranged with TfNSW to understand the need for and scope of additional analysis, the timing of its proposed upgrades, and land reservation and acquisition requirements.

#### DPE - Heritage

Repeated its pre-exhibition request for an Aboriginal Cultural Heritage Assessment (ACHA) to be prepared as soon as possible in the planning process. It also provided some alternative recommendations should the planning and development controls be settled prior to such an assessment occurring, including mapping areas of archaeological potential, and consultation with Aboriginal Communities.

The PP recommends the adjustment of the existing planning controls that were set in 2014, which themselves confirmed earlier planning decisions for this regionally significant URA. The recommended changes do not rezone rural or environmental land for urban purposes, meaning there is limited opportunity to undertake the requested assessment now without delaying the release of the area and incurring considerable costs. The exhibited draft development controls require the requested assessment to be undertaken in the next possible stage of delivering the release area, namely, when preparing development applications for subdivision.

This approach is based on the recommendations of an earlier Aboriginal Archaeological Study, which concluded that the URA is of relatively low heritage sensitivity and there is only one previously recorded Aboriginal object or site present (within the easement of the high-voltage electricity transmission lines). DPE's Local and Regional Planning Team, who administer the Gateway process, has confirmed its support of this approach.

#### DPE – Water Licencing and Approvals

Noting the resourcing constraints of the former Agency (NRAR) and its ability to provide timely feedback on the proposed planning and development controls, Council commissioned a Riparian Assessment. This Assessment was exhibited alongside the PP and draft development controls, noting further changes to these documents would be needed when the exhibition and consultation with the new agency is complete.

The Riparian Assessment report provided a peer review of the outcomes for the riparian corridors proposed by the Moss Vale North Owners Group. It also provided contemporary mapping of watercourses and other biodiversity resources and recommendations for riparian zone protection based on the guidelines. These recommendations included:

- The use of the averaging rule (for encroachments and offsets) to facilitate a practical riparian/urban zone boundary.
- Locations for waterway crossings and stormwater basins.
- Improved connectivity of terrestrial and aquatic habitats.
- The land that should be zoned as a riparian corridor (C2 Environment Conservation).

The submission, however, returns to 'first principles' and requests the application of uniform width zoning to be applied to riparian corridors, noting concerns with the use of the averaging rule and reduced corridor widths. The submission supports some recommendations of the Riparian Assessment. Given that this is at odds with the exhibited package, a meeting has been sought with the Agency to discuss the history of the URA, explain the role of the Riparian Assessment, clarify its submission, and discuss the present opportunities for further variations noting its delayed feedback.

The proposed C2 Environmental Conservation zone applied to watercourses and riparian lands will require further adjustment to implement the recommendations of the Riparian Assessment and/or any alternative outcomes ultimately negotiated with this Agency.

#### DPE – Biodiversity and Conservation

Requests further information to demonstrate consistency with the NSW Government's *Local Planning Direction 4.1 Flooding* and associated guidance (part of the rules guiding the preparation of planning proposals). This Direction and guidance were updated in March 2022, after the flood risk assessment informing the PP was prepared. The Direction and guidance require more analysis than previous versions, representing a change in this Agency's position from its earlier submission.

An engineering company has been engaged to refine and update earlier flood modelling to fully understand the risk from a range of flood events. This will enable the PP to be updated to address the most recent version of the documents. In addition, the results of the

contemporary modelling will inform the design of road and bridge infrastructure servicing the URA to ensure a flood free access is provided for the future community.

The submission also requested some adjustments of the proposed planning controls applying to areas of remnant vegetation. As these provide potential offset opportunities to manage the restoration of riparian corridors, they will be considered in consultation with the dialogue with DPE - Water Licencing and Approvals.

### NSW Fisheries

Submission highlights the importance of the fish habitat provided by Abernethys Creek and requests future development maintain and improve this habitat with appropriate planning controls, restoration of riparian corridors, pollution prevention measures, and water quality initiatives. Relevant requested planning controls will be considered in the further dialogue with the DPE - Water Licencing and Approvals. All other requests are incorporated into the development controls guiding future development of the release area.

### **Local Infrastructure Planning**

The draft development controls set satisfactory arrangements for local infrastructure, identifying essential open space and road and drainage infrastructure. These arrangements are proposed to be supported with a Development Contributions Framework identifying the cost of delivering the infrastructure and mechanisms to collect development contributions towards its delivery (e.g., a Contributions Plan or Voluntary Planning Agreements).

The Development Contributions Framework is still being prepared. Values for the land identified for acquisition to provide the infrastructure are complete, as is the cost to embellish the planned open space. Concept designs and costings of road and drainage infrastructure is programmed for completion in October 2022. This will complete the range of information required to settle development contributions for the URA.

It is important to note several influences on this component of planning for the URA:

- The NSW Government's \$30,000 cap on contributions per dwelling constrains infrastructure planning, meaning some infrastructure needs to be provided by other means, such as government grants, planning agreements and developer led delivery.
- DPE is reforming the infrastructure contributions system – the final outcomes and arrangements are not yet known.
- The Illawarra-Shoalhaven Special Infrastructure Contribution Scheme (SIC) applies to the URA, collecting contributions towards State and Regional infrastructure.

A further report on the draft Development Contributions Framework will be presented to Council in due course seeking endorsement to publicly exhibit the Framework. This may also require corresponding changes to the satisfactory arrangements set in the development controls. These changes and the necessary exhibition process will be outlined in the same report.

Future consents for development in the URA cannot be granted until such time as infrastructure arrangements are in place. This is a requirement of Part 6 of the LEP.

### **Intended Next Steps**

The PP and draft Development Control Plan Chapter require several changes before they can be finalised – the recommended changes in response to the submissions received are consolidated and summarised in **Attachment 2**.

The documents may also need additional amendment following:

- Meetings with TfNSW and the DPE – Water Licencing and Approvals. These meetings and any subsequent dialogue are expected to occur in coming weeks and will complete required consultation with Government Agencies.
- Receipt of updated flood risk modelling work - programmed for completion in October 2022 and will complete the requirements of the current Local Planning Direction and associated guidance.

These activities may lead to some minor changes to the PP and draft development controls, such as adjustment to zone boundaries and the indicative road layout. Other minor, mechanical changes are also required to ensure accurate references to relevant legislation and planning documents. To allow these changes to progress in as timely a manner as possible, delegation is sought for staff to make necessary reasonable changes. DPE will be consulted on the changes, as administrator of the Gateway process, to identify any potential need to re-exhibit the PP. If more substantial adjustments or re-exhibition is required resulting from the above, a further report will be submitted for Council's consideration.

The Part 6 'release' provisions in the LEP require Council to be satisfied that infrastructure is available or arrangements have been made to make infrastructure available, i.e. the Development Contributions Framework. The provisions also require the preparation of a DCP.

Recognising that more time is required to finalise a Development Contributions Framework, it is recommended that a future adoption date be set for the commencement of development controls (27 March 2023). This will provide certainty for developers about when development consent can be issued, and the release of the area can commence. If the finalisation of the Development Contributions Framework occurs sooner, the adoption date can be amended by resolution.

### **Community Engagement**

The exhibition package was publicly exhibited on Council's website from 18 May to 1 July 2022 and a community 'drop-in' information session was held on Thursday 2 June 2022, providing the opportunity for people to view the documents and large maps of the future development outcome and also talk to Council's staff.

A series of meetings were also held with representatives of development companies and their planning consultants with a current or future interest in the URA. This provided an opportunity to discuss the history of planning for the URA, how the exhibited provisions have eventuated, the current exhibition process, and alternative development proposals.

Prior to changes in interests in the URA, a working relationship was established with the then Moss Vale North Owners Group and its Project Team (including planning consultants and engineers). This included monthly updates, sharing copies of technical studies, and workshops to refine development controls. Updates were also issued to other owners within the URA.

### **Policy Implications**

Council's adopted Local Strategic Planning Statement (*Shoalhaven 2040*) confirms the importance of current work preparing the planning and development documents for the release area in *Planning Priority 1: Providing homes to meet all needs and lifestyles*.

The finalisation of the planning documents is a high priority project on the adopted Strategic Planning Works Program and is a focus for the Strategic Planning Team.



### Financial Implications

It is noted that Council has expended considerable staff resources and funding to get to this point. Any consideration of the changes now requested by development companies with an interest in the URA requires resourcing and potentially further advice and/or studies from specialist consultants.

As there are no funds allocated for this work, funding and the priority of other planning projects would need adjusting. The management of these requests as separate applications to adjust the settled planning and development controls provides an appropriate process and resources to program and fully consider the requests on a cost recovery basis.

### Risk Implications

Further changes to the PP and development controls as consultation is completed with NSW Government Agencies, or in response to requests by development companies with an interest in the release area, may result in the need to exhibit updated documents. This would delay the finalisation and release of residential land in a recognised regionally significant URA.

The Gateway determination for the PP has expired. DPE has however confirmed:

- there is no legal risk to the current process continuing
- It will issue a revised determination once it understands the content of the community/landowner and Agency submissions and the amount of work required to resolve them.

If a revised Gateway determination is not issued, Council will need to reapply to the Gateway Process before it can legally finalise the PP. The draft Development Control Plan is not subject to the same considerations.

## Next Steps – Realisation of the Moss Vale North Urban Release Area

### Attachment 2: Changes to Planning Proposal & draft Development Controls

Recommended Changes to Planning Proposal	
1.	Expand the planning controls for the urban release area to include 50 Abernethys Lane, Meroo Meadow (Lot1 DP 1134376). This includes the R1 General Residential & C2 Environmental Conservation zones, and related provisions such as height of buildings, minimum lot size etc.
2.	Adjust the boundary of the C2 Environmental Conservation and C4 Environmental Living zones applying to 91B Bells Lane, Cambewarra (Lot 4 DP 708356) to apply the C4 Environmental Living zone to existing development (dwelling and associated structures).
3.	Amend the Lot Size Map supporting <i>Clause 4.1H Small Lot Residential</i> in accordance with Figure 1, expanding the ability to propose small residential lots (300m <sup>2</sup> ) across the release area. The green highlighted areas indicate the recommended expansion.
Recommended changes to draft Development Controls	
A.	Update the Indicative Layout Plan and relevant maps to be consistent with the recommended changes to the Planning Proposal set out in No.1.
B.	Delete the <i>Access Street Tier 1</i> indicated on 91A Bells Lane, Cambewarra (Lot 3 DP 708356) from the Indicative Layout Plan and related maps in <i>Section 7.2 Intended Road Layout</i> .
C.	Update the Indicative Layout Plan and relevant maps to be consistent with the recommended changes to the Planning Proposal set out in No.2.
D.	Update the Indicative Layout Plan to be consistent with the recommended changes to the Planning Proposal set out in No.3.
E.	Delete the identification of the existing dam on 220 Moss Vale Road, Cambewarra (Lot 4 DP 268209) from the Indicative Layout Plan and related maps in <i>Section 7.1 Water Quality and Flooding</i> . Amend written references to the “dam” to “lake” to reflect the future water body required in this location as part of the drainage infrastructure servicing the release area.
F.	Add: <ul style="list-style-type: none"> <li>guidance on compliance with Transport for NSW's <i>Guidelines for Bus Capable Infrastructure in Greenfield Sites</i> to <i>Section 7.4 Planning for Bus Capable Infrastructure</i>, and</li> <li>a reference to the document in <i>Section 14.3 Other Legislation</i>.</li> </ul>
G.	Amend <i>Section 7.9 Flora and Fauna Report Requirements, Control A13.2</i> to replace “flora and fauna report” with “arborist report”.
H.	Amend <i>Section 8 Consultation Requirements, Gas Pipeline</i> to: <ul style="list-style-type: none"> <li>Delete <i>Control 1.0</i> requiring proponents to consult with Jemena (the pipeline operator) prior to lodging a development application, and</li> <li>Provide the requirement as advisory guidance.</li> </ul>
I.	Amend Figure 23 in <i>Section 14.2 Satisfactory Arrangement for Infrastructure</i> to relocate the indicative location of the drainage infrastructure on 220 Moss Vale Road, Cambewarra (Lot 4 DP 268209) to provide space for the future upgrade of the Moss Vale Road-Bells Lane intersection.
J.	Include a new development control(s) requiring residential development be appropriately located and designed to manage potential traffic noise from Moss Vale Road.

**Next Steps – Realisation of the Moss Vale North Urban Release Area**

**Attachment 1: Changes to Planning Proposal & draft Development Controls**

**Figure 1: Expansion of the ability to propose small residential lots (Recommendations 3 and d.)**



CL22.460 - Attachment 2

## CL22.461 Report Back - Employment Zoned Land Representations - Exemption from NSW Biodiversity Conservation Act 2016

**HPERM Ref:** D22/365751

**Department:** Strategic Planning

**Approver:** Carey McIntyre, Director - City Futures

**Attachments:** 1. NSW Government Response - Biodiversity Conservation Act - Exemption for zoned Employment Lands Request [↓](#)

### Reason for Report

The reason for this report is to provide a report back to Council on the outcome of representations to the NSW Government requesting that employment zoned land be exempted from the NSW Government's Biodiversity Offsets Scheme.

### Recommendation

That Council:

1. Receive the report on the outcome of representations to the NSW Government seeking exemption of zoned employment land from the Biodiversity Conservation Act 2016 (NSW) for information.
2. Work with relevant NSW Government Agencies on a possible strategic approach to enable development and consideration outcomes in the broader South Nowra Area, including possible Strategic Biodiversity Certification as per the Biodiversity Conservation Act 2016 (NSW).
3. Receive further reports on this project as it progresses.

### Options

1. As recommended.

Implications: This potentially provides a way forward that could enable future development of zoned employment land in the context of a strategic and sustainable approach to development and biodiversity in the broader South Nowra Area.

2. Continue to advocate for an exemption (or similar) for zoned employment land from the Biodiversity Conservation Act 2016 (NSW)

Implications: There appears to be no support or ability to pursue this further given the outcome of the representations that are covered in this report

### Background

Council resolved on two occasions to pursue the exemption of zoned employment land from the Biodiversity Conservation Act 2016 (NSW).

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In April 2021, Council resolved that:

1. *The CEO and other appropriate staff take part in a joint deputation with representatives of affected owners in the South Nowra Industrial Lands to the Minister for the Environment The Hon. Matt Kean MP with a view to having the NSW Government introduce a general exemption from the biodiversity offset scheme for zoned employment lands.*
2. *The deputation be organised through the Member for South Coast the Hon. Shelley Hancock MP.*

Council revisited this resolution in August 2021, resolving that Council:

1. *Re-endorse its decision April 2021 decision to pursue a deputation to the NSW Minister for the Environment seeking to exempt zoned employment land from the NSW Government's biodiversity offsets scheme.*
2. *Also include relevant commercial zoned land in the exemption request.*
3. *Receive a report on the response from the joint (Council and landowners) deputation to the NSW Minister for the Environment.*

In August 2021, Council made a similar submission to the NSW Parliamentary Inquiry into the Integrity of the NSW Biodiversity Offsets Scheme. The findings and outcomes from this Inquiry are still pending.

The NSW Audit Office also released a report on the Effectiveness of the Biodiversity Offsets Scheme in late August 2022. That report can be reviewed [here](#).

## Representations

In response to the above resolutions a Background Advocacy Paper was provided to the Member for South Coast, the Hon. Shelley Hancock MP with a request for a meeting with the NSW Minister for Environment to discuss the requested exemption.

The Paper presented issues associated with the Biodiversity Conservation Act 2016 (the Act) that are being experienced and drew on the existing zoned and regionally significant South Nowra Employment Precinct as a relevant example.

The Paper requested the following:

*Considering the adverse impacts the Biodiversity Conservation Act 2016 is having on regional economic development, jobs and business growth, Shoalhaven City Council is seeking the exclusion of employment zoned land from the application of the Act as a matter of urgency.*

The requested meeting ultimately took place on 11 November 2021 with the then Parliamentary Secretary for the Environment, Felicity Wilson MLA and was attended by the Member for South Coast, the Hon. Gareth Ward MP Member for Kiama, landowner/business representatives, NSW Government Agency staff and Council representatives.

Following the meeting with the Parliamentary Secretary and the change in late 2021 to the NSW Government's Ministerial Portfolios, Council staff continued to pursue a formal response to the representations in this regard through the Local members.

The NSW Minister for Environment and Heritage, James Griffin MP provided a formal response in early August 2022 to the Member for South Coast – see **Attachment 1**.

## Possible Way Forward

The letter from the Minister advises that there are no provisions in the Act that allow for the exclusion of zoned employment lands from the biodiversity assessment requirements. It does however identify an opportunity for a possible 'whole of Government' approach to the

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employment lands in the South Nowra precinct that involves broader strategic consideration of biodiversity alongside planning and infrastructure servicing requirements.

Given the likelihood that an ‘exemption’ would not be possible, potential alternate approaches were raised by NSW Government staff. As a result, early discussions have been held with NSW Government staff regarding a possible alternative strategic option to enable both development and biodiversity outcomes in the broader South Nowra area. This could possibly involve a Strategic Biodiversity Certification approach for the broader area.

Planning Authorities, for the purposes of biodiversity certification, are those listed under Section 8.1 of the Act. They include, but are not limited to, local Councils and the Minister for Planning.

Loans and other financial assistance may be available from the Biodiversity Conservation Trust for planning authorities undertaking biodiversity certification.

The Minister for the Environment determines whether to declare such a proposal ‘strategic’. This is done using criteria outlined in the Biodiversity Conservation Regulation 2017 (NSW).

The criteria are as follows:

1. the size of the area of the land,
2. any regional or district strategic plan under the Environmental Planning and Assessment Act 1979 (NSW) that applies to the area in which the land is situated,
3. advice provided by the Minister for Planning regarding the proposed biodiversity certification,
4. the economic, social or environmental outcomes that the proposed biodiversity certification could facilitate.

Given that it appears highly unlikely that the NSW Government will exempt zoned employment land from provisions of the Act, it is recommended that Council work with the NSW Government on a possible strategic biodiversity approach for development in the broader South Nowra area and Council receive future reports in this approach as it is worked up.

The provision of future reports will enable the justification of the strategic approach associated with the proposal and to enable a formal request to be made to the Minister.

### **Community Engagement**

No formal community engagement was undertaken as part of the representations to the NSW Government in this regard.

Should Council proceed further with the recommended strategic biodiversity approach, then community and landowner engagement will be included as part of this work.

### **Policy Implications**

Depending on the outcome of the recommended strategic biodiversity approach, some adjustments or changes could be required to the Shoalhaven Local Environmental Plan 2014 and other supporting policy documents may be needed. This will be covered in future reports to Council.

### **Financial Implications**

There are likely to be costs associated with the proposed approach. These will be managed within existing budgets or reported to Council for consideration as work progresses should specific funding be required to advance this matter.



**The Hon. James Griffin MP**  
Minister for Environment and Heritage

MD22/2735

Mrs Shelley Hancock MP  
Member for South Coast  
PO Box 1436  
NOWRA NSW 2541

By email: southcoast@parliament.nsw.gov.au

Dear Mrs Hancock

*Shelley,*

Thank you for your further representations on behalf of Shoalhaven City Council regarding the meeting held on 11 November 2021 to discuss excluding zoned employment lands from the *Biodiversity Conservation Act 2016*. I appreciate you bringing Council's concerns to my attention.

Following on from my recent correspondence of 13 April 2022, I can advise there are no provisions in the Act that allow the exclusion of zoned employment lands from the biodiversity assessment requirements.

However, I believe there is an opportunity for a whole-of-government approach to activate the employment lands within the precinct. This involves a broader strategic consideration of biodiversity in the South Nowra area at the same time as undertaking planning studies to inform the future employment activities, together with infrastructure and servicing requirements.

I understand there have been preliminary discussions between officers of the Department of Planning and Environment and Shoalhaven City Council about alternate strategic options to effectively deliver certainty for future development and conserve key biodiversity attributes in the South Nowra locality.

If Council has any further questions about this issue, Mr Michael Saxon, Director South East, Department of Planning and Environment can be contacted on 6229 7107 or at Michael.Saxon@environment.nsw.gov.au.

Thank you again for taking the time to bring this matter to my attention.

Yours sincerely

**James Griffin MP**  
Minister for Environment and Heritage

*3/8/22*



## CL22.462 Temporary Helicopter Landing Site - Part of West Street Oval - Shoalhaven Hospital Redevelopment Project

**HPERM Ref:** D22/365816

**Department:** Strategic Planning

**Approver:** Carey McIntyre, Director - City Futures

### Reason for Report

The reason for this report is to seek in principle Council support for a requested temporary use (3-4 year period) of part of West Street Oval for a Helicopter Landing Site (HLS) to assist the Shoalhaven Hospital Redevelopment Project.

The support sought is only in principle as a separate Development Application process is still required for the use. Any in principle support does not imply that consent will be granted through this process.

### Recommendation

That Council:

1. Support in principle, the requested temporary use of part of the West Street Oval for a Helicopter Landing Site (HLS) associated with the Shoalhaven Hospital Redevelopment Project, noting that a separate Development Application process is still required for the use and the outcome of this cannot be predetermined.
2. Request NSW Health Infrastructure to:
  - a. Fund any costs associated with the requested use, including the required temporary/permanent relocation of the existing cricket nets to a suitable site in dialogue with Council staff and the Nowra Cricket Club and/or their reinstatement if needed.
  - b. Continue to liaise on an ongoing basis with the sports clubs that use West Street Oval in regard to the realisation of the proposed HLS and its actual future operation.
  - c. Engage early with the adjacent and directly affected owners/residents regarding the proposed use so that any concerns can be given appropriate consideration.

### Options

1. As recommended.

Implications: This will enable the requested use that supports the realisation of the hospital redevelopment to proceed further, noting Councils requests and that a development application will still be required.

2. Not support the use of part of West Street Oval for a Helicopter Landing Site (HLS) to assist the Shoalhaven Hospital Redevelopment Project.

Implications: This would potentially impact on the timely delivery of the hospital redevelopment and other options would need to be considered. It could also have an impact on patient safety if the other options involve sites that are further away from the existing hospital than the preferred one.



3. Further option to be determined.

Implications: This would depend on the options recommended by Council and may require closer consideration.

### Background

Council considered a report in April 2022 that provided an update on the Shoalhaven Hospital Masterplan and related early actions/outcomes. It was noted in that report regarding the HLS issue that:

*The existing ground level hospital helipad is located in the northern part of Lot 104, adjacent to the existing hospital buildings (between current Pre-school and multi-level car park). This will be removed as part of the hospital redevelopment that will include a new roof top helipad on the main new building.*

*Given this, there will be a need to identify a temporary location that can be used as a helipad to support the continued operation of the hospital during the construction phase (possibly late 2022 through till approximately 2026).*

*Council staff have been involved in discussions with NSW Health Infrastructure (NSW HI) regarding suitable locations for a temporary helipad close to the hospital and this is currently focussing on the possible use of the West Street Oval area.*

*This aspect will be the subject of a separate report to Council shortly. It is also noted that the temporary (4-5 years) helipad will require a development approval.*

This report provides separate detail on the requested use of part of what is West Street Oval, Nowra that is required for the duration of the construction phase of the hospital redevelopment.

### Overview - Temporary Use Request – Part of West Street Oval, Nowra

The current HLS at the hospital receives approximately 7 helicopters per month. This figure has been reasonably consistent in recent years, however planning for approximately 10 helicopters per month would allow for an increase in future demand.

Prior to making this request, various options were reviewed by NSW Health Infrastructure (HI), with the assistance of an aviation consultant looking at patient safety (proximity to hospital is important), operational procedures and also suitability from a clinical and aerospace perspective. The sites/locations that were considered included:

- West Street Oval
- Artie Smith Oval
- Nowra Showground
- HMAS Albatross
- Hospital multi-level car park
- Council land adjacent to Stockland Nowra

From this review West Street Oval was identified as the preferred location for the temporary hospital HLS to best ensure patient safety as it is only 1.5 kms by road from the hospital. The other sites were deemed to be unsuitable due to conflicting use, distance or operational concerns.

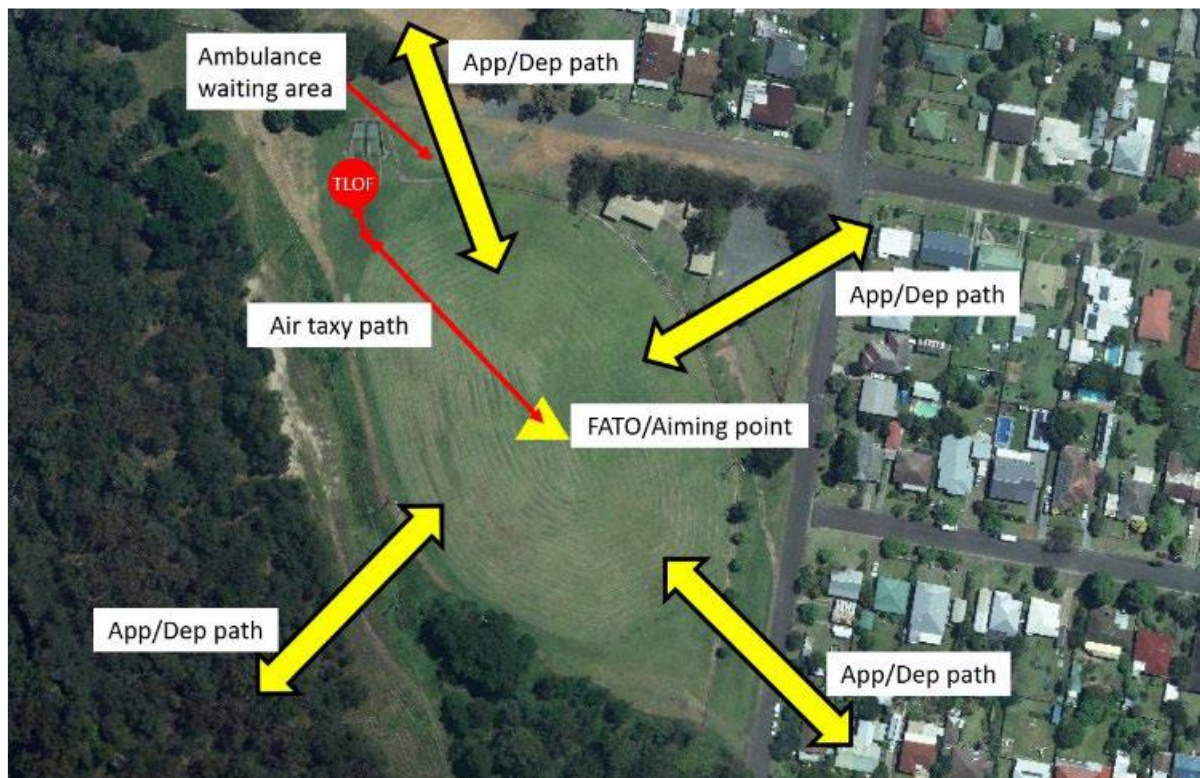
Council has now received a formal request from HI to temporarily use part of the West Street Oval complex as an HLS for the duration (3-4 years) of the hospital construction. It is anticipated that the main works at the hospital may commence in early 2023 and progress on the HLS is needed in advance of this.

The request confirms why the site is preferred, suggested operational procedures for use and the key risks, the proposed landing areas and associated works including:

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- Removal of current Cricket Nets
- Erection of Floodlight (and switch)
- Placement of 20ft shipping container (to house safety equipment)
- Installation of concrete slab to create Touchdown and Lift Off area (TLOF)
- Installation of concrete slab to create safe ambulance access to Helicopter
- Erection of safety signage
- Create gate in fencing
- Use of existing toilets

The following image from the request shows the: Final approach and take-off area (FATO)/aiming area, air taxi path, TLOF, ambulance waiting area and potential approach/departure paths.



CL22.462

HI has also provided a detailed development concept for the site, the intended operating procedure for the site and a protocol for potentially affected sporting clubs. The sporting club protocol will assist in the event that the oval is in use when a helicopter needs to land.

NSW Health has now formally requested 'in principle' support from Council for the use of part of West Street Oval as an HLS during the construction of the Shoalhaven Hospital Redevelopment, noting that a Development Application (DA) will still need to be submitted for consideration before any works or the use commence.

### **Council's Role in the Site**

The subject land is Crown Land and is part of the West Street Oval public recreation reserve (Lots 701 and 702 DP1024833).

Council assists with the management of the site and its use as a sporting venue that is predominantly used for AFL and also cricket training. The site contains an existing club house, amenities block, flood lights, cricket nets and associated infrastructure (car park etc).

Given Council's role in the site, City Lifestyles and City Services have been involved in the dialogue with HI. City Lifestyles (Shoalhaven Swim Sport Fitness) have also liaised with the

sports clubs that use the oval and it is understood that both clubs (Nowra-Albatross Vikings Australian Rules Football Club and the Nowra Cricket Club) have been consulted and are agreeable to the proposal put forward by HI. The following is an overview of the potential considerations in regard to the two sports:

AFL – in the event of a helicopter needing to land/take off when training or a game is taking place, HI have provided a suggested operating procedure and have had dialogue with the Club around it. This would essentially be, that when a helicopter is inbound, the field will be cleared of players until the helicopter is shut down behind the northern goalposts, after which play or training can resume. Once the helicopter starts up again to depart, the same procedure would apply – clear the field until the helicopter has departed. It has been suggested that the club is comfortable with that approach

Cricket - The use of the facility is limited to training/practice (the nets), with matches being played elsewhere in Nowra. Ideally the existing nets will need to be relocated, either temporarily or permanently, to a more suitable location, possibly within the Showground Precinct. This will need to occur to help facilitate the HLS and the cost of this relocation should be met by HI as a direct impact of their request and also as a broader community benefit outcome associated with the request and related impacts.

### **Conclusion and Next Steps**

Given that the proposed hospital redevelopment is proceeding, with work to commence in earnest in early 2023, there is a need to find a temporary HLS for a 3-4 year period. Considering the overriding community outcome of the need for patient safety, this facility needs to be as close to the existing hospital as practical. As such, Council staff have been working with HI on various reasonable options in this regard.

HI has now requested Council's 'in principle' support for the use of part of the West Street Oval for the temporary HLS. It is noted that when the new hospital is complete the site will cease to be used as the new permanent HLS will be on the roof of the new hospital building.

Some of the next steps that HI will need to follow include:

- Obtain landowners consent from the Crown Land Manager.
- Lodgement and consideration of a development application covering the site works and operation.
- Apply for a licence prior to any works commencing and use commencing.

The existing cricket nets will need to be relocated, either temporarily or permanently, and the costs associated with this should be met by the NSW Government. There will also need to be a continued dialogue involving the cricket club, Council and HI to facilitate the new nets and their location.

Should Council support the request, potential amenity impacts will need to be fully considered and addressed as part of the required development application process that will follow. HI should ensure that the broader community and adjoining landowners/residents are aware of what is being proposed and that any concerns around noise etc. are considered. The existing sporting clubs who use West Street Oval and could be impacted also need to be kept updated and engaged as this matter progresses.

However, given the overriding need to ensure patient safety and assist with the identification of a temporary HLS that is close to the hospital, it is recommended that Council provide its 'in principle' support for the use of the identified site.

### Community Engagement

There has been no formal community engagement as part of the consideration of this request. Impacted sporting clubs have however been consulted regarding this proposal with no negative feedback received.

It is noted that any development application that is subsequently submitted will be notified to adjacent owners etc and more broadly.

It is also recommended that HI engage as early as possible with the adjacent and directly affected owners/residents so that any concerns they have can be considered.

### Policy Implications

The subject land is zoned RE1 Public Recreation under Shoalhaven Local Environmental Plan 2014.

The requested temporary HLS is considered to be permissible with consent under the RE1 zoning as an *emergency services facility*, which is defined as ‘a building or place (**including a helipad**) used in connection with the provision of services by an emergency services organisation, including a police station and related training facilities’.

### Financial Implications

This request should be at no direct financial impact to Council. Any costs associated with it should be met by the NSW Government, including the recommended temporary or permanent relocation of the existing cricket nets.

### Risk Implications

There are both broad and specific risk considerations associated with the requested temporary HLS.

The broader public risk is associated with the HLS not being able to be located close to the existing hospital and the increased response times. The identified site is however close to the hospital and would minimise any risks in this regard.

The direct risk of placing the temporary HLS at the identified location is considered in the documents provided by HI.

CL22.462

## CL22.463 AATP Stage 5 - Taxiway and Drainage

**HPERM Ref:** D22/398979

**Department:** Technical Services

**Approver:** Carey McIntyre, Director - City Futures

### Reason for Report

This report is to inform Council of a forecast cost overrun on the Albatross Aviation Technology Park (AATP) Stage 5 project relating to changes to the extent of the works and poor drainage and ground conditions.

### Recommendation

That Council:

1. Note the forecast cost adjustment of \$487,594.91 to complete the works at the AATP Stage 5 project in accordance with the approved DA.
2. Endorse a decision to progress the project to completion in accordance with the approved DA.
3. Note that funds to cover the shortfall in available budget will be transferred from the Industrial Reserve.

### Options

1. Accept the Recommendation

Implications: The works will proceed in accordance with the approved DA, requiring additional budget to be made available from the Industrial Reserve.

2. Seek a Modification to the DA

Implications: The works would be completed as is, with the intention of completing the taxi way in a future stage. This option would rely on the DA modification being accepted. Not completing the taxi way may reduce the useability of some plots of land in the subdivision and hence their sale value or viability to be sold may be reduced.

### Background

Following a reallocation of responsibilities within City Futures there has been a change in the Project Management responsibilities for this project and subsequent transitioning of responsibilities and information. Following this transition, some elements of Council's previous approach have been reconsidered and in some instances a need to revise the approach has been identified.

#### 1. Taxiway

The Contractor commenced construction of the taxiway, however it was discovered that the ground conditions on site were not meeting the geotechnical requirements. Subsequently, the Contractor was required to undertake additional works and import more material to bring the ground conditions to an acceptable level of strength. This additional work resulted in additional cost to Council.

CL22.463

In addition, it was determined that previous modifications to the runway extent were not able to be supported as they were contrary to statutory approvals and funding arrangement.

This was confirmed when Council consulted with both the Development Engineer and Certifying Authority and determined that to meet our obligations of the consent conditions, the previously omitted section of taxi way must be constructed. Alternatively, a modification to the DA may be sought although, additional conditions may be added to ensure the land is left in an acceptable state until the taxi way is (or may be) constructed.

Investigations of the ground conditions of the remaining taxiway footprint have confirmed that the conditions are expected to be poor, consistent with the conditions encountered on the adjacent section of taxiway, and that additional work over and above the original design will be required to construct the taxi way to conform to the geotechnical requirements. The estimated cost to complete the taxiway component is an additional \$380,458.10 (excl. GST).

Figure 1 below displays the taxiway highlighted in red and blue. The section in Red has been constructed, while the section in blue is the part which was removed. As evident by the plan, the lots to the right of the blue section would not have access to the taxiway unless it is constructed. Note that the lots to the left of the taxiway are part of the future Stage 6.

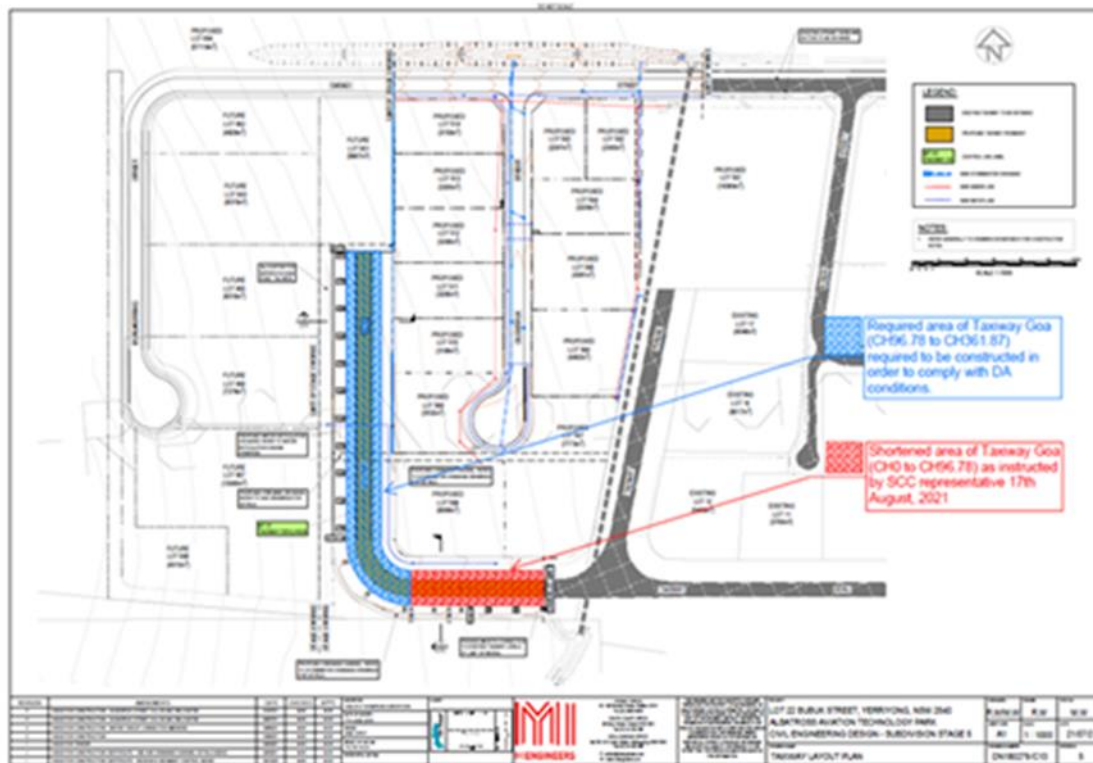


Figure 1 - Taxiway Layout

## 2. Overland Water and Drainage

During periods of heavy rainfall experienced in the first half of the year, it was found that a significant amount of water entered into the current Stage 5 works of the subdivision from the west (future Stage 6). It has become apparent that the design did not allow for an interim staging of works to capture this runoff.

As such, there is a need to provide an interim stormwater management strategy that will not compromise the completed works in Stage 5 and adequately capture and drain the overland flows from the west until Stage 6 is developed.

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The Civil Contractor has provided Council with a strategy to improve the current overland drainage in this interim stage, identified as the red/yellow swale and channel to the perimeter of the site in figure 2 below.

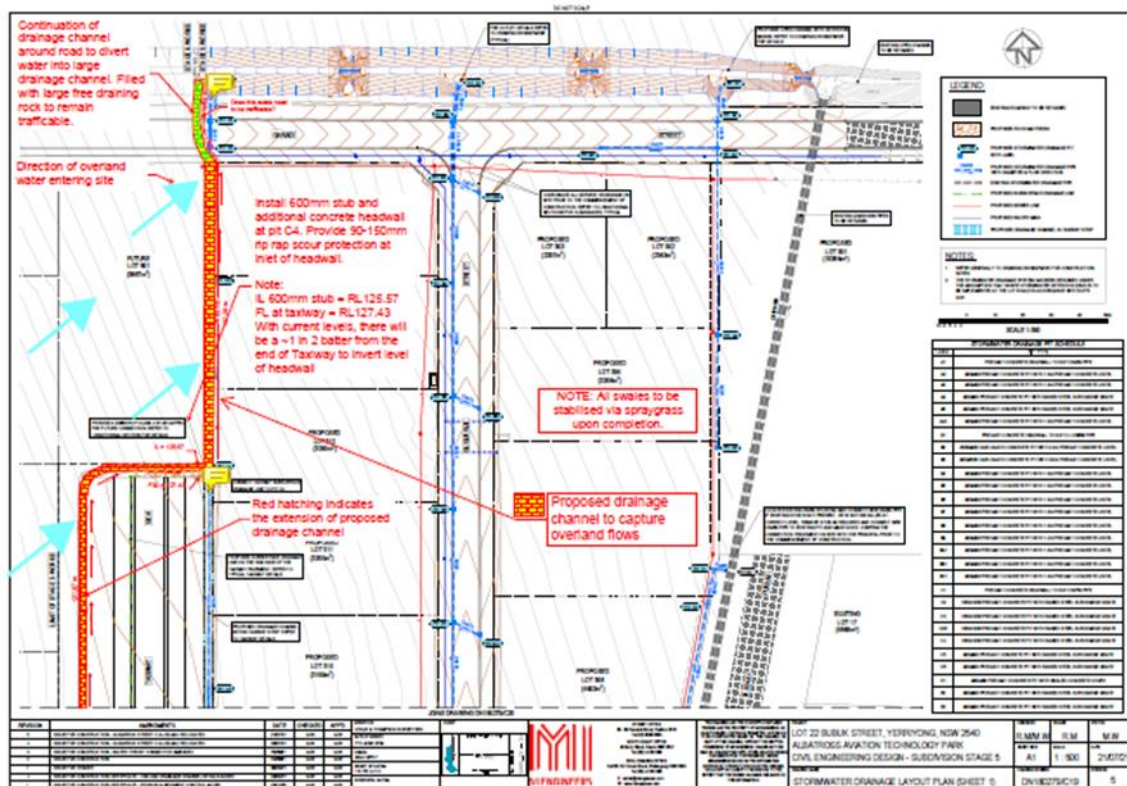


Figure 2 - Surface Water Mitigation Strategy

The cost of these works has been estimated at \$46,970 (excl. GST) for the Civil Contractors Works and a further \$15,840 (excl. GST) for the design work of Council's consultant engineer.

## Community Engagement

No community consultation has been undertaken.

## Financial Implications

The total forecast additional cost if all works proceeds is \$487,594.91 (excl. GST) as broken down below (all figures are excl GST):

1. \$380,458.10 – Construction of Taxi way component
2. \$46,970.00 – Construction of drainage works
3. \$15,840.00 – Design of drainage works
4. \$44,326.81 – 10% contingency of the above

This project is fully funded by Council's Industrial Land Reserve Fund meaning no impact on the General Fund Budget.

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**Risk Implications****Taxiway**

Should Council adopt to not proceed with the full length of taxiway as per the approved DA, Council may be exposed to additional risk being:

1. Delay of completion of the works
2. Delay finalising the subdivision and subsequent sale of land
3. Additional cost in redesign and construction
4. Reduced value of the available lots not having access to a taxiway

**Overland Water**

Failure to adequately manage water on site exposes Council to a subdivision with inadequate drainage for adjacent surface run off. Not providing land that is adequately drained may result in a reducing the interest in the land from prospective buyers.



## CL22.464 Public Policy for Review - Rescind - Renewable Energy Installations on Council Assets

**HPERM Ref:** D22/333367

**Department:** Technical Services

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

**Attachments:** 1. Renewable Energy Installations on Council Assets [↓](#)

### Reason for Report

The purpose of this report is to present the Renewable Energy Installations on Council Assets Policy (POL15/28) to be rescinded.

It is noted that all Public Policies are to be submitted to Council within 12 months of the election of Council for consideration.

### Recommendation

That Council:

1. Note that the new Sustainability and Climate Change Policy encompasses the content and objectives of the Renewable Energy Installations on Council Assets Policy (POL15/28).
2. Note that Council has adopted a mechanism to ensure the strategic and proactive installation of renewable energy on Council assets through the Renewable Energy Fund.
3. Rescind the Renewable Energy Installations on Council Assets Policy (POL15/28) once the Sustainability and Climate Change Policy is adopted.

### Options

1. As recommended.

Implications: This option will see the Sustainability and Climate Change Policy replace and rescind the Renewable Energy Installations on Council Assets Policy (POL15/28).

2. That Council do not rescind the Renewable Energy Installations on Council Assets Policy (POL15/28).

Implications: If the Policy is not rescinded, this will result in duplication and unnecessary administrative burden in maintaining two policies which address the same content and intent.

### Background

The Renewable Energy Installations on Council Assets Policy (POL15/28) was first endorsed on 19 April 2011 with the purpose 'to ensure the consistent implementation of a strategic and proactive program for generation of renewable energy on Council assets.' It was subsequently amended in 2013 and 2017.

The intent and objectives of this Policy have now been incorporated into Council's Sustainability and Climate Change Policy. Council has also adopted a mechanism to ensure

the strategic and proactive installation of renewable energy on Council assets through the Renewable Energy Fund.

Given these developments, maintaining a separate Policy for Renewable Energy Installations on Council Assets (POL15/28) is no longer required.

### **Community Engagement**

No community engagement is required. The community will have opportunity to provide comment on the Sustainability and Climate Change Policy when this is placed on public exhibition.

### **Policy Implications**

The objectives and commitments of the Renewable Energy Installations on Council Assets Policy (POL15/28) have been addressed and superceded by Council's Sustainability and Climate Change Policy.

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For more information contact the Assets and Works Group

## Renewable Energy Installations on Council Assets

**Policy Number:** POL15/28 • **Adopted:** 19/04/2011 • **Amended:** 30/07/2013, 18/07/2017 • **Minute Number:** MIN11.417, MIN13.743, MIN17.624 • **File:** 40082E • **Produced By:** Assets and Works Group • **Review Date:** 1/12/2020

### 1. PURPOSE

To ensure the consistent implementation of a strategic and proactive program for generation of renewable energy on Council assets that supports the Principles and Objectives of the Community Strategic Plan.

### 2. STATEMENT

The Community Strategic Plan identifies “Council’s water and energy consumption” as as one of the measures to gauge. This Policy actively supports the following strategies:

- 2.3.1 *Develop solar, wind and other renewable energy sources for Council*
- 2.2.1 *Plan and implement corporate carbon emissions management strategy*

The renewable energy installations must achieve for Council

- 1. active promotion of renewable energy to the community
- 2. long term operational savings,
- 3. reduce operating costs
- 4. have a payback period – cost effective capital investment

Council will:

- prioritise its capital investment in renewable energy solutions, giving high priority to its high energy-use and more publically visible assets, and
- Continuously investigate the feasibility of setting up a larger scale centralised offsetting facility, only if whole of life costs are reduced.

The strategic basis of this policy reflects Council’s responsibilities to:

- embrace renewable energy to protect Council and its community against future increases in the cost of energy provision,
- demonstrate leadership to the community through the use of renewable energy solutions,
- respond to the effects of a low carbon economy,
- Recognise the ‘whole of life cost’ of assets.

## Shoalhaven City Council - Renewable Energy Installations on Council Assets

This Policy will complement the Energy Savings Action Plan, an important tool that guides Council's avoidance and reduction of energy use, which also identifies high energy use assets where offsetting will be beneficial in the long term and links with Council's sustainability action plan – Section 5 Energy.

### 3. PROVISIONS

#### 3.1 What is classified as renewable energy?

Energy can come from either renewable or non-renewable sources.

1. Renewable energy sources such as solar, wind and hydro-power are naturally replenished and produce very few greenhouse gas emissions when operating.
2. Non-renewable energy comes from diminishing stocks of fossil fuels and can produce large amounts of greenhouse gases.

Most electricity currently comes from coal fired power stations that release high levels of CO<sub>2</sub> and other pollutants into the environment. Losses in the transmission system from the power station to the asset also create inefficiency in the current system.

**Sustainable energy** is broadly the provision of energy that meets the needs of the present without compromising the ability of future generations to meet their needs.

Sustainable energy includes all renewable forms of energy derived from natural energetic processes that can be harnessed with little pollution, such as:

- Anaerobic digestion,
- Biomass power,
- Geothermal power,
- Hydropower,
- Incineration of waste,
- Solar energy,
- Tidal power,
- Wave power or,
- Wind power

Renewable energy systems usually operate at low cost *but may have a large capital outlay to implement and install*. The cost per kWh for the system life includes the installation and operating costs and remains unaffected by future energy price rises.

The design and installation of these systems is a complex task requiring specialist knowledge. The [Clean Energy Council](#) has a register of accredited designers and installers who can ensure systems comply with the appropriate Australian Standards.

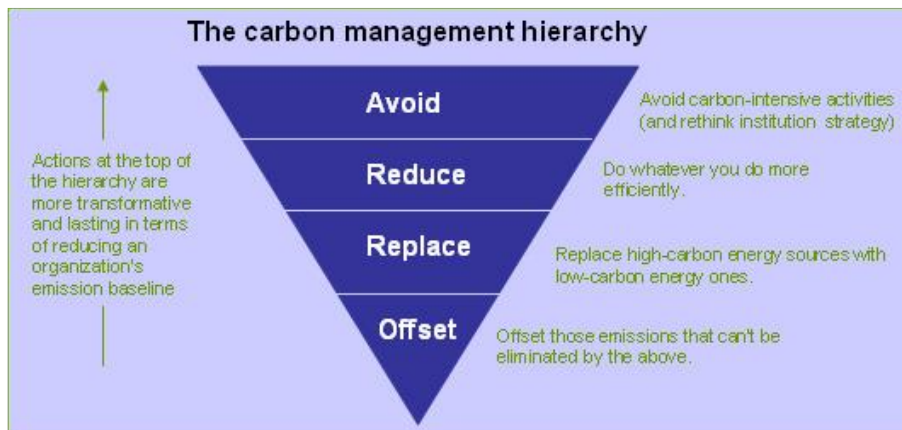
##### 3.1.1 Funding opportunities

Government rebates, investor or community funding may be an option to offset the initial cost of installing renewable energy power systems on public facilities.

*Shoalhaven City Council - Renewable Energy Installations on Council Assets*

### 3.2 Carbon Management Hierarchy

Effective carbon management will ensure that Council is in a robust position in the future to cope with and adjust to rises in energy supply costs, guided by the framework of the Carbon Management Hierarchy (below).



Source: [www.yale.edu/sustainability/images/carboman.jpg](http://www.yale.edu/sustainability/images/carboman.jpg)

Actions at the top of the hierarchy are usually more cost effective to implement and have more transformative implications than offsetting. It is important that offsetting energy use is not seen as a 'fix all'. It is critical that Council continues to find innovative ways to avoid reduce and replace its use of energy.

The first three areas of the hierarchy (avoid, reduce and replace) will be achieved through ongoing strategies and actions. Existing plans such as the [Energy Savings Action Plan](#) and [Sustainability Action Plan](#), as well as the Sustainable Futures Committee support and inform continuous review and implementation of initiatives across Council's operations.

This Policy addresses Council's strategic approach to the 'Replacement' layer of the Carbon Management Hierarchy, with the objective of generating more of Council's energy needs from lower-carbon sources.

### 3.3 Priority Sites and Assets

The following table gives an indication of the type of assets that would be considered as priority sites. This list is not comprehensive. Installations on 'high priority' facilities would fulfil Councils wish to provide visible leadership on renewable energy.

Shoalhaven City Council - Renewable Energy Installations on Council Assets

		Level of Energy Use per annum			
		High (500GJ)	Medium-High	Medium	Low
Importance to Council's strategic plans	High	Leisure centres Administration buildings Entertainment centre Holiday Haven Parks Crematorium			
	Medium	Work Depots (e.g. Bomaderry, Ulladulla) Ulladulla Civic Centre Waste depots (Nowra, Ulladulla) Shoal water assets	Depots Commercial facilities Nowra Library	Community centres Early childhood centres	Smaller public facilities Emergency services Surf Life saving and sporting facilities Public halls
	Low				Village pools

**3.4 Factors to consider when investigating installation of a renewable energy solution on a Council asset**

1. Is the asset a high energy user?
2. Has there been an effort by occupants to reduce the consumption of energy?
3. Have all viable options been implemented to reduce consumption of energy?
4. Is the building used by the public?
5. Is it a highly visible facility?
6. Will the service from the asset be affected by rising energy prices?
7. Does the Asset Management agree renewable energy is a priority?
8. Is there an opportunity for community education to be coupled with an installation?
9. Has an initial analysis/ investigation been undertaken to see what type of renewable solution would best fit the asset? E.g. wind monitoring, is roof north facing , shading such as trees

*Shoalhaven City Council - Renewable Energy Installations on Council Assets*

10. Have you considered life expectancy of current components? E.g. roof life expectancy versus life expectancy of a solar or PV system installed on a roof.
11. Has pay-back period been calculated? Whole of life requires initial capital cost / replacement cost, ongoing operating cost, life expectancy of asset and its components. Calculation to consider current operating costs versus future costs.
12. Have you checked for Government Grants, community funding or investor funding to offset the cost to Council?

**4. IMPLEMENTATION**

Once the priority of an asset has been determined from its importance and energy use and factors considered when determining a renewable energy solution for a council asset, then a funding source for *whole of life costs* must be identified and approved.

**5. REVIEW**

This policy statement will be reviewed:

- within 12 months of the date of the election of a new Council or
- every four years or
- as directed by Council or
- a change occurs in legislation

The Director of Assets and Works shall be responsible for review of this policy

**6. APPLICATION OF ESD PRINCIPLES**

This Policy supports Council's commitment to ESD principles through:

- a) Education awareness to reduce footprint
- b) Encouraging the avoidance and reduction of energy use; and
- c) Demonstrating leadership to the community in the area of reducing emissions.
- d) Encouraging the installation of renewable energy assets;

## CL22.465 Public policy for review - rescind - Sustainable Energy Policy

**HPERM Ref:** D22/333510

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

**Attachments:** 1. Sustainable Energy Policy [↓](#)

### Reason for Report

The purpose of this report is to present the Sustainable Energy Policy (POL20/71) to be rescinded, as this Policy will be superceded by Council's Sustainability and Climate Change Policy.

It is noted that all Public Policies are to be submitted to Council within 12 months of the election of Council for consideration.

### Recommendation

That Council:

1. Note that the new Sustainability and Climate Change Policy encompasses the content, targets, and objectives of the Sustainable Energy Policy (POL20/71).
2. Note that Council has adopted a mechanism to ensure the strategic and proactive installation of renewable energy on Council assets through the Renewable Energy Fund as outlined in its Sustainable Energy Strategy (2020 – 2025). The Sustainable Energy Strategy remains current and relevant, and will be complemented by the Sustainability and Climate Change Action Plan.
3. Rescind the Sustainable Energy Policy (POL20/71) once the Sustainability and Climate Change Policy is adopted.

### Options

1. As recommended.

Implications: This option will see the Sustainability and Climate Change Policy replace and rescind the Sustainable Energy Policy (POL20/71).

2. That Council do not rescind the Sustainable Energy Policy (POL20/71).

Implications: If the Policy is not rescinded, this will result in duplication and unnecessary administrative burden in maintaining two policies which address the same content and intent.

### Background

The Sustainable Energy Policy (POL20/71) was adopted on 28 May 2019 with the purpose 'to ensure access to affordable, reliable, sustainable and modern energy (consistent with the United Nation's Sustainable Development Goals), for both its operations and that of the wider Shoalhaven community.'

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The development of Council's new Sustainability and Climate Change Policy presented an opportunity to streamline Council policies relating to sustainability into one overarching Policy. The intent, targets and objectives of POL20/71 have therefore been incorporated into this new Policy.

Given these developments, maintaining a separate Policy for Sustainable Energy is no longer required.

### **Community Engagement**

No community engagement is required. The community will have opportunity to provide comment on the Sustainability and Climate Change Policy when this is placed on public exhibition.

### **Policy Implications**

The targets, objectives and commitments of the Sustainable Energy Policy (POL20/71) have been addressed and superceded by Council's Sustainability and Climate Change Policy.

Council's Sustainable Energy Strategy (2020 – 2025) remains current and relevant, and this Strategy will remain in place and be referenced and complemented by the Sustainability and Climate Change Action Plan.

CL22.465



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For more information contact the Shoalhaven Water

## Sustainable Energy Policy

**Policy Number:** POL20/71 • **Adopted:** 28/05/2019 • **Amended:** 6/10/2020; 24/11/2020 • **Minute Number:** MIN19.354, MIN20.711, MIN20.842 • **File:** 56964E • **Produced By:** Shoalhaven Water • **Review Date:** 1/12/2021

### 1. PURPOSE

Shoalhaven City Council ('Council') aims to ensure access to affordable, reliable, sustainable and modern energy (consistent with the United Nation's Sustainable Development Goals), for both its operations and that of the wider Shoalhaven community. The increased use of renewable energy and improved energy efficiency is crucial to creating more sustainable communities, employment opportunities and resilience to climate change.

### 2. STATEMENT

Shoalhaven City Council is committed to operating sustainable assets, facilities and fleet vehicles across the Shoalhaven Local Government Area. The operation of these facilities and fleet transport can consume large amounts of energy at a high cost and generate harmful greenhouse gas emissions. Council will actively work towards reducing fossil-fuelled energy consumption for assets and transport under its control to reduce greenhouse gas emissions and climate change impacts. At all times, Council will seek the most effective and economic means to achieve its emission reduction targets from all sources, including investing in renewable energy generation projects to ensure clean energy for the future. This extends to Council encouraging the Shoalhaven community's transition away from fossil fuels to more renewable energy generation and battery storage for households, businesses and industry.

It was resolved at Council's Ordinary meeting on 24 November 2020, that Council acknowledge the efforts of the international Community in coming together to attempt to mitigate the rate of global warming and its impact on world climate; and continues to actively support its proactive policy of exploring all practical means of reducing its carbon footprint as a local endeavour to help mitigate the impacts on climate of global warming.

### 3. PROVISIONS

#### 3.1. Vision

Shoalhaven City Council's vision is to operate its energy consuming assets and fleet transport in a sustainable manner with minimal effect on the natural environment. This will then serve as a model of best practice for the wider Shoalhaven community to reduce energy bills, minimise greenhouse gas emissions and increase uptake of renewable energy.

*Shoalhaven City Council – Sustainable Energy Policy***3.2. Objectives and Targets**

**To achieve this Vision, and in partnership with stakeholders and the community, Shoalhaven City Council will:**

- Aim to achieve net-zero greenhouse gas emissions by 2050 (consistent with the United Nations Paris Agreement ratified by the Commonwealth Government and the NSW Government's agreed targets). Interim targets to reduce emissions are 25% by 2025 and 50% by 2030, compared to 2015 levels.
- Continually improve management practices to strive towards improved energy efficiency across the organisation.
- Seek opportunities to source or generate electricity supply for Council's operations from renewable energy sources, with an interim target of 25% renewables by 2023 and eventually 50% from renewable sources by 2030.
- Promote relevant initiatives to the community and businesses to increase the uptake of installed rooftop solar panels across the Shoalhaven LGA towards a target of 33% of dwellings by 2025.
- Upgrade all street lighting to energy saving LEDs by 2025.

**4. IMPLEMENTATION**

Shoalhaven City Council will support this Policy by:

- Preparing and implementing a Sustainable Energy Strategy by January 2020 to identify priority actions for improved energy efficiency (including electricity and gas), sustainable fleet transport (including transitioning towards electric vehicles), corporate and community greenhouse gas emissions reduction, renewable energy generation and battery storage.
- Resourcing its implementation by means of sufficient annual budget allocations for the procurement of sustainable energy, energy efficiency and fleet transport initiatives.
- Establishing an internal Revolving Energy Fund (REFund) as a mechanism to generate funds from energy efficiency project savings to support future energy and renewable energy initiatives.
- Measuring, monitoring, benchmarking and reporting on energy consumption to identify issues, tracking towards agreed targets and informing this Policy and the Sustainable Energy Strategy.
- Preserving solar access rights across the Shoalhaven LGA on both public and private land to protect solar systems from adverse overshadowing.

**5. REVIEW**

The Sustainable Energy Policy and associated Sustainable Energy Strategy will be reviewed every 4 years and particularly where new legislation, guidelines and/or management information dictates.

*Shoalhaven City Council – Sustainable Energy Policy***6. APPLICATION OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT PRINCIPLES**

This Policy will play a key role in the application of ecologically sustainable development (ESD) principles as it aims to reduce reliance on fossil-fuelled grid power, increase renewable energy generation and reduce greenhouse gas emissions.

Specifically, this Policy supports the following ESD principles:

- The precautionary principle – where there is the threat of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
- Intergenerational equity – the current generation should make sure that the health, diversity and productivity of the environment continues for the benefit of future generations.
- Conservation of biological diversity and ecological integrity – conserving the diversity of flora and fauna and the health and sustainability of ecosystems.

## CL22.466 New Public Policy for Review - Sustainability and Climate Policy

**HPERM Ref:** D22/332548

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

**Attachments:** 1. Draft Sustainability and Climate Policy [↓](#)

### Reason for Report

The purpose of this report is to present the Draft Sustainability and Climate Policy to Council to be endorsed for public exhibition.

### Recommendation

That Council:

1. Endorse the Sustainability and Climate Policy for public exhibition.
2. Note that following this period of public exhibition, a summary of community feedback and recommendations will be reported to Council along with the final draft Policy.
3. Note that following adoption of the Policy, a Sustainability and Climate Action Plan will be prepared to implement the objectives and targets of this Policy.
4. Note that the objectives and targets of this Policy overlap with Council's current Sustainable Energy Policy (POL20/71) and Renewable Energy Installations on Council Assets Policy (POL15/28). It is therefore recommended that these Policies be rescinded following the adoption of the Sustainability and Climate Policy.

### Options

1. As recommended.

Implications: This option will see the Sustainability and Climate Policy be released for public exhibition and community consultation for one month. Once this period is complete, a summary of feedback and any recommended changes to the Policy will be presented to Council.

2. That Council request further changes to the Policy before endorsing the policy to be released for public exhibition.

Implications: This will depend on the extent of any changes/approaches. Further changes will delay the finalisation of the Policy and the subsequent development of the Sustainability and Climate Action Plan.

### Background

On 3 February 2019 council participated in a 'Sustainability Diagnostic' workshop with 19 staff representatives from across council including members of the Executive Management Team. A report summarising the findings of the workshop included a number of recommendations. These included that Council:

- Develop a definition of sustainability for the organisation

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- Set meaningful sustainability objectives and targets to improve
- Establish a sustainability policy and action plan

This report was presented to Council who accepted the recommendations and resolved to:

1. Adopt the recommendations outlined in the Sustainability Workshop report
2. Endorse the development of a Sustainability Policy for Council
3. Endorse the development of a Sustainability Action Plan for Council
4. Authorise the General Manager/Director to establish a reference group consisting of interested Councillors and appropriate staff to advance 1, 2 and 3 above, and that at least quarterly progress reports are provided to Council.

In line with this resolution, a draft Policy has been developed with input received from key staff and Councillors through workshops and meetings conducted between June and August 2022.

## **Community Engagement**

### Internal engagement

This Draft Policy has been developed following internal consultation with staff representing key areas of council, including Planning, Procurement, Technical Services, Waste Management and Environmental Services.

A Policy workshop was conducted with Councillors on 29 August 2022 to receive input and feedback on the Policy purpose, objectives, and definitions, and feedback from this workshop informed an update of the Draft Policy. The updated Draft Policy was then circulated to Councillors for further feedback from 2-14 September, with no additional changes requested.

### External engagement

The Draft Policy will be placed on Council's Get Involved page for public exhibition for a period of one month to enable feedback and input from the community. Following this period of community engagement, the results and recommendations of this engagement process and the community feedback received will be reported to Council along with the final draft Policy for endorsement.

## **Policy Implications**

The subject matter of this Policy overlaps with Council's current Sustainable Energy Policy (POL20/71) and Renewable Energy Installations on Council Assets Policy (POL18/52). The Draft Sustainability and Climate Policy has been developed to incorporate the objectives and targets of these existing Policies and it is therefore recommended that these Policies be rescinded following the adoption of this Sustainability and Climate Policy.

## **Financial Implications**

This Policy has no direct financial implications, however the development of the responding Sustainability and Climate Action Plan will involve budgeting and financial considerations.

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## Draft Sustainability and Climate Policy

<b>Adoption Date:</b>	[Click here to enter date]
<b>Amendment Date:</b>	
<b>Minute Number:</b>	[Click here to enter Minute number]
<b>Review Date:</b>	
<b>Directorate:</b>	City Services
<b>Record Number:</b>	POL22/177

## Sustainability and Climate Change Policy

### 1. Purpose

This policy articulates Shoalhaven City Council's position and commitment to address climate change and integrate the principles of sustainability and Ecologically Sustainable Development across Council operations and throughout the wider Shoalhaven community. Looking beyond the goals of sustaining our current environment and quality of life, Council will work to continually improve outcomes for our community and environment, to achieve a better, healthier, and more equitable future for the Shoalhaven.

Sustainability is defined by the United Nations as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. It is the process of ensuring the wise use and management of all resources within a framework which balances the best outcomes for the community, the environment, and the economy, both now and in the future. The decisions and activities of Shoalhaven City Council ('Council') have implications on the local and regional environment, and the ecological systems that current and future generations value and depend upon. While 'sustainability' seeks to maintain the current health and function of our environment to ensure no net loss for future generations, we must look beyond this goal and seek to restore and improve outcomes for our community, environment, and economy. The purpose of this Policy is to outline Council's commitment to protect and nurture our natural environment, address climate change, and enhance the quality of life for current and future generations.

Under the NSW Local Government Act 1993, Council has an obligation to properly manage, develop, protect, restore, enhance, and conserve the environment of the area for which it is responsible in a manner which is consistent with the principles of Ecologically Sustainable Development. This Policy identifies goals and targets for Council to embed the principles of Ecologically Sustainable Development across our organisation and operations, reduce environmental impacts, and support the ongoing health and sustainability of our region.

These goals are consistent with the community's vision for 'Sustainable liveable environments', as outlined in the Shoalhaven 2032 Community Strategic Plan. The Policy also supports the Local Government NSW Environmental Policy Position Statements (2020), the delivery of the United Nations Sustainable Development 2030 Goals, and the strategic vision and direction of the Illawarra Shoalhaven Regional Plan 2041 (2021).

#### 1.1. Definitions

##### Climate change

Climate change means long-term shifts in local, regional, and global temperature and weather patterns, mainly caused by human activities, particularly the burning of fossil fuels.

##### Ecologically Sustainable Development (ESD)

Ecologically Sustainable Development requires the effective integration of economic, environmental, social and equity considerations in decision-making processes. Ecologically Sustainable Development aims to use, conserve, and enhance the community's resources so that the ecological processes on which life depends are maintained, and the total quality of life, now and in the future, can be increased.

The key principles of Ecologically Sustainable Development, as stated in the Local Government Act 1993, include:

- Intergenerational equity
- Social equity, wellbeing and inclusion
- Conservation of biological diversity and ecological integrity



## Sustainability and Climate Change Policy

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- Improved valuation, pricing and incentive mechanisms
- The precautionary principle

### Natural environment

Encompasses all living and non-living things occurring naturally on Earth.

### Net-zero emissions

An overall balance between greenhouse gas emissions produced and greenhouse gas emissions taken out of the atmosphere.

### Sustainability

Sustainability is defined by the United Nations as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. It is the process of ensuring the wise use and management of all resources within a framework which balances community liveability, environmental sustainability, and economic prosperity over time.

The goal of sustainability is to enhance the wellbeing of society whilst minimising our impact on the environment, so that we can protect the ecological processes on which life depends and ensure a healthy environment and quality of life for current and future generations. The quadruple bottom line of sustainability includes consideration of environmental, cultural, social, and economic elements, through a framework of robust governance.

### **1.2. Scope**

This policy applies to all staff or persons conducting or undertaking business on behalf of Council. This includes Councillors, Council staff, contractors and others that act on Council's behalf to ensure they work in accordance with the policy principles.

## **2. Statement**

Council is committed to embedding the principles of sustainability and Ecologically Sustainable Development in its day-to-day operations and decision-making processes. We will work to continually improve our environmental performance as an organisation, enhance the ecological health of the Shoalhaven, mitigate and respond to climate challenges, and empower positive environmental action in our community.

It was resolved at Council's Ordinary meeting on 24 November 2020, that Council acknowledge the efforts of the international Community in coming together to attempt to mitigate the rate of global warming and its impact on world climate; and continue to actively support its proactive policy of exploring all practical means of reducing its carbon footprint as a local endeavour to help mitigate the impacts of global warming.

## **3. Provisions**

### **3.1. Vision**

The Shoalhaven will be a thriving and sustainable region which celebrates and protects our unique natural environment and strives to continuously improve outcomes for current and future generations. Council will work to reduce emissions and transition to sustainable energy and transport, minimise waste, use resources wisely, and support our community to adopt sustainable living practices and prepare for a changing climate.

Creating a sustainable Shoalhaven means:

## Sustainability and Climate Change Policy

- Reducing greenhouse gas emissions and responding to climate change challenges
- Living in balance with our natural environment to protect and support our ecosystems
- Ensuring our assets, towns and villages are future-ready, environmentally sustainable, and climate resilient
- Using materials wisely and avoiding waste to protect natural resources
- Supporting our community to adopt positive sustainable living practices and prepare for a changing climate, and
- Innovating and collaborating to achieve better outcomes for our community and environment.

### 3.2. Objectives and Targets

To achieve this vision, and in partnership with stakeholders and the community, Shoalhaven City Council will:

- Integrate the principles of sustainability and Ecologically Sustainable Development into planning, asset management and decision-making processes across the organisation
- Mitigate and build resilience to climate change by reducing Council greenhouse gas emissions, seeking opportunities for carbon abatement, and adapting to climate change impacts
- Achieve net-zero greenhouse gas emissions across Council operations by 2035, with an interim target to reduce emissions by 50% by 2028 compared to 2015 levels
- Implement Council's Sustainable Energy Strategy to generate renewable energy on Council assets, transition Council plant and equipment away from fossil fuels, and continually improve energy efficiency across the organisation
- Support the circular economy and adopt the principles of the waste hierarchy to prioritise avoiding and minimising waste
- Embed sustainability into Council procurement processes to encourage sustainable, low-carbon and high recycled content procurement
- Support the principles of a water sensitive city by increasing the use of recycled water, managing potable water use, improving the quality of waterways, and reducing local flood risk
- Increase the provision of low-emissions vehicles for Council's fleet and support active and low-emissions transport options for our community
- Encourage environmentally sustainable, equitable, and climate resilient land-use planning and development across the Shoalhaven region
- Recognise and support the rich cultural heritage and Aboriginal history of the Shoalhaven region and the practice of caring for country
- Improve the ecological and environmental values of the Shoalhaven through a stronger emphasis on biodiversity conservation and natural area management
- Prevent pollution and protect the health and safety of our air, water, and natural resources
- Prioritise sustainable and low-carbon building materials across Council buildings, infrastructure, and other assets
- Support our community to adopt sustainable living practices, engage with the natural environment, and contribute to the ongoing sustainability and health of the Shoalhaven region
- Advocate to State and Federal Government for greater action and support to reduce emissions, meet renewable energy targets, and respond to climate change challenges.

## 4. Implementation

Shoalhaven City Council will support this Policy by:

- Preparing and implementing a Sustainability and Climate Action Plan to identify priority actions and meet the objectives outlined in this Policy.
- Implementing Council's Sustainable Energy Strategy targeting a reduction in energy consumption and greenhouse gas emissions.
- Maintaining the Revolving Energy Fund to fund high priority energy efficiency and renewable energy projects across Council assets.

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#### Sustainability and Climate Change Policy

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- Delivering and regularly renewing Council's Climate Adaptation Plan to identify and prepare for climate change risks.
- Resourcing initiatives identified in the Sustainability and Climate Action Plan and Climate Adaptation Plan by means of sufficient annual budget allocations.
- Measuring, monitoring, and reporting on carbon emissions and energy consumption to identify issues and work toward agreed targets of this Policy and related Sustainability and Climate Action Plan.
- Working in partnership with government, organisations, and the community to promote the ecological, social, and economic health of the Shoalhaven and broader region.
- Providing opportunities and training for staff to improve their understanding of sustainable practices and to adopt these in their day-to-day work.
- Measuring, monitoring, and reporting on progress achieved through the delivery of this Policy and the Sustainability and Climate Action Plan.
- Preserving solar access rights across the Shoalhaven local government area on both public and private land to protect the efficiency of existing and future solar systems.

#### 5. Review

This Policy will be reviewed within 12 months of the election of a new council, and particularly where new legislation, guidelines and/or management information dictates. Council will monitor progress toward achieving its Policy target of net-zero greenhouse gas emissions through annual reports and will continue to review and revise this target as required in line with the latest available data, scientific advice, and best practice recommendations.

## CL22.467 Tenders - Replacement of Two Timber Bridges with Concrete Structures

**HPERM Ref:** D22/367919

**Department:** Works & Services

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

### Reason for Report

To inform Council of the tender process for the replacement of two timber bridges with concrete structures as part of the Fixing Country Bridges Program - Round 1.

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 makes a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

### Details

#### ***Project Description***

Council was successful in obtaining a grant of \$2.98M to match Council's contribution of \$1.45M for the replacement of six (6) timber bridges with concrete bridges, as part of the Fixing Country Bridges Round 1 Program (D21/96296).

On 14<sup>th</sup> March 2022, (D22/43088) Council resolved to accept tenders for four bridges:

- "Tannery Bridge" – along Tannery Rd, over Good Dogs Creek – Cambewarra
- "Henry's Bridge" – along Main Rd, over Tapitallee Creek tributary – Cambewarra
- "Petty's Bridge" – along Croobyar Rd, over Croobyar Creek tributary – Croobyar
- "Koloona Bridge" – along Koloona Dr, over Bangalee Creek – Bangalee

The construction of three of three of these bridges is nearing completion and the construction of the fourth bridge (Koloona Drive) has recently commenced.

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This report relates to the tender to construct the remaining two bridges, partly funded by TfNSW in Round 1 of the Fixing Country Bridges Program.

- “Yarramunmun Creek Bridge” - along Yalwal Rd, over Yarramunmun Ck, Yalwal; and
- “Chisholm’s Creek Bridge” - along Bundewallah Rd, over Chisholm Ck, Bundewallah

These two bridges form Phase 2 of Council’s current bridge replacement program under Stage 1 of the Fixing Country Bridge Program.

### **Tendering**

Council called tenders to replace two timber bridges with concrete structures using InQuik prefabricated formwork and steel reinforcement bridge components supplied by Council as part of the Fixing Country Program - Round 1 on 2 June 2022 which closed at 10:00 am on 23 June 2022.

Three tenders were received for the Yarramunmun Ck bridge, and two tenders were received for the Chisholm’s Ck bridge at the time of closing as summarised in the tables below.

#### *Yarramunmun Creek Bridge*

<b>Tenderer</b>	<b>Location</b>
Jirgens Civil P/L	South Nowra
HD Civil P/L	Moruya
Nace Civil P/L	Prestons

#### *Chisholm’s Creek Bridge*

<b>Tenderer</b>	<b>Location</b>
HD Civil P/L	Moruya
Nace Civil P/L	Prestons

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

### **Policy Implications**

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

### **Financial Implications:**

A total project budget of \$2,535,888 is required to fully fund both bridge projects. A total of \$1,030,000 has been allocated by TfNSW from the Fixing Country Bridges Program - Round 1 budget with a further \$300,888 expected to be allocated shortly from TfNSW as a variation request. A total of \$825,000 has also been allocated by Shoalhaven Water, as part of access to Danjera Dam, and a further \$250,000 has been allocated from Shoalhaven Council bridge replacement program. This leaves a project shortfall of \$130,000 which relates to the Chisholm’s Creek bridge.

Funding is available from the Local Road Repair Program to cover the \$130,000 project shortfall for the Chisholm’s Creek bridge project.

### **Risk Implications**

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

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## CL22.468 Tenders - Supply & Lay Asphalt – July 2022 to June 2024

**HPERM Ref:** D22/384920

**Department:** Works & Services

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

### Reason for Report

To inform Council of the tender process for Supply & Lay Asphalt – July 2022 to June 2024.

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 make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

### Details

#### ***Project Description***

Tender for the Supply & Lay Asphalt for the City of Shoalhaven for the period July 2022 to 30th June 2024. This comprises of Resurfacing, Construction Projects, Maintenance Heavy Patching, CBD Night works and Natural Disaster initiated works. To allow shorter project timeframes while ensuring value for money to Council a contract with predetermined rates will be procured for Supply & Lay of Asphalt in the Shoalhaven City LGA.

#### ***Tendering***

Council called tenders for City of Shoalhaven - Supply & Lay Asphalt – July 2022 to June 2024 on 21 July 2022 which closed at 10:00 am on 18 August 2022. Eight tenders were received at the time of closing. Tenders were received from the following:

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Tenderer	Location
Stateline Asphalt Pty Ltd	Rockdale, NSW 2216
State Asphalt Services Pty Ltd	Prestons NSW 2170
Southern Asphalt Services Pty Ltd	Turner, ACT
Roadworx Surfacing Pty Ltd	Unanderra, NSW
Knight Civil Pty Ltd	Moorebank, NSW
Fulton Hogan Industries Pty Ltd	Kembla Grange, NSW
Avijohn Contracting Pty Ltd	Smeaton Grange, NSW
Asphalt Laying Services Pty Ltd	Arndell Park, NSW

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

### Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

### Financial Implications:

Sufficient funds have been allocated in the roads maintenance budget for 2022/23. Funding is available to cover the tender amount.

### Risk Implications

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

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## CL22.469 Acquisition of Land & Easement - Cambewarra Locality

**HPERM Ref:** D22/390912

**Department:** Technical Services

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

### Reason for Report

This report is to provide Council with an opportunity to consider a confidential report for the acquisition of land in the Cambewarra locality.

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

### Recommendation

That Council, in accordance with Section 10(2)(c) of the Local Government Act 1993, considers a separate confidential report in relation to property acquisition matters associated with Cambewarra locality.

### Options

1. Adopt the recommendation

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

### Background

Land is required to facilitate the delivery of infrastructure associated with the Moss Vale Rd Urban Release Area, including construction, operation & maintenance of a future road and water supply infrastructure.

The Moss Vale Road South Urban Release Area is imminent urban development with current subdivision applications under assessment.

Council commenced negotiations in December 2021 to obtain permit to enter and construction licence agreements for the proposed area of acquisition.

### Risk Implications

Failure to acquire the land will impact on the timely release of land within the Moss Vale Road South Urban Release Area as well as impact on the completion of other supporting infrastructure.

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## **CL22.470 Development Application – 32 & 36 Yarrawonga Drive Mollymook Beach – Lot 211 DP 1043758 & Lot 304 DP 1234415**

**DA. No:** DA21/2359/4

**HPERM Ref:** D22/353631

**Department:** Development Services

**Approver:** James Ruprai, Director - City Development

**Attachments:**

1. Planning Report - S4.15 Assessment - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
2. Planning Report - S4.15 Assessment - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
3. Draft Development Consent - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
4. Draft Development Consent - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
5. Development Plans - 32 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)
6. Development Plans - 36 Yarrawonga Dr Mollymook Beach (under separate cover) [⇒](#)

**Description of Development:** Construction Two Storey Attached Dual Occupancies at 32 & 36 Yarrawonga Dr Mollymook Beach

**Owner:** AMJ Capital Pty Ltd – 32 Yarrawonga Dr Mollymook Beach  
NM & PV Coelho – 36 Yarrawonga Dr Mollymook Beach

**Applicant:** Buildcert Planning

**Notification Dates:** 17 November 2021 to 2 December 2021

### **No. of Submissions:**

DA21/2359 - 32 Yarrawonga Dr, Mollymook Beach: Fifteen (15) submissions (objections).  
DA21/2348 - 36 Yarrawonga Dr, Mollymook Beach: Thirteen (13) submissions (objections).

### **Purpose / Reason for consideration by Council**

The applications were called in for determination by the Council due to the public interest on 8 February 2022, by a Notice of Motion (MIN22.54). On 25 July 2022, Council considered the applications. At that meeting, Council resolved to defer the applications to a briefing (MIN22.466), which was held on 8 August 2022.

### **Recommendation**

That the:

1. Development Application DA21/2359 to construct a two-storey attached dual occupancy and Torrens title subdivision at Lot 211 DP 1043758, 32 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 3 of this report.

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2. Development Application DA21/2348 to construct a two-storey attached dual occupancy and Torrens title subdivision at Lot 304 DP 1234415 36 Yarrawonga Dr, Mollymook Beach be approved subject to the conditions contained in Attachment 4 of this report.

## Options

1. Approve the development applications (DAs) in accordance with the recommendation of this report.

Implications: This would allow the applicant to pursue construction of the developments.

2. Refuse the development applications (DAs).

Implications: Council would need to determine the grounds on which the application is refused, having regard to sections 4.15 considerations. A refusal enables the applicant to lodge a section 8.2 Review and / or appeal with the Land and Environment Court of NSW (LEC).

3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

## Location Map



Figure 1 - 36 Yarrawonga Dr Mollymook Beach (blue border) &  
32 Yarrawonga Dr Mollymook Beach (yellow border)

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*Figure 2 - Vacant Lot at 32 Yarrawonga Dr Mollymook Beach*



*Figure 3 - Vacant Lot at 36 Yarrawonga Dr Mollymook Beach*

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## Background

### Proposed Development

Both DAs seek approval for the construction of a two-storey attached dual occupancy with Torrens Title subdivision on each lot:

	32 Yarrawonga Drive	36 Yarrawonga Drive
Proposed Development	Construction of a two-storey attached dual occupancy and Torrens subdivision	
Lot Areas	665.8m <sup>2</sup>	730.1m <sup>2</sup>
Proposed Height	7.8m (SLEP 2014 Max Height of Building 8.5m)	7.3m (SLEP 2014 Maximum Height of Building 11m)
Street Presentation	<p>Each unit has a mix of finishes including brick veneer, rendered wall sections and vertical BGC Duragroove cladding, with skillion Colourbond roofs.</p> <p>Street presentation is a two-storey construction with stepped, fenestrated design aligned according to the slope of the land with a double garage and entry door, small 1<sup>st</sup> floor verandahs and windows for each unit that are separated by a retaining wall located on the dividing boundary.</p> <p>Two separate driveways</p>	<p>Each unit has a mix of finishes including rendered brick veneer, horizontal w/board cladding with metal Colourbond skillion roofs.</p> <p>Yarrawonga street presentation comprises 2 storey construction with single garage door, recessed GF portico entry and fenestrated front wall articulation.</p> <p>Kooyonga Cl street presentation is a mix of 1 and 2 storey stepped construction with rendered brick veneer and horizontal wall cladding with fenestrated building elements</p> <p>Combined driveway</p>
Proposed Floor Plan for each unit	4 bedrooms, centrally located bathroom and laundry, open kitchen, dining area and living area that allows direct access to the outdoor alfresco area	4 bedrooms, centrally located bathroom and laundry, open plan kitchen, dining area and living area  Both units have covered outdoor living areas and level open space areas accessed from the main internal living areas.
Proposed GFA for units	367.73m <sup>2</sup>	314m <sup>2</sup>
Proposed Lot Sizes	Lot 1 - 326.9m <sup>2</sup> Lot 2 - 338.9m <sup>2</sup>	Lot 1 - 411.4m <sup>2</sup> Lot 2 - 318.7m <sup>2</sup>
Floor space ratio (FSR)	0.55:1	0.43:1
Proposed Earthworks	Earthworks with an approximate cut of 1.5m and fill of 750mm. Retaining walls will be used adjacent to the eastern boundary, rear northern and rear western boundary	Earthworks propose a cut of 1.5m and fill <300mm

Table 1 – Proposed development criteria for each application

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Figure 4 – Site Plans - 32 Yarrawonga Dr, Mollymook Beach

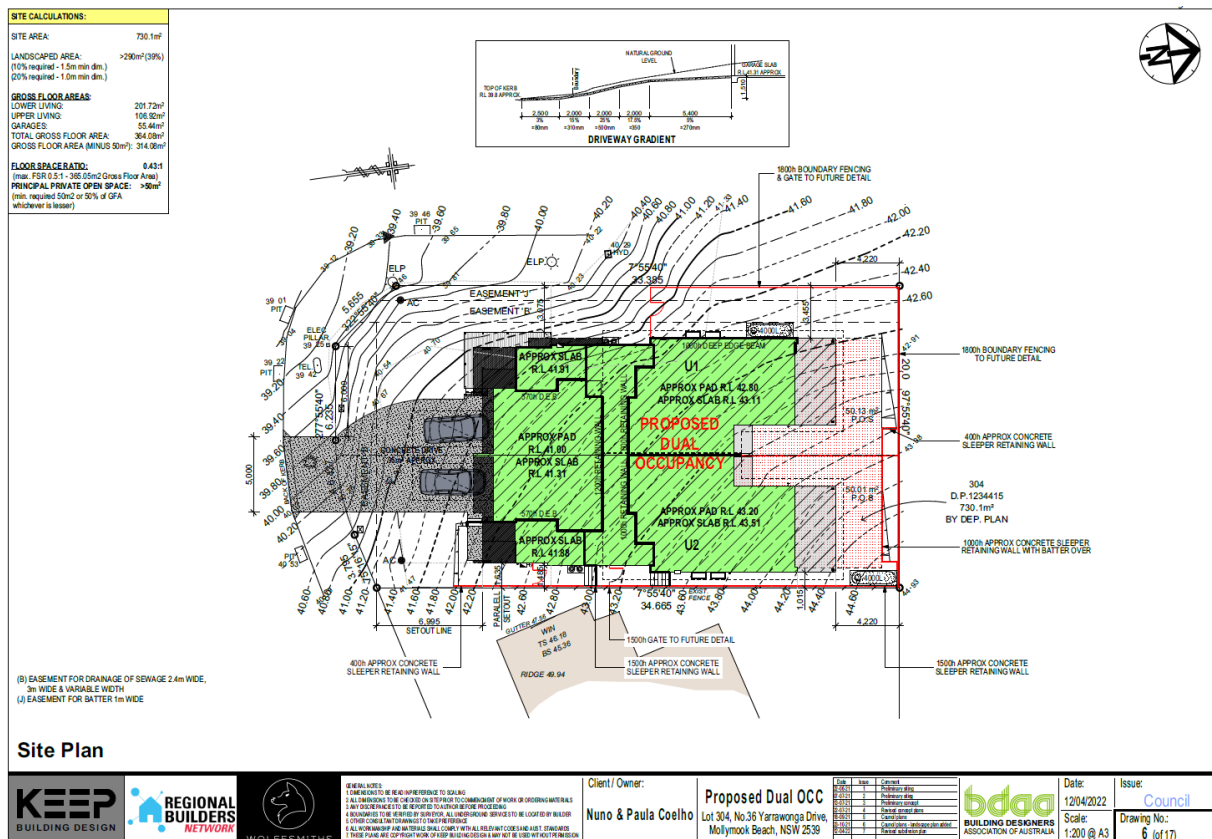
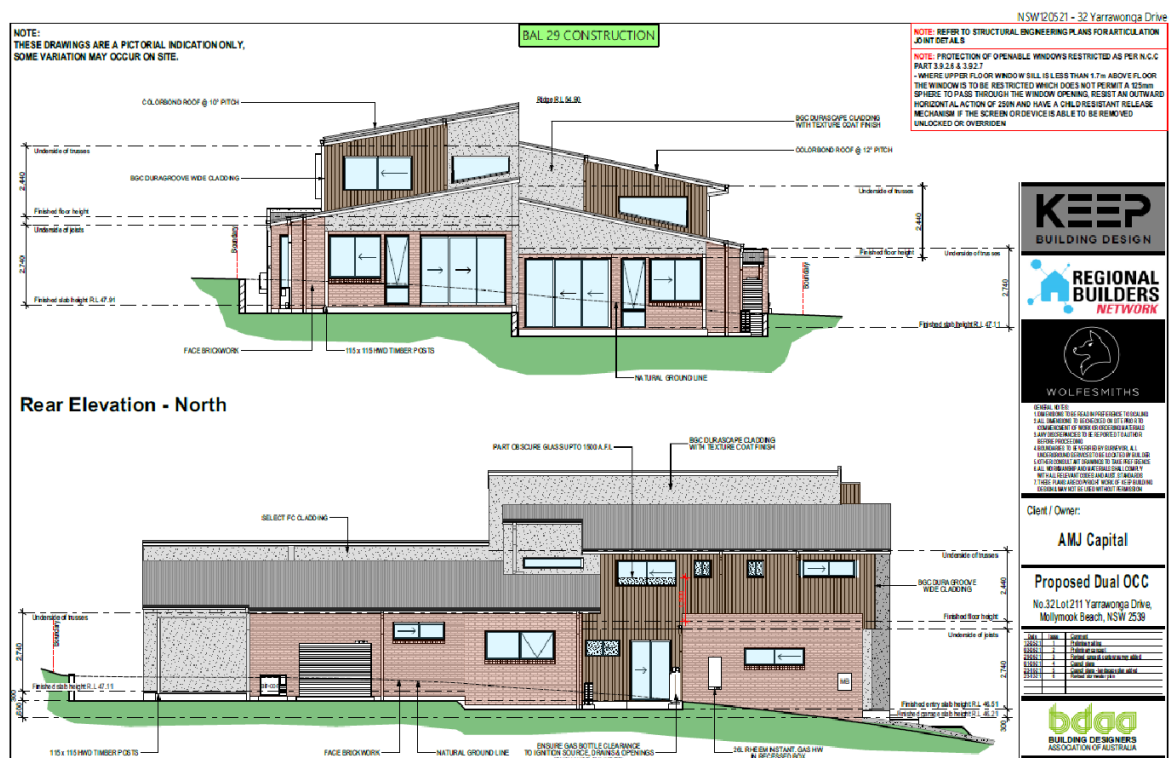
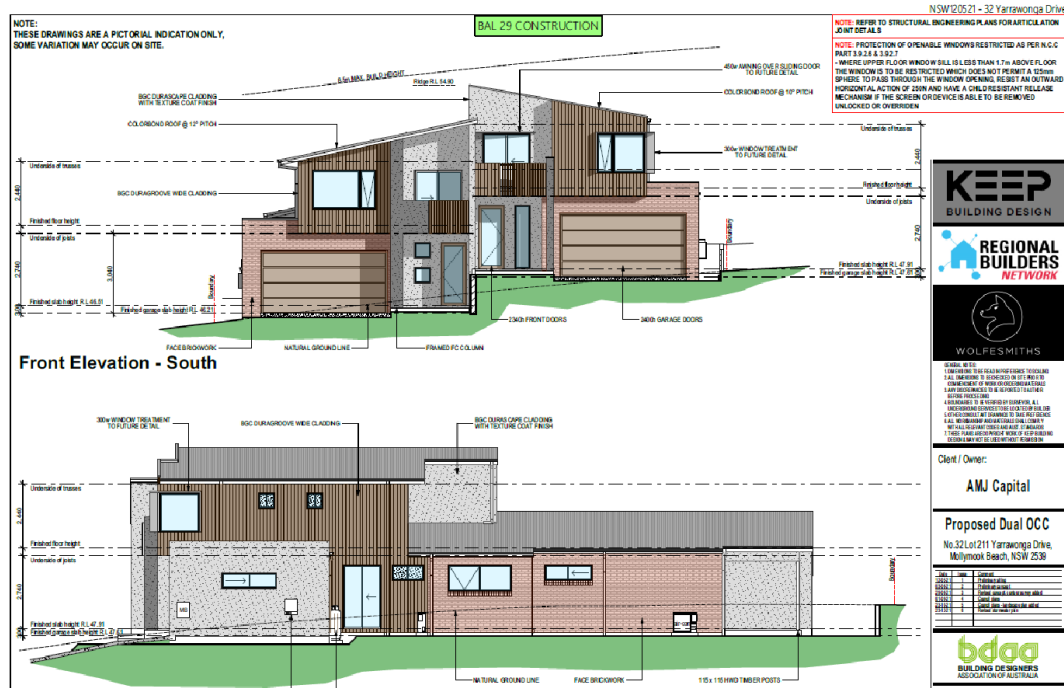


Figure 5 - 36 Yarrawonga Dr, Mollymook Beach



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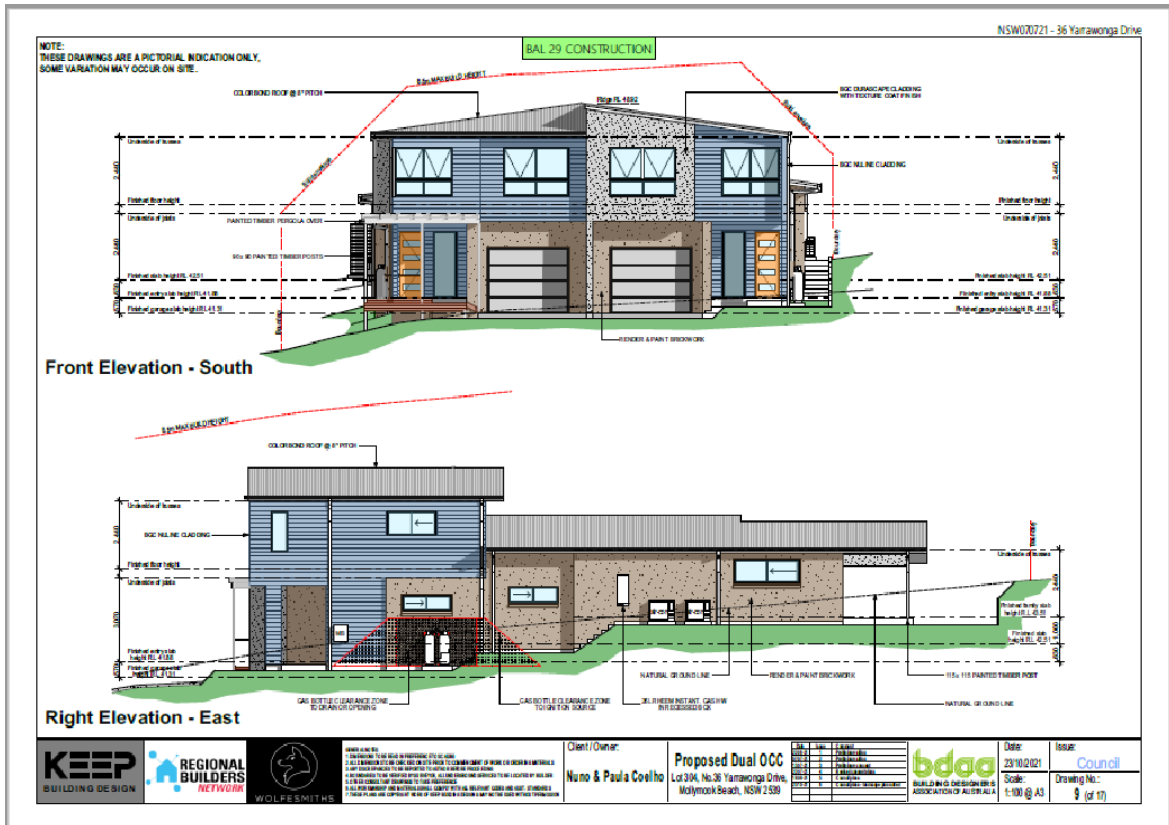


Figure 8 - South & East Elevations - 36 Yarrowonga Dr Mollmook Beach

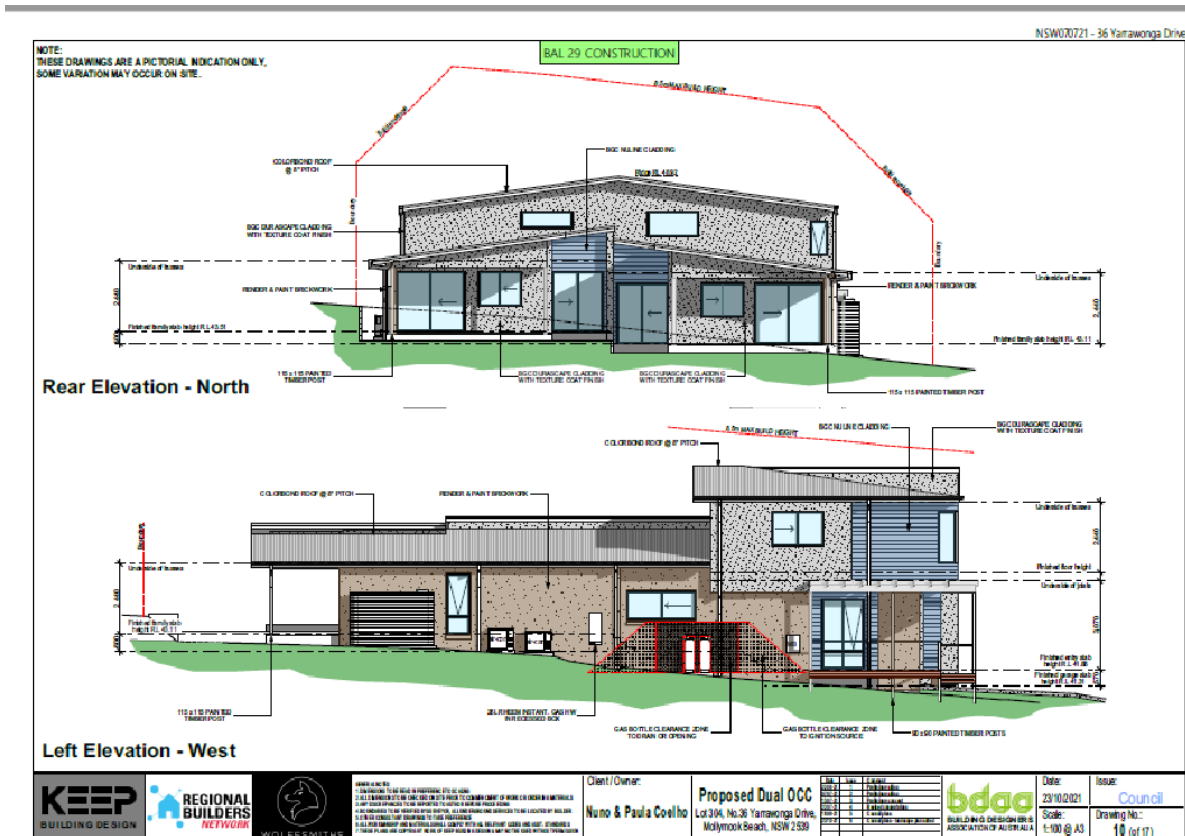


Figure 9 - North & West Elevations - 36 Yarrowonga Dr, Mollmook Beach

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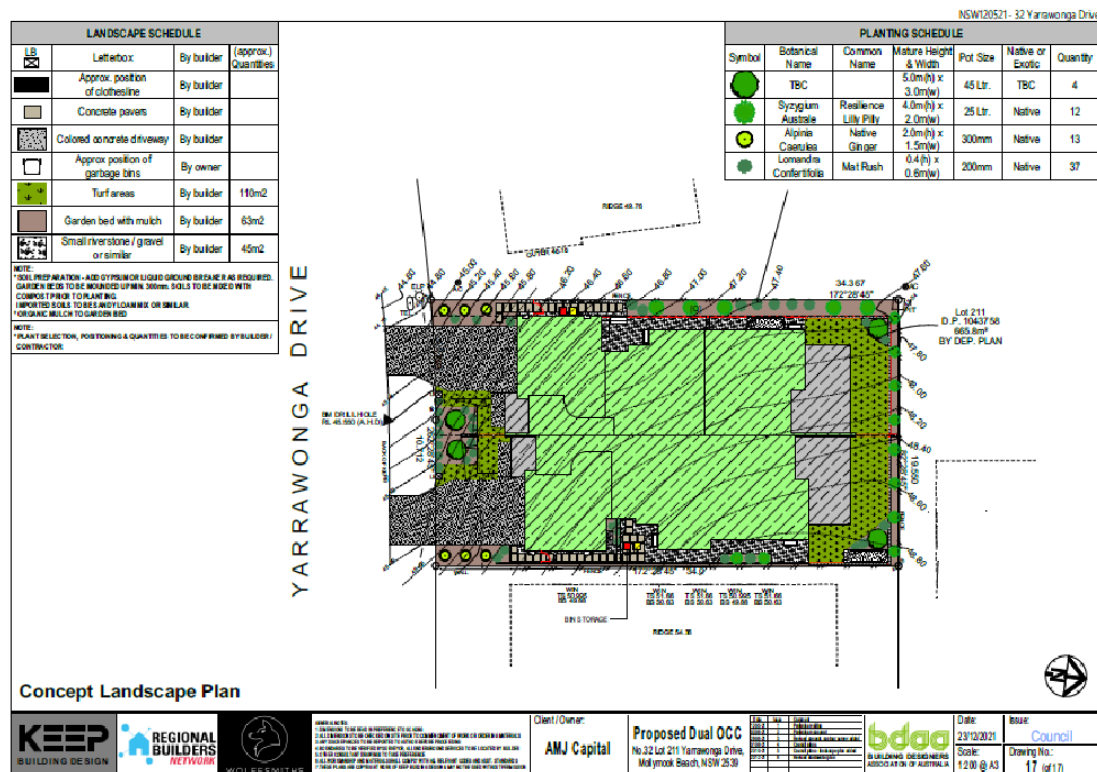


Figure 10 – Landscape Plan - 32 Yarrowonga Dr, Mollymook Beach

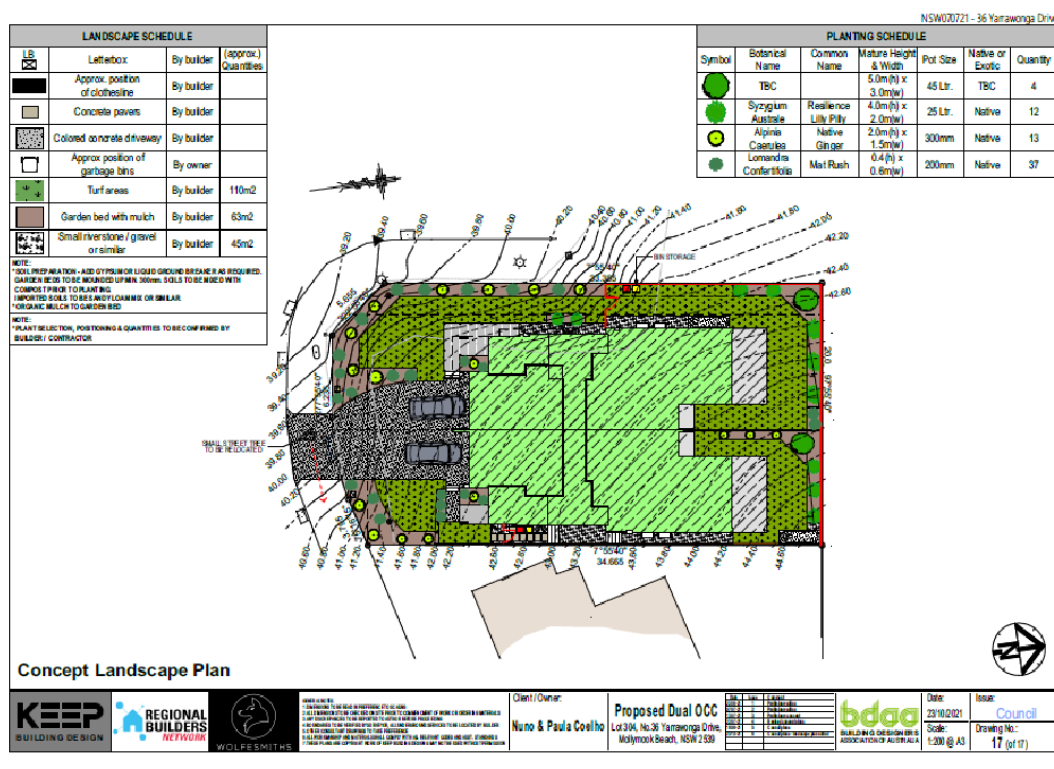


Figure 11 – Landscape Plan - 36 Yarrowonga Dr, Mollymook Beach

### Subject Land

The development sites comprise Lot 211 DP 1043758 (32 Yarrowonga Dr Mollymook Beach) and Lot 304 DP 1234415 (36 Yarrowonga Dr Mollymook Beach). Refer to Figures 1 and 2.

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### Site & Context

The development sites are both vacant, located on the northern side of Yarrawonga Drive between Yarra Yarra Close and Kooyonga Close, Mollymook Beach in an area characterised by low density development.

Specifically:

#### 32 Yarrawonga Dr Mollymook Beach

- Is vacant and rectangular in shape.
- The lot is in close proximity to the Mollymook Golf Course, which is approximately 50m to the south, and is approximately 1.3km to the west of Mollymook Beach.
- Is zoned R2 Low Density Residential and is 665.8m<sup>2</sup> in area.
- Slopes from north east to south west, with a cross fall of approximately 4 metres.
- The lot has a drainage easement that runs adjacent to the western side boundary.

#### 36 Yarrawonga Dr Mollymook Beach

- The lot is surrounded by low density residential development to the east and west and adjoins a large vacant R1 zoned lot to the north that is yet to be developed. The north western section of this lot remains in its natural state. Two detached residences that were approved as a dual occupancy in 2017 under DA17/2342 and subsequently subdivided under approval SF10648 are located opposite the site.
- The lot is in close proximity to the Mollymook Golf Course, which is approximately 50m to the south, and is approximately 1.3km to the west of Mollymook Beach.
- Is zoned R1 General Residential and is 730.10m<sup>2</sup> in area.
- Slopes from north east to south west, with a cross fall of approximately 5 metres.
- The lot has a sewage easement that runs adjacent to the western side and front boundaries

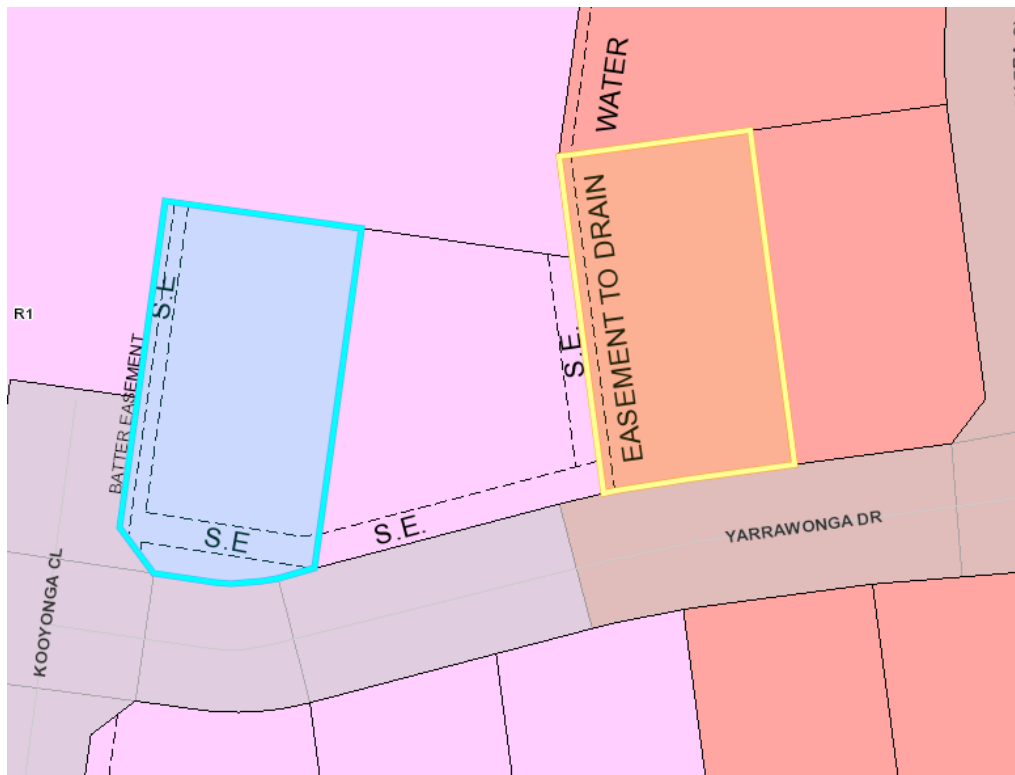


Figure 12 – Zoning Map - 32 Yarrawonga DR Mollymook Beach – R2 Low Density Zone (yellow border)

36 Yarrawonga Dr Mollymook Beach – R1 General Residential Zone (blue border)

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### History

The following provides details on pre-lodgement discussions, post-lodgement actions and general site history for context:

- No informal enquiries were made with Council, or formal pre lodgement discussions held prior to lodgement.
- The applications were lodged on 10 November 2021.
- As a result of detailed assessment of the applications, additional information was requested from the applicant in relation to 32 Yarrawonga Dr on 15 December 2021 for a revised stormwater plan.
- On 23 December 2021, the applicant submitted a revised stormwater plan for 32 Yarrawonga Dr which was referred back to the Development Engineer for review.
- The applicant was invited to consider and respond to submissions for both applications on 27 January 2022.
- Following the above, the applicant considered and provided comments in response. Revised statements of environmental effects were submitted on 2 June 2016 clarifying floor space ratio calculations.

### **Planning Assessment**

The Development Applications have been assessed under s4.15(1) of the Environmental Planning and Assessment Act 1979. Please refer to **Attachments 1 and 2**.

The proposed applications have been assessed against the relevant planning instruments and have been found to be satisfactory.

### **Consultation and Community Engagement:**

Notification was undertaken for both applications in accordance with Council's Community Consultation Policy with letters being sent within a 25m buffer of the site. The notification period was 16 November 2021 to 3 December 2021. All submissions received in response to the notification and after the notification, were objections.

#### 32 Yarrawonga Dr Mollymook Beach

Fifteen (15) submissions have been received within the notification period from a total of eleven (11) objectors. One submitter made three (3) submissions and two (2) submitters made two (2) submissions.

#### 36 Yarrawonga Dr Mollymook Beach

Thirteen (13) submissions have been received from a total of nine (9) submitters. One submitter made three (3) submissions and two (2) submitters made two (2) submissions.

A request to extend the timeframe for the consideration of both applications was received on 19 December 2021 from the Ulladulla and Districts Community Forum. A further submission was received on 3 February 2022 stating that the Forum had visited both sites believing the proposed two dual occupancies were too bulky for the sites and would detract from the well cared for streetscape, due to most housing being single storey.

A further 13 submissions (objections), 4 from previous submitters, were received since the notification period concluded for both applications. The submissions raise similar issues to those received during the notification period.

Key points (for both DAs) are summarised below.

- Character & Density
- Driveway & garage door width.
- Side setbacks.
- Privacy & overshadowing

- Car parking
- Traffic.
- Amenity impacts
- Floor Space Ratio
- Earthworks and retaining walls
- Holiday letting

The issues raised were generally consistent for both applications with the exception of Floor Space Ratio (FSR) which was raised for 32 Yarrawonga Drive. This is discussed later in this report.

The assessment of the application considered the matters raised in the submissions (as prescribed by s4.15(d) and concluded on balance having regard to all the heads of consideration (section 4.15 Evaluation), that the application should be approved. A detailed analysis can be found in the attached section 4.15 assessment reports.

### **Summary of Main Issues**

#### **Compatibility and Character**

##### **Issue**

The development is inappropriate and out of character with the streetscape and immediate surrounds because the area is low density residential being mostly single storey owner occupied dwellings.

##### **Comment**

Consideration of the compatibility of the proposal and its surroundings can be undertaken having regard to the Land and Environment Court Planning Principle on “compatibility with context” in *Project Venture Developments V Pittwater Council [2005] NSWLEC 191*. In order to test whether a proposal is compatible with its context, the following two questions can be asked:

- i. *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*

The proposals physical impacts on surrounding development have been assessed against the relevant provisions in Shoalhaven Development Control Plan 2014 (DCP) and found to be satisfactory. The impacts on surrounding amenity, solar access and streetscape character are acceptable.

- ii. *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

It is considered that the proposed two storey modern design is in harmony with the buildings around it consistent with the character of streetscape, which is a mix of one and two storey dwellings which also use similar pitched roofs and mixed building material cladding. Although the street predominantly has single storey dwellings, there are several two storey dwellings in Yarrawonga Drive.

Dual occupancy development is an appropriate and permissible land use in the R2 low density residential zone and the R1 General Residential Zone and were also permissible under the Shoalhaven Local Environmental Plan 1985 (SLEP1985) and reaffirmed by council under Shoalhaven Local Environmental Plan 2014 (SLEP 2014). There are many dual occupancy developments in both of the zones in the Mollymook Beach area.

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With respect to the tenancy arrangements, occupation of the dwellings may be by owners or renters. Tenancy status is not a planning consideration having regard to section 4.15 “Evaluation” of a development application.

### Privacy

#### Issue

Privacy and overlooking of neighbouring dwellings.

#### Comment

There is no privacy or overlooking impacts to adjoining neighbours as the rear living areas and private open space (POS) are on the ground floor and the dwellings are to be set down/excavated into the site. Most conventional dwellings have private open space at the rear and at ground level. The dividing fences will provide privacy to the POS at the rear.

One of the neighbours across the road is concerned about overlooking from the front deck of 32 Yarrawonga Drive into their front yard. Given the distance between dwellings (>24m) and the fact that it is a small upper floor deck off a bedroom/rumpus room facing a public road there will be no privacy impacts. Front yards of suburban houses are also generally viewable from the street.

### Overshadowing

#### Issue

Overshadowing of neighbouring properties living areas, POS and solar panels on the roof.

#### Comment

The applicant has provided shadow diagrams that indicate that the neighbouring house, 34 Yarrawonga Dr, which has solar panels on the roof will receive a minimum of three hours sunlight on June 21. In addition, given the north / south orientation, the other neighbouring properties will also receive adequate sunlight to north facing windows and POS in accordance with the NSW Land and Environment Court – Planning Principle: Sunlight – Access to Sunlight.

### Setbacks

#### Issues

32 Yarrawonga is not setback from the front the required 7.5m and that both proposed dual occupancies did not have adequate setbacks from the side boundaries for utilities and deep planting.

#### Comment

The required setbacks in Table 2 of Chapter G13 of the DCP for a lot between 600m<sup>2</sup> and 900m<sup>2</sup> is for the front setback 6m to the dwelling and 5m to verandahs, patios and awnings. The side setback minimum is 900mm for single storey structures and 1.2m for any two-storey component. The setbacks for the developments are:

#### 32 Yarrawonga Drive

- Front setback: Dwelling to frontage: 6.07m
- Articulation to front boundary: 5.41m
- West side boundary: 1.2m (ground floor); 3.3m (first floor)
- East side boundary: 1.04m (ground floor); 3.0m (first floor)
- Rear boundary: 6.55m

### 36 Yarrawonga Drive

- Front setback to dwelling 8m
- Articulation to front boundary 6.7m
- The side setbacks are 1.015m and 3.455m and 1.65m to the second storey component.
- Rear setback is 4.22m

All setbacks comply with Table 2 and are generally consistent with the neighbouring dwelling at 34 Yarrawonga that has a 6m front setback to the dwelling house.

The side setbacks are all greater than the 900mm, compliant with the DCP, and considered adequate distance for utilities and landscaping.

### Floor Space Ratio

#### Issue

The exceedance of the floor space ratio (FSR) at 32 Yarrawonga Dr.

#### Comment

Acceptable Solution A2.1 Table 1 of Chapter G13 of councils DCP provides that dual occupancies <1,000m<sup>2</sup> site area have a maximum FSR of 0.5:1. The FSR for 32 Yarrawonga Drive is 0.55:1 and is exceeded by 10% which equates to 33m<sup>2</sup>. The applicant has requested a variation to this requirement and provided justification to support this request.

- *The proposed development is of an appropriate scale in respect to established development in the immediate locality.*
- *There are adequate setbacks from the boundaries and appropriate articulation of the front façade which break up the front wall which materiality lessens the visual effect of bulk form when viewed from the public domain.*
- *The dwelling is of a contemporary design, assimilating to the emerging character of dwelling development within the locality. The development is considered sympathetic to the desired future character of the area.*

Consideration of the compatibility of the proposal and its surroundings in relation to Floor Space Ratio can be undertaken having regard to the Land and Environment Court Planning Principle on *assessment of height and bulk in Veloshin v Randwick Council [2007] NSWLEC*. The proposals height and bulk is sympathetic to the surrounding area which is a mix of one and two storey development. It is also consistent with the existing and future streetscape and fits in with the residential character of the area. The floorspace does not compromise internal amenity, site amenity or streetscape impact. The proposal contains ample private open space, clothes drying areas, correct parking allocation and on-site storage. The amenity of future residents will not be affected. There are no adverse impacts as a result of the additional floor space on neighbours. The development presents to the street and has architecture which is modern and consistent with the neighbourhood.

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Figure 13 – presentation to the street, 32 Yarrawonga Dr, Mollymook

#### Driveway & garage door width

##### Issue

The two-driveway access proposed for 32 Yarrawonga Dr and the width of the garage does not comply with the Acceptable solutions in the DCP.

##### Comment

The acceptable control (A25.2) states that the “*The cumulative garage facades addressing the street shall not exceed 9m, or 50% of the length of the frontage, whichever is the lesser.*” The intent of the control is to add visual interest, provide for passive surveillance and ensure garages do not dominate the design.

The garage facades measure a total of 12.01m, and the frontage of the lot is 18.5m of which 50% is 9.25m, and the frontage of the building is 17.3m of which 50% is 8.65m.

The applicant has requested Council to vary this control and undertake a merit-based assessment stating that:

- *The proposed double garages are offset in excess of 2m and are considered to be maintained within the front façade of each dwelling appropriately.*
- *Each unit provides substantial front wall articulation to lessen the visual impact of garage wall openings from the public domain.*
- *The garage element is not considered to be the main point of visual focus when viewed from the street.*

Irrespective of the frontage measurement, the garages are recessed, and the design of the front elevation includes a portico and a balcony for each dwelling, which provide visual interest and address the street frontage appropriately. It is considered that the garages do not overwhelm the street frontage and the design meets the performance criteria of the control. Refer to Figure 13 in this report which illustrates the front building façade. It is not atypical to many modern homes or dual occupancies.

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The provision of two driveways is considered acceptable. The road network is suitable to accommodate separate driveways in this location. Noting that the proposal includes Torrens subdivision, there is also a practical benefit in separating the driveway as it is not necessary to have reciprocal rights of carriageway.

### Carparking & Traffic

#### Issue

Increased traffic and parking impacting on the safety and amenity of what is now a quiet street and compromising access for emergency services and Council services.

#### Comment

Both dual occupancies have provided 2 car parking spaces for each dwelling in accordance with the requirements of DCP Chapter G21.

The dual occupancy development is not expected to increase traffic to a point that will have any adverse impacts on the road network. The impacts of traffic from permissible uses in the land use zones would have been a consideration at the subdivision stage and the road layout has been designed accordingly. In addition, Yarrawonga Drive is a quiet, 'dead end' street to the north and adjoins Kooyong CI to the west which is also a 'dead end' street.

### Amenity impacts

#### Issue

Amenity impacts and overdevelopment on the surrounding low-density neighbourhood will be adversely impacted by dual occupancy development and it should not be permitted.

#### Comment

The R1 General Residential and R2 Low Density zoning of the lots allows for dual occupancy development with Council approval, and it is also permitted as complying development. These zones permit a range of development types. The R1 zone permits denser forms of housing to facilitate the objective of providing a "*variety of housing types and densities*".

All residential zones in the Shoalhaven permit dual occupancy development.

### Holiday letting

#### Issue

That the properties will be used for holiday letting which is a tourist use.

#### Comment

The potential for holiday letting is not a consideration for development approval for a dual occupancy application.

Holiday letting is exempt development in dwellings, including dual occupancy dwellings, under SEPP (Housing) 2021 – Short Term Accommodation which applies to the entire State.

### Earthworks & Retaining Walls

#### Issue

Concerns of excavation and retaining walls on the boundary could de-stabilise existing fencing and impact on the privacy of neighbouring properties.

#### Comment

Conditions are imposed to ensure the retaining walls are appropriately engineered and contained within the site boundaries, and that an assessment is made of the impact of any excavation that is within the zone of influence of any structures or foundations.

The dwellings are to be excavated into the site. Noting the existing fencing, the ground floor living area windows and alfresco areas which face the rear, will not result in unacceptable

privacy impacts. The location of the private spaces (to the rear and at the nominated levels) are considered an acceptable outcome.

### *Street presentation*

#### Issue

Concern was relayed to Council about the street presentation and if the rooms at ground level were habitable.

#### Comment

Both residences (for each dual occupancy) proposed as part of the dual occupancies are facing the street, include street facing entry and possess proper individual street addresses.

The intention of the DCP (Chapter G12) control is to ensure that dwellings have a sense of address. There is no issue with either dual occupancy properly 'facing' the street. See DCP extract below.

Performance Criteria	Acceptable Solutions
P25.1 The frontage, entries and habitable room windows of dwellings address the street.	A25.1 The dwelling shall: <ul style="list-style-type: none"> <li>Address the street by having a front door facing the street at the ground level.</li> </ul>
P25.2 The design and orientation of the dwelling: <ul style="list-style-type: none"> <li>Enhances the streetscape.</li> <li>Complements existing development in the vicinity.</li> <li>Provides visual interest.</li> <li>Allow casual surveillance of public or communal streets or public domain.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that any walls facing a street frontage (including secondary frontages) include a window to a habitable room on each level.</li> <li>Ensure upper level windows, balconies or terraces overlook the public domain.</li> <li>Provide surveillance of the street and entrance to the development.</li> </ul>

*Where there is dual frontage, the dwellings should face each frontage.*

#### Issue

No. 36 is a corner lot and benefits from dual frontage. The DCP states that where this is a corner lot and where **practicable**, one dwelling should address the primary frontage and the other, the secondary.

#### Comment

In this instance, the secondary lot faces Kooyonga Close. It is not fully constructed. There is also an easement for batter. Accordingly, the nominated design for No. 36 has taken these 'constraints' into account. It is not entirely practicable to face each frontage.

The applicant has provided the following response to the issues raised in the submissions:

- Solar access to north facing windows of 31 Yarrawonga Dr remain predominantly undeterred.*
- The design responds to the topography of the land, minimizing excessive earthworks.*
- The design provides articulation, a modernized design form, is sympathetic to the desired future character of the area, and the bulk is not considered to be excessive for the locality.*
- The FSR and scale is appropriate, the breakup of the front wall lessens the visual effect of the bulk.*
- The two driveways on 32 Yarrawonga Dr are appropriate given the slope, sight lines and safety have been considered.*

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- *Both developments are car parking compliant with ample space on site to mitigate the need to park on the roadway.*
- *Setbacks are compliant and balconies off upper floor bedrooms do not pose privacy impacts and allow for passive surveillance.*
- *Each dwelling achieves sufficient POS, landscaping, and residential amenity.*
- *Dual occupancy development is permissible in the low-density zone.*
- *Neighbouring solar panels receive more than 4 hours solar mid-winter.*
- *Not anticipated that each dwelling is likely to generate a high volume of vehicle usage.*
- *The established roadway is considered sufficient to cater for increased traffic demand which would have been assessed at the subdivision stage.*
- *Retaining walls do not infringe on neighbouring properties and will have appropriate drainage and structural reinforcement.*

**Financial Implications:**

The applicant is entitled to appeal a decision of Council. In the event of an appeal being lodged with the NSW Land and Environment Court, Council would be responsible for covering its costs through proceedings.

**Legal Implications**

A section 8.2 review and / or an appeal with the Land and Environment Court are possible if the application/s are refused.

**Summary and Conclusion**

The proposed developments have satisfied the provisions of SLEP 2014, and the overall objectives and provisions contained within Shoalhaven Development Control Plan (SDCP) 2014.

These applications have been subjected to a detailed analysis of the issues raised in the submissions which have been addressed in this report.

The applications for the dual occupancy developments are compliant with the relevant planning instruments and are recommended for determination by way of approval subject to conditions outlined in Attachments 3 and 4 of the draft determinations.

## CL22.471 S355 Management Committees - Policy Review and Annual Council Delegation

**HPERM Ref:** D22/322104

**Department:** Shoalhaven Swim Sport Fitness  
**Approver:** Jane Lewis, Director - City Lifestyles

**Attachments:** 1. Management Committees Policy [↓](#)

### Reason for Report

To seek approval for the following:

1. Minor changes to the Management Committees Policy, as part of Council's standard review of policies following the election of a new Council.
2. To confirm Council's Section 355 Management Committees' delegated responsibility and their authority to expend up to an amount of \$5,000.
3. To confirm the authorisation enabling the CEO to approve membership appointments to Section 355 Management Committees.

### Recommendation

That:

1. Council adopts the revised Management Committee Policy (POL22/72).
2. The Section 355 Management Committees listed in this report retain their delegated responsibility pursuant to Section 377 Local Government Act 1993 for the care, control and management of their facilities with authority to expend up to an amount of \$5,000, consistent with the delegation.
3. The authorisation of the CEO to approve membership appointments to Section 355 Management Committees as required be confirmed.

### Options

1. As recommended

#### Implications:

Council's community facilities will continue to improve as models of management are further developed and Management Committees are supported to improve their operations.

2. Council alter the delegated responsibility for the care, control and management of its community facilities with authority to expend up to a different amount, consistent with that delegation.

#### Implications:

- Increasing the 'authority to spend' amount would increase the risk of inappropriate expenditure of funds by the Management Committee
- Decreasing the amount would restrict the ability of the Management Committee to manage finances independently of Council's officers

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- Changing the governance model may result in inefficient use of facilities and an increased (unfunded) cost burden to Council and staff workloads
3. Council determine to not accept the recommendation and provide alternative direction.

Implications:

- Delay may impact Council's ability to meet the requirement for review of policies within twelve (12) months of the election of a new Council
- Changes may affect the efficient running of Council's community facilities and their use by the community

## Background

This report reviews the annual delegation of responsibility to Council's Section 355 Management Committees, authorisation of the CEO to approve membership appointments, and recommends minor revisions to the Management Committee Policy.

### *Policy Review*

All Council policies should be reviewed within twelve (12) months of the election of a new Council.

The following changes are proposed in the draft Policy:

- Removal of information about former policies that were rescinded upon adoption of this policy on 28/06/2005
- Addition of Implementation information, that the City Lifestyles Directorate will administer this policy

### *Annual Delegation*

Council annually ratifies the delegated responsibility of Section 355 Management Committees for the care, control and management of the Council facilities they manage on behalf of Council, with authority to expend up to an amount of \$5,000.

The delegation allows community groups to take greater ownership and value-add to Council's community facilities while at the same time efficiently managing resource requirements from Council. The terms of this delegation are formalised in Council's Management Committees Policy and Management Committee Guidelines.

### *Membership Appointments*

Council also annually ratifies the authorisation to the Chief Executive Officer to determine members as required to Section 355 Management Committees. This authorisation reduces the operational workload for Councillors, as many changes may be made in Management Committee membership during the year.

### Active S355 Management Committees:

The following list of active committees includes the new Section 355 Management Committee for Erawal Bay Tennis Courts. Council delegated responsibility for the management of the courts at its Ordinary Meeting, 22 August 2022.

### *City Lifestyles - Shoalhaven Swim Sport Fitness:*

- Berry Showground (Hazel Berry & David Berry Parks)
- Bill Andriske Oval
- Callala Community Centre
- Culburra Tennis Courts

- Currarong Tennis Courts
- Erawal Bay Tennis Courts
- Frogs Holla Sporting Complex
- Huskisson Tennis Courts
- Kangaroo Valley Showground (Osborne Park)
- Kioloa-Bawley Point Community Centre
- Milton Showground
- Shoalhaven Heads Community Centre
- Shoalhaven Heads Tennis Courts
- Shoalhaven Rugby Park
- Sussex Inlet Thomson Street Community Facilities
- Vic Zealand Oval
- Wandandian Recreation Reserve
- Worrigee Equestrian Common
- Yulunga Recreation Reserve

*City Lifestyles - Shoalhaven Libraries:*

- Friends of Milton Library (this committee has no financial delegation)

*City Services - Building Services:*

- Bomaderry Community Centre
- Burrill Lake Public Hall
- Callala Bay Progress Hall
- Callala Beach Community Centre
- Culburra Beach Community Centre
- Former Pyree School
- Greenwell Point Memorial Community Hall
- Huskisson Community Centre
- North Nowra Community Centre

*City Services – Works and Services:*

- Huskisson Wharves (this committee has no financial delegation)
- Ulladulla Slipway (this committee has no financial delegation)
- Woollamia Boat Ramp (this committee has no financial delegation)

## **Community Engagement**

In August 2022 the draft Policy was circulated for comment to the following stakeholders:

- Shoalhaven Swim Sport Fitness staff, Shoalhaven City Council
- Building Services staff, Shoalhaven City Council
- Works and Services staff, Shoalhaven City Council
- Community Planning & Projects staff, Shoalhaven City Council

No amendments were recommended from the consultation.

Broader community consultation was not undertaken as the proposed changes do not impact the intent or effect of the Policy.

**Policy Implications**

All Council policies should be reviewed within twelve (12) months of the election of a new Council.

**Financial Implications**

Community-based Management Committees taking responsibility for the care, control and management of local facilities results in increased income through greater engagement, ownership and use of community assets. This is a cost-effective delivery method for providing community infrastructure and services at a local level.

**Risk Implications**

Should Section 355 Management Committees be disbanded, and the facilities revert to Council management, there would be an increased staffing workload and requirement for additional Council staff to maintain and administer the facilities.

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## Management Committees

<b>Adoption Date:</b>	28/06/2005
<b>Reaffirmed:</b>	14/12/2012, 15/08/2017
<b>Amendment Date:</b>	14/04/2009
<b>Minute Number:</b>	MIN05.733, MIN09.409, MIN12.1397, MIN17.706
<b>Review Date:</b>	<del>001/12/2020</del> 26/09/2022
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL22/72

## Management Committees

### 1. Purpose

The purpose of the policy is to define Council's management of its various Management Committees.

### 2. Statement

The policy is based on Council's authority, under Section 355 and 377 of the NSW Local Government Act 1993, and subsequent amendments, to delegate management of facilities to local residents and/or organisations.

~~Upon adoption of this policy, the following were rescinded:~~

~~Minute 87.1402 "Management Committees—Playing Fields Subsidies"~~

~~Minute 88.689 "Management Committees—Delegation of Powers" and~~

~~Minute 98.1132 "Management Committees—Delegation of Powers"~~

The Policy applies to all Council Section 355 Management Committees.

### 3. Provisions

Council Management Committees must be:

3.1 Appointed in accordance with Section 355 and 377 of the NSW Local Government Act 1993, and;

3.2 Function in accordance with Shoalhaven City Council's Management Committee Guidelines.

### 4. Implementation

The City Lifestyles Directorate will administer this policy and Council's Management Committee Guidelines, in liaison with the City Services Directorate.

### 4.5. Review

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

## CL22.472 Acceptance of Grant Funding - Reconnecting Regional NSW - Community Events Program

HPERM Ref: D22/390887

Department: Shoalhaven Entertainment Centre  
Approver: Jane Lewis, Director - City Lifestyles

### Reason for Report

To inform Council of successful funding via Reconnecting Regional New South Wales – Community Events Program for a series of events and activities - Shoalhaven Let's Celebrate, Create and Laugh.

### Recommendation

That Council:

1. Receive this report for information of a successful funding application from Reconnecting Regional NSW – Community Events Program to the value of \$311,547
  - a. The funding will support of a series of events and community engagements under the banner of Shoalhaven Let's Celebrate, Create and Laugh
  - b. This funding will support the following events:
    - i. Shoalhaven – Let's Celebrate South Coast Country on October 8 and 9, 2022..
    - ii. Shoalhaven Let's Create – will be led by Shoalhaven Regional Gallery.
    - iii. Shoalhaven Let's Celebrate – Casey Donovan Reconnects Live in Concert at the Shoalhaven Entertainment Centre
    - iv. Shoalhaven Let's Laugh – Multicultural Comedy Gala will be held at Ulladulla Civic Centre
    - v. Shoalhaven Let's Celebrate – Live and Local Microfestival.

### Options

1. Receive this report for information

Implications: Shoalhaven Let's Celebrate, Create and Laugh programmes will be delivered in accordance with the Reconnecting Regional NSW – Community Events Program funding.

2. Council declines to receive the report

Implications: Place Council at financial risk as expenses have already been undertaken via producer and artist contracts, and on marketing campaigns.

### Background

The aim of the \$25 million Reconnecting Regional NSW – Community Events Program is to promote economic and social recovery across all 93 NSW Local Government Areas. The program was designed to assist communities and businesses to recover from the impacts of COVID 19 restrictions, border closures and cumulative natural disasters.

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Shoalhaven Let's Celebrate, Create and Laugh was curated to meet the Reconnecting Regional NSW objectives of stimulating activity in the events, hospitality and accommodation sectors by providing an immediate revenue boost.

It was also planned to respond to the Government's vision of reconnecting regional communities by facilitating the delivery of events that promote greater social cohesion, bringing people together and creating improved social outcomes.

These events will be evaluated via Culture Counts a social impact survey-based tool which is routinely employed by both the Shoalhaven Regional Gallery and Shoalhaven Entertainment Centre.

Shoalhaven Let's Celebrate, Create and Laugh features the following shows and events:

#### Shoalhaven – Let's Celebrate South Coast Country

This celebration of Australian country music on October 8 and 9, 2022 and will feature top-ranking bands at Shoalhaven Entertainment Centre; plus a free family fun day on October 9 from 10am-3pm.

Tickets are \$9 for the Saturday night, and Sunday afternoon program in the Auditorium. The fun day, on the Entertainment Centre forecourt will include live performances on an outdoor stage, an MC, roving acts, participatory workshops, visual arts activities and food trucks.

#### Shoalhaven Let's Create – Public Art Project

This event will be led by Shoalhaven Regional Gallery. This is a large-scale public art participation project which will enable community members to reconnect through ceramic workshops, an exhibition and a launch event.

Each tile made, in locations across the Shoalhaven, will be exhibited at the Gallery. The project will assist 1000 people to make a tile for exhibition under the tutelage of ceramic artists. The public exhibition and celebration is planned as an opportunity to reconnect in addition to the workshops.

#### Shoalhaven Let's Celebrate – Casey Donovan Reconnects Live in Concert

This concert will be at the Shoalhaven Entertainment Centre on Saturday, October 1. Celebrated First Nations artist and former Australian Idol Casey Donovan will perform with her five-piece band. Tickets are \$9.

The concert was planned as a complementary activity to the NSW Aboriginal Rugby League Knockout Carnival. Ticket sales are strong.

#### Shoalhaven Let's Laugh – Multicultural Comedy Gala

This event will be held at Ulladulla Civic Centre on Saturday, November 19. Admission is free. Patrons must have registered for a ticket via Shoalhaven Entertainment Centre box office or website. This show is yet to go on sale.

#### Shoalhaven Let's Celebrate – Live and Local Microfestival.

The location for this festival is still to be announced and the date will be agreed with participating venues and retailers. Live and Local Shoalhaven, with the support of the Live Music Office and APRA AMCOS, is a project designed to increase live music performance opportunities and to capacity build the live music audience and sector.

All Shoalhaven artists engaged to perform in the festival will be paid. Attendance for the community is free.

**Community Engagement**

Rich community engagement opportunities will be offered via the programming, particularly in relation to the South Coast Country free family fun day activities, and also through the tile-making workshops and exhibition launch for Shoalhaven – Let's Create.

Media and Communications will occur through the established channels by SEC Marketing Staff with support from Council's Communications Team where required.

**Financial Implications**

Each of the five events were fully costed in preparation to access the Reconnecting Regional NSW funding allocation of \$311,547 for Shoalhaven LGA.

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## CL22.473 Notice of Motion - Agars Lane Berry

HPERM Ref: D22/398885

Submitted by: Cllr Patricia White  
Cllr Tonia Gray

### Purpose / Summary

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

### Recommendation

That Council: -

1. Provide a temporary speed reduction on Agars Lane Berry from 80kph to 60kph between Beach Road and Coolangatta Road Berry.
2. Provide 'Slow Down: Wildlife Crossing' signage along the road as soon as possible.
3. Provide ongoing maintenance and drainage works along the whole road.
4. Encourage residents and road users to write to Transport NSW requesting consideration to a permanent reduction to speed limit on Agars Lane, Berry.
5. Write to Transport NSW supporting residents for a reduction in speed on Agars Lane.

### Background

Agars Lane Berry is a beautiful country "lane" that over recent years residents are concerned it is being replaced with a clinical carriageway. Agars Lane is the road from which the local waste depot is accessed from Shoalhaven Heads (to the East) and Berry residents (from the west). Additionally, a newly established wholesale nursery has trucks and cars entering and leaving the nursery, with near misses already occurring at the intersection of the property with an 80km road and poor visibility both left and right.

Roads like Agars Lane (and including Beach Road) are important roadside vegetation corridors as they contain existing large trees, many containing tree hollows essential for hollow dependant species such as the Greater Glider (recently listed as Endangered throughout NSW).

Since late 2021 residents have been writing to Council with concerns: -

#### **1. Recent increase in traffic on the road**

In the period since 10/5/22 Agars Lane has borne increased traffic during the flood events of May (when Coolangatta Rd was closed) and July (when both Coolangatta Rd and Gerroa Rd were closed). During this period traffic volumes increased significantly and yet a majority of drivers travelled at 80km/hr when it was unsafe to do so. Clearly, Agars Lane fulfils an essential transport corridor at times of flooding but the subsequent impact on the road surface is severe. Residents have repeatedly advised Council staff that the Lane was in its worst state in the last 5 years.

**Council's Waste Facility** is located on Agars Lane and residents have observed numerous instances of large trucks travelling to and from the Waste Facility having difficulty passing other vehicles at speed. **The Wholesale Nursery** opened to the public, has a large patronage, and has increased traffic flows as well. There are relatively high volumes of large

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trucks passing through Agars Lane at any time including milk transportation trucks, trucks carrying earthmoving equipment and construction trucks.

## **2. Current speed limit of 80kph**

Agars Lane is a narrow lane where it is difficult for two vehicles to pass each other at speed in certain sections of the road. The lane is particularly narrow with poor visibility due to a rise in the road around the culvert that runs between 450 Agars Lane and the property over the road (456 Agars Lane).

With increase traffic, cyclists, wildlife, and deteriorating condition of the road surface in recent months, the residents firmly believe there is a strong case for a reduction in speed from **80kph to 60kph** for safety reasons.

Examples of windy and narrow roads and other roads of a similar nature to Agars Lane where the speed limit has recently reduced from 80kph to 60kph include Black Forest Road, Bryces Road, and Hannigans Lane.

Staff have recently undertaken speed surveys. The raw traffic data conclusion drawn from a week's period identified speeding was not a significant problem compared with other roads across the network city wide. However, the current condition of the road may have led to lower overall speeds and that the speed survey should be repeated in the future in drier periods with the road in better condition for comparison.

## **3. The amount of native roadkill**

Residents are monitoring the current roadkill. Over the last 12 months there has been a substantial increase in the wildlife roadkill along the lane. Removal of trees is not the solution; slower road speeds will abate the issue. The higher rainfall has provided wildlife with improved feeding opportunities along the verge and surrounding paddocks. In particular, the straight stretch of road is where a lot of the wildlife are killed and there is a need for wildlife crossing signs. Native wildlife is especially at risk, especially where there is forest adjacent to the narrow road. Residents of the lane have witnessed dead plovers, galahs, swamp hens, ducks, brush tail possums, turtles, blue tongues, kangaroos, swamp wallabies, echidnas, and diamond pythons. Agars Lane also has existing records of sugar gliders and black swans reside in nearby Coomonderry Swamp. The most significant amount of roadkill occurs near the Council waste facility and at the sharp bend further south near Coomonderry Swamp. This is distressing for residents and young children.

## **4. Increased number of inexperienced recreational cyclist**

The impact of Covid has also seen a material increase in the number of recreational cyclists using the Lane. A number of the cyclists are elderly and inexperienced bike riders. Approximately 18 months ago signage was placed in a couple of locations along the Lane. Observations are that this initiative has had limited success in improving road safety. On the narrow parts of Agars Lane, it can be difficult to pass cyclists with one car, let alone try to negotiate the cyclists when two cars are travelling past each other. There are concerns that there will be a serious accident involving a cyclist given the current speed limit and significant increase of cyclists we have seen in recent times. Also, runners and walkers are regularly utilising the lane, which has little or no verge and therefore little or no ability to remove oneself from the path of traffic.

In summary, residents want to retain their "country lane" and believe that a reduction in speed to 60kph and installation of wildlife signage will provide an improved road environment for all. The easiest, cheapest, and minimum environmental impact option is to reduce road speeds.

## **CL22.474 Notice of Motion - Shoalhaven City Council Supports an End to Native Forest Logging in NSW South East**

**HPERM Ref:** D22/399183

**Submitted by:** Cllr Moo D'Ath

### **Purpose / Summary**

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

### **Recommendation**

That Council: -

1. Supports the rapid end to logging of public native forests in NSW South-East.
2. Advocates to the NSW Government for the urgent development of a plan for the just transition of the Forestry Corporation NSW native forest sector to ecologically sustainable plantations and farm forestry and that such plans ensure the protection of existing jobs in this sector.
3. Advocates that the NSW State government enact plans to manage our State Forests, in partnership with South Coast communities and local councils, for their nature-based tourism assets, recreational opportunities, biodiversity values, for carbon sequestration and continue to manage forests for fire mitigation (fire trail maintenance etc), weed & pest control.
4. Writes, in such advocacy, to:
  - a) The Hon. Dominic Perrottet MP, Premier of NSW;
  - b) The Hon. Dugald Saunders MP, Minister for Agriculture and Western NSW;
  - c) The shareholder Ministers for Forestry Corporation of NSW being The Hon. Matt Kean MP, Treasurer and Minister for Energy, and The Hon. Damien Tudehope MLC, Minister for Finance and Employee Relations;
  - d) The Hon. Shelley Hancock MP, Member for South Coast, and
  - e) The relevant Shadow Ministers, in accordance with items 2 & 3 being The Hon. Chris Minns MP, Leader of the Opposition, The Hon. Mick Vietch MLC, Shadow Minister for Agriculture, The Hon. Jihad Dib MP, Shadow Minister for Energy and Climate Change and The Hon. Anoulack Chanthivong MP, Shadow Minister for Finance.

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## **CL22.475 Notice of Motion - Call in of DA22/1847 - 31 Currambene Street, Huskisson**

**HPERM Ref:** D22/400252

**Submitted by:** Cllr Evan Christen

### **Purpose / Summary**

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

### **Recommendation**

That DA22/1847 - 31 Currambene Street, Huskisson be called in for determination by Council due to public interest

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## 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.