

Ordinary Meeting

Meeting Date: Monday, 10 October, 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.

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<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 - 26 September 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**

8. Mayoral Minute

Mayoral Minute

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9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

12. Committee Reports

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Note: An addendum report will be submitted to the meeting regarding 52 Parker Crescent, Berry - Public Interest Representations for the Revocation of a Complying Development Certificate (CD22/1532)

14. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

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15. Confidential Reports

Reports

CCL22.28	Tenders – Bendeela Reservoir Design and Construction Project <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>
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MM22.24 Mayoral Minute - Condolence - Barrie Ellis

HPERM Ref: D22/411317

Recommendation

That Council acknowledges the passing of Mr Barrie Ellis and offers our condolences to Barrie's family.

Details

Barrie Ellis, respected resident of Bawley Point, passed away peacefully at Royal Prince Alfred Hospital surrounded by his family on 15 September 2022, following a three-year battle with cancer.

For over a decade Barrie had an association with Bawley Point and once he retired, he lived permanently in Bawley Point, serving the community in many roles.

He was instrumental in developing and project managing the 'Community Connect' pathway project Stages 1 and 2 (2km) from Bawley Point to Racecourse Beach and 400m from Kioloa. Working with the Community Association he encouraged community members to lay form work, pour concrete and lay the path. Locals all contributed in groups to share the load including 'the teenagers and kids team', a women's team which included the Mayor, local builders, staff from Willinga Park, the Men's Shed and RFS members.

Barrie scoped and planned each 'pour', sought funds from the Bawley Kioloa Sport and Recreation Club, liaised with Council staff to guide and manage the 'tricky bits' where drains and culverts and professional surveying was needed.

In addition he was part of the foundation team establishing the Murramarang Men's Shed Inc and was involved in the planning and building of the shed and the fit out. He has recorded this 'mini history' in a small hard cover book for posterity.

As an active executive member of the Bawley Point Association he took the role of liaison officer with Council and Telstra to site and establish a 'Telecommunications Tower' on the ANU land in Kioloa. His clear communication and reporting to all parties of the community was exemplary and the tower now stands as a blessing to the region which needed consistency and security in its telecommunications.

He also gave much of his time and effort to codevelop and design a new look, contemporary BPKTCA website which is the major 'information and communication tool' for its community. He loved and served his community and being a 'Bawley Point- Kioloa' resident gave so much to his community over many years. Our condolences go to his family and friends and the community of Bawley Point and Kioloa.

MM22.24

MM22.25 Mayoral Minute - Condolence - Jenny Thompson

HPERM Ref: D22/411340

Recommendation

That Council acknowledges the passing of Ms Jenny Thompson and offers our condolences to Jenny's family.

Details

Jenny Thompson joined the Shoalhaven Arts Board in November 2018 and rapidly became a strong voice for the arts and community access to the arts. Jenny came to the board with a wealth of experience in administration and policy work in arts companies across the UK and Australia. She was also actively involved as a volunteer at Bundanon where her enthusiasm and warm personality made her well loved by staff and visitors.

Jenny had a passion for supporting young people and ensuring they had access to the arts. Jenny's own life had given her the ability to engage with a wide range of arts as her father was an opera singer and her mother continued to teach piano well into her 90's so she knew that access to the arts and being supported to explore the arts can change a child's life. Her passion was most evident in the work she did with several other community and board members to set up the Artists in Residence (AIR) in School pilot project in the Shoalhaven. This project was led by Jenny and while her health was failing she continued to ensure it was spoken of - and also developed a submission to the National Cultural Policy in late August.

In the Shoalhaven, the AIR project saw four public schools and two preschools take part in the pilot project which was partially funded by Council. The project continues with schools able to contract artists to work in the school for a term and develop an artwork alongside the students. Jenny's hope was that the evidence from this pilot will support schools across regional Australia to seek funding to support ongoing access to artists in schools.

Jenny's passion for the arts and her advocacy for young people will be missed by members of the Arts Board, the staff and visitors at Bundanon and many of those in the community who were touched by her firm belief in the value of the arts. Our condolences to her husband, children and extended family.

MM22.25

CL22.518 Report of the Homelessness Taskforce Shoalhaven - 1 September 2022

HPERM Ref: D22/418485

HT22.27 Homeshare Funding Project - Shoalhaven

Mr Gareth Ward MP advised that there is an opportunity to investigate funding options to establish a program based on the “Homeshare” Program, which is working extremely well in the Eastern Suburbs of Sydney.

The Homeshare Program partners people who are in genuine need of accommodation with people who are living on their own and are lonely or need assistance around the home, where the prospective tenant can provide assistance to the homeowner in return for a room at a reduced rental rate. It was noted that a coordinator to administer the partnership arrangements would be required.

RECOMMENDATION

That Mayor Amanda Findley write to Mr Gareth Ward MP on behalf of Shoalhaven City Council to seek support for the Homeshare funding project for the Shoalhaven.

CL22.518

CL22.519 Report of the Nowra CBD Revitalisation Strategy Committee - 14 September 2022

HPERM Ref: D22/410921

Attachments:

1. Nowra CBD Facade Improvement Program - Nowra CBD Revitalisation Strategy Committee - 14 September 2022 - Report Outlining Feedback / Submissions [↓](#)
2. Nowra CBD Facade Improvement Financial Assistance Program Guidelines [↓](#)

CBD22.27 Policy Review - Road Closure (Events) Junction Court Policy and Nowra CBD Banner Policy

HPERM Ref:
D22/301564

Recommendation

That Council reaffirm of the following policies without amendment;

1. [Road Closure \(Events\) Junction Court Policy \(POL16/249\)](#) and the
2. [Nowra CBD Banner Policy \(POL19/13\)](#)

Note by the CEO:

Noting that the City Services Directorate will be the corporate owners of the Policies from here on.

CBD22.32 Nowra CBD Facade Improvement Program

HPERM Ref:
D22/331711

Recommendation

That Council:

1. Note the feedback received (outlined in report attached) from Nowra CBD Property owners during the month of July 2022.
2. Withdraw the Façade Improvement Financial Assistance Program Guidelines (attachment 2) in its current form
3. Staff meet with the Committee members and conduct a 'walk around' to identify areas/properties in the CBD that may benefit from façade improvements;
4. Write to CBD operators to advise the Façade Improvement Financial Assistance Program Guidelines has been withdrawn, and instead the committee will seek to identify properties for façade improvements that would assist with the revitalisation of the CBD.
5. Following the 'walk around' (in Part 3 above) staff report back to the Committee with a way forward for a new Façade improvement Program and consider approaching properties

CL22.519

CBD22.32 Nowra CBD Facade Improvement Program

HPERM Ref: D22/331711

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

Attachments: 1. 2017/18 Guidelines - Nowra CBD Facade Improvement Financial Assistance Guidelines

Reason for Report

To advise the Nowra CBD Revitalisation Strategy Committee of feedback received about the Nowra CBD Façade Improvement Program.

Recommendation

That Council:

1. Note the feedback received from Nowra CBD Property owners during the month of July 2022.
2. Make no changes to the current Nowra CBD Façade Improvement Program.

Options

1. No Change (Adopt as recommended)

Implications: No change to existing program scope and thus wont address any of the feedback.

That Council;

1. Note the feedback received from Nowra CBD Property owners during the month of July 2022.
2. Make no changes to the current Nowra CBD Façade Improvement Program.

2. Expand the Façade Improvement Program's area of eligibility in line with figure 2.

Implications: Potential increase in applications for the program by CBD Property Owners.

That Council;

1. Note the feedback received from Nowra CBD Property owners during the month of July 2022.
2. Expand the Façade Improvement Program's area of eligibility in line with the map D22/355175 (figure 2 in the report).

3. Discontinue the program and instead adopt a targeted approach to Façade improvements.

Implications: The program would no longer be available for application.

That Council;

1. Note the feedback received from Nowra CBD Property owners during the month of July 2022.
2. Discontinue the Façade improvement program and instead adopt a targeted approach to Façade improvements with any premises within the CBD rateable area being eligible.

4. The Nowra CBD Revitalisation Committee conduct a comprehensive review of the Façade Improvements Program.

Implications: Staff and Committee to review the program considering uptake, equitability, impact on CBD to date, scope, and funding. Findings to be reported to the CBD Revitalisation Strategy Committee for consideration.

That the Nowra CBD Revitalisation Committee;

1. Note the feedback received from Nowra CBD Property owners during the month of July 2022.
2. Conduct a workshop (facilitated by Council staff) to Comprehensively Review the Façade Improvements Program.

Background

History

The current Façade Improvement Program commenced after a resolution of Council on June 24, 2014 (MIN14.433). The program was initially run as an annual program and then opened to applications on an 'on-demand' basis throughout the year.

Current Program

The program aims to positively influence the perception of place and encourage overall improvement in Nowra's CBD by offering financial assistance to eligible façade upgrades. For full details see attachment 1.

- Purpose: to encourage building owners and business operators within the program area to enhance the appearance of their façades through the provision of financial assistance for labour and materials.
- Eligible applicants: Building owners and business operators of a property within the program area.
 - Buildings with façades directly adjacent to and fronting the program area may also be eligible.
 - The program applies to commercial premises only. Government owned properties are excluded
- Financial assistance: 50% of the total cost of works (labour and materials) to a maximum dollar value of \$5,000 (excl. GST), per property.
- Funding: The program is currently funded from within the Nowra CBD Revitalisation Strategy Committee's annual budget.



Figure 1. Current Area of eligibility endorsed by Council 19/08/2014

Program Expenditure

The following table summarises the expenditure of grants awarded under this program in previous financial years.

Financial Year	Grant Expenditure
2016/17	\$9,930.00
2017/18	\$5,000.00
2018/19	\$7,227.00
2019/20	\$4,100.00
2020/21	\$5,000.00
2021/22	\$1,345.00
Total	\$32,602.00

Consultation

At the request of the Nowra CBD Revitalisation Committee, on the 01/06/2022 Council staff wrote to all property owners within the CBD boundary advertising the Façade Improvement Program, seeking their interest and suggestions for improvement of the program.

Submissions for feedback on the program closed on 01/08/2022 and are tabled below:

TRIM Number	Property Address	Owner Comments
D22/320610	59 Kinghorne Street	<ul style="list-style-type: none"> - Outside the program envelope. - Owner pays commercial rates - Kinghorne street has been developed – many new businesses established in this area - -DCP Chapter G18 Streetscape design guidelines covers this area of Kinghorne street, yet is excluded from the façade program - Request the façade improvement program include whole of Nowra CBD - Suggests grants be given to business operators or jointly to operators/building owners for greater uptake of the program.
D22/286245	89 Plunkett Street	<ul style="list-style-type: none"> - Wishes to know if Plunkett Street is excluded
Phone call only	59A Kinghorne Street	<ul style="list-style-type: none"> - Outside the program envelope. - Notes many properties within the envelope are government buildings or large enterprises unlikely to take up the Façade program (banks, car parks, grocery chains). - Extending the scope would improve outcomes as more small businesses would have the opportunity to access the program.
D22/282530	83 Bridge Road Nowra	<ul style="list-style-type: none"> - Outside the program envelope. - SCC required planting of two trees on nature strip now encroaching on property - affecting façade. - Request assistance.
D22/325948	70 Graham Street	<ul style="list-style-type: none"> - Outside the program envelope - Wishes to upgrade their street front. - Notes Graham Street has tourism value, due to traffic movements off the bridge and Harry Sawkins Park. - Notes it is within the Nowra CBD map in the DCP, but not for the facades program. Confusing messaging. - Requests the envelope be increased to include Graham Street. - Requests SCC increase the funding limit.
Phone call only	43 Worrigea Street	<ul style="list-style-type: none"> - Outside the program envelope. - Want to improve access ramps. - Would apply if eligible.
Phone call only	40 Junction Street	<ul style="list-style-type: none"> - Outside the program envelope. - Want to improve their fence line. - Would apply if eligible.

The majority of submissions received requested the eligibility area be increased, and one request that the funding allowance be increased by an unspecified amount.

The following locality plan indicates a potentially revised area of eligibility based off the feedback received for the Committees consideration of expansion of eligibility.



Figure 2. Proposed Area of eligibility for consideration

Other Considerations

To improve the program and increase uptake, a comprehensive review could be taking into consideration:

- Overall aim/purpose
- Timing of applications
- Assessment criteria
- Scope of eligible works
- Budget and available assistance clarification
- Governance of the program
- Promotion

1. PURPOSE

To encourage building owners and business operators within the program area to enhance the appearance of their façades through the provision of financial assistance for labour and materials.

2. STATEMENT

Improving façades can positively influence the perception of a place and encourage overall improvement in a CBD's economy, social and cultural environment, and safety. These guidelines recognise the program area as highly utilised for pedestrian movement and allows building owners and business operators to apply to receive financial assistance for labour and materials to improve their façades.

3. ELIGIBLE APPLICANTS

Building owners and business operators of a property within the program area, and who wish to undertake works to façades, are eligible to apply for financial assistance under the Nowra CBD Façade Improvement Financial Assistance Program. Eligible applicants are required to submit all relevant documentation and information with a completed application form. Government-owned properties are excluded from applying for financial assistance.



Figure 1 – Program Area

An assessment panel will evaluate applications against the ranked assessment criterion as outlined in these guidelines.

4. ELIGIBLE WORKS

All applications for financial assistance must be for physical works on façades within the program area, as shown at Figure 1. Buildings with façades directly adjacent to and fronting the program area may also be eligible for financial assistance if the initial funding allocation by

Shoalhaven City Council – Nowra CBD Façade Improvement Financial Assistance Program

Council is still available by the application closure date. However, to be eligible, these works must complement works within the program area.

The Program only applies to commercial premises.

Building owners and business operators are able to apply for the following eligible works:

- Restoration of exterior finishes;
- Repainting of building façade and windows;
- Removal of opaque roller shutters or security grilles; and
- Upgrade/repair or replacement of awning structure.

Only works which are able to be completed within the time frame set by the assessment criteria (Part 6 of these guidelines) will be considered. Where works require planning approval (i.e. Development Consent or Complying Development Certificates), the relevant approval must be obtained prior to making an application for financial assistance.

5. INELIGIBLE WORKS

The following works are considered to be outside of the scope of the program and will be not considered for financial assistance:

- Removal of non-compliant / unauthorised signage;
- Installation of roller shutters or security grilles;
- Internal alterations and additions to a building; and
- Repair and modifications to roof structures (excluding awnings).

The following will also result in an application being ineligible:

- Where the use of the building has not received the appropriate planning approval;
- Where the building has overdue rates payable to Council;
- For the purchase of a building, site or movable item;
- Relocation of a building; and
- Work that has already been completed.

6. ASSESSMENT CRITERIA

To facilitate a consistent approach in reviewing and prioritising applications for financial assistance for this program, the following assessment criterion has been established:

- a) Is the project consistent with the relevant planning controls?
- b) Will the project contribute to a greater visual improvement to the façade and the overall streetscape and public domain (i.e. is it close to properties that are also committing to undertake improvement projects)?
- c) Can the project be completed by the end of the Financial Year? In some circumstances, Council reserves the right to consider an increase to the allocated time frame.

Notes:

- 1) Please note that your application does not have to meet all of the assessment criteria; however, applications are being assessed on their merit against each of the criteria.

- 2) If an applicant has applied for previous financial assistance or grant money, but were unsuccessful, the applicant will be eligible to apply for financial assistance under these guidelines.

Council reserves the right to approve or refuse an application for financial assistance in terms of the colour, material or method of execution as it considers appropriate.

7. FUNDING

The maximum level of financial assistance per property will be limited to 50% of the total cost of works (labour and materials) to a maximum dollar value of \$5,000 (excl. GST) per property. Council reserves the right to offer assistance of less than 50% of the cost of works if the financial assistance needs to be applied across more than 3 applications. The GST component of a project is excluded from the financial assistance.

Financial assistance will be provided at completion of the project and when Council has agreed that all work has been carried out satisfactorily and within the specified time frame.

If the amount of financial assistance applied for exceeds the budget for the financial year, Council may need to prioritise applications based on the assessment criteria. If the full budget is not used in its initial offer, funds will be considered for distribution to properties outside the program area or additional funds may be allocated to projects already funded.

8. PROCEDURE

- Applications may be lodged throughout the Financial Year.
- Applications must be lodged with appropriate detail and owner's consent (if the applicant is not the landowner).
- All applications will be reviewed by Council staff in accordance with the assessment criteria of this program.
- Council staff will recommend suitable applications for financial assistance to the Nowra CBD Revitalisation Strategy Committee under their delegation.
- Successful applicants will be advised of Council's financial assistance and must accept the financial assistance in writing.
- Unsuccessful applicants will be notified of the outcome of their application.
- Successful applicants must complete the project by the end of the Financial Year or as indicated (unless agreed with Council). Once the works have been completed and paid for, the applicant must claim their eligible financial assistance in writing with the following information:
 - Tax Invoice to Council (including applicants ABN number) detailing the works completed for the approved financial assistance as agreed. The Tax Invoice must be exclusive of GST.
 - All receipts from contractors including contractors ABN evidencing full payment of the materials / works of paid receipts from contractors.
 - Statutory Declaration to declare true invoices and paid receipts.

CL22.520 Councillor Membership - Audit, Risk & Improvement Committee

HPERM Ref: D22/413566

Department: Business Assurance & Risk

Approver: Sara McMahon, Manager - Business Assurance & Risk

Reason for Report

To nominate a Councillor to replace Clr Wells on the Audit, Risk and Improvement Committee.

Recommendation

That Council nominate Councillor (INSET NAME) as a member of the Audit, Risk and Improvement Committee for the period to September 2023, replacing Clr Wells.

Options

1. Council nominates a replacement for the vacancy of the Councillor position by Clr Wells for the Audit, Risk and Improvement Committee for the period to September 2023.
2. An alternate recommendation

Background

At the Ordinary Meeting 26 September 2022, the following was resolved regarding the membership on the Audit, Risk and Improvement Committee (MIN22.674):

That Council continue the operation of Audit, Risk and Improvement Committee for the period to September 2023 as outlined below.

<u>Meetings per year</u> – Minimum of 4 & others as required <u>Commencement time</u> – 4pm	<u>Quorum:</u> Three (3) – including 1 Councillor & 1 External member <u>Charter:</u> D19/261344 (39763E) <u>Amended:</u> 30/7/2019
Objective <i>The objective of the Audit, Risk and Improvement Committee (ARIC, the Committee) is to provide independent assurance and assistance to Shoalhaven City Council on risk management, control, governance, business improvement related matters and external accountability responsibilities.</i>	
Authority <i>The Council authorises the Committee, within the scope of its role and responsibilities to:</i> <ol style="list-style-type: none"> 1. Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information). 2. Discuss any matters with the internal or external auditor or other external parties (subject to confidentiality considerations). 3. Request the attendance of any employee or councillor at Committee meetings. 4. Obtain external legal or other professional advice considered necessary to meet its responsibilities. 	
Chairperson - Independent Member appointed by Committee	
2022-2023 Councillor / Staff Membership	
Clr Wells	

CL22.520

Clr White

Clr Butler (alternate)

Clr Christen (alternate)

Note: Any non-voting Councillor in attendance at any of the above Committees may act as an alternate voting member in circumstances where achievement of a quorum is required.

Independent Community Representatives

3 Independent community representatives

Sitting Fee for Community Members \$16,213 per annum for the chairperson and \$1,621 per meeting for other independent members. A travel per kilometre allowance based on the Councillor rates is also paid.

Following the meeting Clr Wells has advised that he wishes to resign as a voting member of the Committee. He has stated that he would be willing to remain as an alternate member if required.

CL22.520

CL22.521 Register - Disclosure of Pecuniary Interest Returns - 2021/22

HPERM Ref: D22/349605

Department: Business Assurance & Risk

Approver: Sara McMahon, Manager - Business Assurance & Risk

Attachments: 1. Designated Officers - Register of Returns [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the requirements under the Code of Conduct and the Local Government Act 1993. To provide Council with the Register of Pecuniary Interest Returns lodged with the Chief Executive Officer (CEO) for the period of 1 July 2021 to 30 June 2022 as required under Section 4.21 of the Code of Conduct.

Recommendation

That:

1. The report regarding the Register – Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2021 to 30 June 2022 be received for information.
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2021 to 30 June 2022.

Options

1. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

2. The Chief Executive Officer may suspend membership of Committees for any member in contravention of the Model Code of Conduct.

Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

Background

The lodgement date for Pecuniary Interest returns covering 1 July 2021 to 30 June 2022 was 30 September 2022.

Persons with an obligation to lodge a pecuniary interest return by 30 September 2022 are listed in **Attachment 1** of the register tabled at this meeting.

Notice was provided to:

- All Councillors via hard copy and email on 16 August 2022
- Designated Staff between 10 to 25 August 2022

CL22.521

- Committee members on 31 August 2022.

Reminders were sent via email to designated officers on 13, 21, 26 September 2022, reminding them to complete the form.

Despite the attempts and reminders stated above, 2 designated persons as noted in Attachment 1 have not completed a return at the time of preparing this report and have not provided explanation for their failure to do so (i.e., not away, or unable to complete due to illness or other reason).

Advice provided to Council by the Office of Local Government in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is attached and tabled.

Electronic versions of the disclosure documents (with relevant redactions) are available on the Council website, in accordance with requirements under the Government Information (Public Access) Act, 2009.

Executive Management Team at its meeting on 23 November 2021 resolved as follows:

That EMT:

2. *Amend the approach of the Council to reflect the requirements of the GIPA Act by placing appropriately redacted Returns of Interest of Councillors and Designated Officers on the Council Website from 1 April 2022.*

Risk Implications

A failure of meeting the obligations with respect to the Pecuniary Interest Returns by designated officer leaves Council at risk of non-compliance with legislative requirements, conflict of interests and limited transparency.

CL22.521

Directorate	Position	Name	Date Returned
	Councillor	Evan Christen	22/8/2022
	Councillor	Serena Copley	21/8/2022
	Councillor	Moo D'Ath	18/8/2022
	Councillor	Paul Ell	17/8/2022
	Councillor	Amanda Findley	28/9/2022
	Councillor	Mark Kitchener	16/8/2022
	Councillor	John Kotlash	25/8/2022
	Councillor	John Wells	1/9/2022
	Councillor	Patricia White	24/8/2022
	Councillor	Greg Watson	30/9/2022
	Councillor	Tonia Gray	30/9/2022
	Councillor	Liza Butler	4/10/2022
	Councillor	Matthew Norris	4/10/2022
City Services	Unit Manager – District Engineer	Melissa Dunn	22/7/2022
CEO	Manager – Media & Communications	Kate Crowe	27/7/2022
City Services	Coordinator – Fleet Services	Mark Andriske	28/7/2022
City Services	Project Manager	Antoine Azzouni	28/7/2022
City Futures	Section Manager - Tourism / Economic Development Manager	Coralie Bell	11/8/2022
City Futures	Team Supervisor – Graphics	Kay Bone	11/8/2022
City Futures	Spatial Analyst	Jenny Grant	11/8/2022
City Futures	Strategic Planner	Kate Lynch	11/8/2022
City Futures	Strategic Planner	Kristy O'Sullivan	11/8/2022
City Futures	Spatial Analyst	Sue Gray	12/8/2022
City Futures	Section Manager - Strategic Planning	Gordon Clark	12/8/2022
City Futures	Coordinator – Policy Planning Team	Jenna Tague	12/8/2022
City Futures	Cadet Town Planner	Fallon Kassis	12/8/2022
City Futures	Coordinator – Local Planning Team	Ryan Jameson	15/8/2022
City Lifestyles	Customer & Community Resources Manager	Gemma Luxford	16/8/2022
City Lifestyles	Collection & Resources Manager	Nicole Lonesborough	15/8/2022
City Futures	Strategic Planner	Emma Kell	16/8/2022
City Performance	Manager – People & Culture	Amanda Crangle	16/8/2022
City Lifestyles	Manager – Community Planning & Projects	Kathy Thomas	16/8/2022
City Performance	Manager – Corporate Performance & Reporting	Jim Fraser	16/8/2022
City Performance	Manager – Procurement	Mark Kielly	16/8/2022
City Performance	Legal Services Counsel	Samantha Neilson	16/8/2022
City Futures	Coordinator – Special Projects Team	Eric Hollinger	17/8/2022
City Lifestyles	Project Manager – Minor	Craig Horgan	17/8/2022
City Futures	Strategic Planner	Courtney Fung	17/8/2022
City Performance	Unit Manager – GIS	Hamed Noroozi	17/8/2022
City Performance	Manager - Budgeting & Analysis	Vanessa Phelan	17/8/2022

City Lifestyles	Southern Leisure Manager	Matthew Graham	18/8/2022
City Lifestyles	Manager – Community Connections	Michael Paine	18/8/2022
City Lifestyles	Manager – Shoalhaven Entertainment Centre	Karen Patterson	18/8/2022
City Lifestyles	Manager – Library Services	Sarah Taylor	18/8/2022
City Performance	Director	Kevin Voegt	18/8/2022
City Futures	Strategic Planner	Maggie Chapman	19/8/2022
City Futures	Principal Traffic Engineer	Scott Wells	19/8/2022
City Lifestyles	Central Leisure Manager	Simon Brown	22/8/2022
City Performance	Manager – Reporting & Controls	Debbie Webb	22/8/2022
City Services	Building Services Manager	Gary George	23/8/2022
City Services	Unit Manager – Waste Services	David Hojem	23/8/2022
City Performance	Manager – Revenue	Peter Timmins	23/8/2022
City Performance	Chief Financial Officer	Olena Tulubinska	23/8/2022
City Lifestyles	Director – City Lifestyles	Jane Lewis	23/8/2022
City Lifestyles	Manager – Arts & Culture	Bronwyn Coulston	23/8/2022
City Futures	City Design Manager	Ros Holmes	23/8/2022
City Development	Senior Ranger	Matthew Barnes	24/8/2022
City Development	District Environmental Health Officer	Blaire Burke	24/8/2022
City Development	Biosecurity Coordinator	Scott Galbraith	24/8/2022
City Development	Lead – Building & Compliance	Garon Irwin	24/8/2022
City Development	Senior Planner	Anne McDonald	24/8/2022
City Development	Compliance Officer	Amber McLuckie	24/8/2022
City Development	Development Planner/Building Surveyor	Mashal Moughal	24/8/2022
City Development	Senior Compliance Officer	Ian Staples	24/8/2022
City Development	Team Supervisor – Development Assessment	Peter Woodworth	24/8/2022
City Services	Building Operations Manager	Peter Herald	24/8/2022
City Services	Engineer	Leon McCarthy	24/8/2022
City Services	Graduate Engineer/Design Engineer	Hajira Mirza	24/8/2022
City Services	Senior Civil Engineer	David Pieresko	24/8/2022
City Services	Assets Coordinator	Jacqueline Russell	24/8/2022
City Services	Environmental Engineer	Ross Templeton	24/8/2022
City Services	Project Manager	John Visser	24/8/2022
Shoalhaven Water	Unit Manager – Projects/Design	David Banwell	24/8/2022
Shoalhaven Water	Unit Manager – Water Capital Program	Anthony Galea	24/8/2022
Shoalhaven Water	Compliance & Accounts Management	Patricia Hoerlein	24/8/2022
City Services	Manager – Design Services	Micaiah Tipton	24/8/2022
City Development	Assistant Ranger	Laura Marcocci	25/8/2022
City Performance	Senior Workers Compensation Officer	Matthew Hinks	25/8/2022
City Development	Team Supervisor – Compliance	Luke Freeman	25/8/2022
City Development	Ranger	Peter Fuller	25/8/2022

City Development	Environmental Health Officer – OSSM	Renee Hutchinson	25/8/2022
City Development	Senior Environmental Health Officer	Thelma Marr	25/8/2022
City Development	Senior Development Planner	Justin Lamerton	25/8/2022
City Services	Lead – Sustainability	Phillipa Hildebrand	25/8/2022
Shoalhaven Water	Unit Manager Mechanical/Electrical	Craig Ellis	25/8/2022
Shoalhaven Water	Unit Manager – Water Operations	Mark Jennings	25/8/2022
Shoalhaven Water	Project Manager	Nadeen Saraya	25/8/2022
City Performance	Contact Centre Lead	Karla Raison	26/8/2022
City Performance	Complaints Officer	Juanita Sheldrick	26/8/2022
City Services	Project Officer	Sharon Neradil	26/8/2022
City Development	District Environmental Health Officer	Kate Balding	26/8/2022
City Development	Manager – Development Services	Cathy Bern	26/8/2022
City Development	Environmental Health Officer – OSSM	Emma Clunas	26/8/2022
City Development	Team Supervisor – Ranger Support	Anna Hernell	26/8/2022
City Development	Senior Environmental Health Officer	Kamran Khodaverdi	26/8/2022
City Development	Team Supervisor – Rangers	Nicholas Kilminster	26/8/2022
Shoalhaven Water	Section Manager – Water Asset Planning & Development	Matt Kidd	29/8/2022
City Development	Lead – Ranger Services	Tony Pearman	29/08/2022
City Development	Development Planner	Stephanie Wood	29/08/2022
City Development	Compliance Officer	Rachel Taylor	29/08/2022
City Development	Lead – Land Management	Peter Swanson	29/08/2022
City Development	Building Surveyor	Jamie Winter	29/08/2022
City Services	Manager – Bereavement Services	Charmaine Schembri	26/08/2022
City Performance	Project Manager – Corporate Systems	Pat Smith	29/08/2022
City Futures	Coordinator – Strategy Planning Team	Matthew Rose	25/08/2022
City Development	Building Surveyor – Fire Safety	Shane Gillespie	25/8/2022
City Performance	Manager Customer Experience	Lauren Buckingham	29/08/2022
City Lifestyles	Manager Shoalhaven Swim Sport Fitness	Kevin Norwood	29/08/2022
Shoalhaven Water	Communication Site Coordinator	Fiona Bowman	30/8/2022
Shoalhaven Water	Unit Manager	Chris Dougherty	30/8/2022
City Services	Road Assets Manager	David Paisley-Topp	30/8/2022
City Services	Manager – Technical Services	Craig Exton	30/8/2022
City Performance	Chief Information Officer	Dane Hamilton	30/8/2022
City Development	Ranger – Illegal Dumping	Adrian Brandt	30/8/2022
City Futures	Strategic Planner	Dale Richardson	30/8/2022
City Services	Unit Manager – Roads Construction Manager	Lee Dark	30/8/2022
City Performance	Unit Manager – Records	Roslyn Ball	30/8/2022

City Development	Compliance Officer	Chris Dwyer	30/8/2022
City Development	Development Planner	Jethro Witte	30/8/2022
City Lifestyles	Asset Officer	Peter Swan	31/8/2022
City Performance	Financial Services – Contractor	Donald Johnston	31/8/2022
City Services	Unit Manager – District Engineer – South	Troy Punnett	31/8/2022
City Development	Environmental Health Officer	Nathaly Jones	31/8/2022
City Performance	Business Systems Manager	Michelle Formosa	31/8/2022
City Development	Development Planner	Kaitlin Aldous	31/8/2022
City Performance	Manager – Business Assurance & Risk	Sara McMahon	31/8/2022
City Services	Manager – Tourist Parks	Rachel Dyer	31/8/2022
City Development	Development Planner	Bridie Riordan	31/8/2022
City Development	Senior Environmental Health Officer	Bethany Sheehan	31/8/2022
City Development	Senior Environmental Health Officer	Trent Swan	31/8/2022
City Development	District Environmental Health Officer	Mark Sneesby	31/8/2022
Shoalhaven Water	Project Manager	Joshua Clugston	31/8/2022
Shoalhaven Arts Board	Committee Member (Chair)	Christine Dunstan	1/9/2022
City Services	Engineering Officer (Roads)	Dene Hillman	1/9/2022
City Development	Lead - Development Services – South	Peter Johnston	1/9/2022
City Development	Team Coordinator – On Site Sewage Management	Alison McVey	1/9/2022
City Development	Environmental Health Officer – OSSM	Catherine Watts	1/9/2022
Shoalhaven Water	Executive Manager	Robert Horner	1/9/2022
Shoalhaven Water	Unit Manager - Projects/Development	Ljupco Lazarevski	1/9/2022
Shoalhaven Water	Water Business Services Manager	Brenden Logue	2/9/2022
Shoalhaven Water	Section Manager - Water Operations & Maintenance	Andrew McVey	2/9/2022
City Development	Manager – Environmental Services	Michael Roberts	5/9/2022
Nowra CBD	Committee Member	Brendan Goddard	5/9/2022
Shoalhaven Arts Board	Committee Member	Dr Lynda Kelly	5/9/2022
Shoalhaven Arts Board	Committee Member	Bonnie Porter-Greene	6/9/2022
City Services	Engineer	Kieran Hazell	6/9/2022
City Services	Senior Property Officer	Melissa Boundy	6/9/2022
City Development	Environmental Health Officer	Elizabeth Csanitz	6/9/2022
City Development	Senior Development Planner	Elizabeth Downing	6/9/2022
City Development	Senior Development Planner	Lachlan Jones	7/9/2022
City Development	Ranger	Roberta Costa	7/9/2022
City Development	Senior Floodplain Engineer	Mark Stone	7/9/2022

City Services	Unit Manager - Mechanical and Fleet Services	Kate Kennedy	7/9/2022
City Services	Senior Asset Management Advisor	Peter McQueen	7/9/2022
Shoalhaven Water	Project Engineer – Electrical	Anthony Russell	7/9/2022
Shoalhaven Water	Unit Manager – Business Operations	Julia Rodgers	7/9/2022
Shoalhaven Water	Business Analyst	Bettina St John	7/9/2022
City Development	Senior Development Planner	Andre Vernez	8/9/2022
City Futures	Strategic Planner	Richard Carter	8/9/2022
City Services	Project & Contracts Advisor	Matthew Alder	8/9/2022
Shoalhaven Water	Project Manager	Abrar Ahmed	9/9/2022
Shoalhaven Water	Unit Manager - Wastewater Operations	Ivan Wady	12/9/2022
City Development	Development Planner / Building Surveyor	Edo Smits	13/9/2022
City Services	Section Manager – Works & Services	Trevor Dando	13/9/2022
City Development	Development Planner	Kelly Grieve	13/9/2022
City Development	Environmental Health Officer – Ulladulla	Gregory Howarth	13/9/2022
City Services	Project Manager	Binay Kumar	14/9/2022
City Services	Asset Management Advisor	Brad Davis	14/9/2022
City Development	Ranger	Roy Choros	14/9/2022
City Futures	Director	Carey McIntyre	14/9/2022
City Futures	Project Manager	Daniel Morgan	14/9/2022
City Development	Building Surveyor	Janez Reple	14/9/2022
City Development	Development Assessment Officer	Andrew (Drew) Shortle	14/9/2022
City Development	Coastal Management Program Coordinator	Nigel Smith	14/9/2022
City Performance	Chief Safety Officer	Lisa Griffin	14/9/2022
Shoalhaven Water	Unit Manager - Digital Control Systems	Allan Gilkes	14/9/2022
City Development	Development Assessment Officer	Elisabeth Bailey	15/9/2022
City Development	Indigenous Ranger	Shane Brown	15/9/2022
City Development	Development Planner	Jitendra Chhetri	15/9/2022
City Performance	Information Officer	Michael Goldsmith	20/9/2022
Shoalhaven Water	Project Manager	Calvin Ferrier	19/09/2022
City Development	Ranger	Phillip McNeice	07/09/2022
City Development	Senior Building Surveyor	Mark Sage	15/09/2022
City Services	Commercial Finance Manager	Judi Douglas	19/09/2022
City Development	Ranger	Suzanne Hislop	19/09/2022
City Development	Development Planner	Emily May	19/09/2022
City Services	Team Supervisor – Plant & Fleet	Markus Tarrant	14/09/2022
City Services	Senior Project Manager – Natural Disasters	Beorn Hulme	07/09/2022
City Services	Team Supervisor – Traffic Facilities	Michael Castledine	14/9/2022
City Lifestyles	Project Manager – Major	Italo Meta	14/9/2022

City Services	Unit Manager – District Engineer	Theo Prakash	24/8/2022
Committee	Nowra CBD Revitalisation Strategy Committee	Scott Baxter	12/9/2022
Shoalhaven Arts Board	Committee member	Jennifer Thompson	9/9/2022
Shoalhaven Water	Unit Manager	Ivan Wady	12/9/2022
CEO	Chief Executive Officer	Stephen Dunshea	19/9/2022
Shoalhaven Water	Capital Portfolio Manager	Craig Singleton	19/9/2022
City Development	Cadet Environmental Health Officer	Ariana Johnson	19/9/2022
City Performance	Lead – Enterprise Risk Management	Damian Whittle	19/9/2022
City Development	Senior Ranger	David Nile	21/9/2022
City Performance	Lead – Human Resources	Lucas Winton	21/9/2022
City Development	Director	James Ruprai	21/9/2022
City Services	Team Coordinator - Waste Operations	Peter Windley	21/9/2022
City Performance	Governance Coordinator	Brooke Aldous	21/9/2022
City Services	Director	Paul Keech	26/9/2022
City Services	Project Engineer (Basin)	Joshua Simpson	26/9/2022
City Development	Manager - Certification & Compliance	Colin Wood	26/9/2022
City Development	Manager - Business Support	Carmen Spreitzer	26/9/2022
City Services	Unit Manager - District Engineer – North	Brian Jacobs	26/9/2022
City Performance	Unit Manager – IT Support	Daniel Jones	26/9/2022
City Performance	Lead – Payroll	Cristy Jones	26/9/2022
City Development	Lead – Environmental Health	Shane Pickering	27/9/2022
City Development	Portal & Planning Coordinator	Evonne Thorne	27/9/2022
Nowra CBD	Committee Member	James Caldwell	27/9/2022
City Lifestyles	Northern Leisure Manager	Jamie Harding	28/9/2022
City Futures	Tourism Investments & Events Specialist	Kate Selig	30/9/2022
City Development	Ranger	Levi Aydogan	30/9/2022
City Development	Compliance Officer	Natalia Komadina	30/9/2022
City Development	Ranger	Stewart Harradence	30/9/2022
Nowra CBD	Committee Member	Catherine Shields	28/9/2022
Nowra CBD	Committee Member	Alison Henry	28/9/2022
Nowra CBD	Committee Member	George Parker	29/9/2022
City Development	Development Assessment Officer	Hannah Bedson	On extended leave
City Development	Compliance Officer	Kerrie Keith	On extended leave
City Development	Lead – Development Services	Rebecca Lockart	On extended leave
City Performance	Senior Workers Compensation Officer	Angela Keating	On extended leave
Not Returned:			

Nowra CBD	Committee Member	Wesley Hindmarch	
Shoalhaven Arts Board	Committee Member	Drew Longbottom	

CL22.522 2021/22 Council Borrowings - TCorp Loan Agreement

HPERM Ref: D22/405836

Department: Finance

Approver: Sara McMahon, Manager - Business Assurance & Risk

Attachments: 1. TCorp Loan Agreement Facility 1 (councillors information folder) [⇒](#)
2. TCorp Loan Agreement Facility 2 (councillors information folder) [⇒](#)
3. TCorp Loan Agreement Facility 3 (councillors information folder) [⇒](#)

Reason for Report

This report is to seek Council approval to enter into loan agreements with NSW Treasury Corporation (TCorp) for both General Fund and Waste Fund borrowings that have previously been endorsed by Council.

Recommendation

That Council enter into a loan agreement, executed under the seal of Council, with New South Wales Treasury Corporation (TCorp) for the following loans (to be repaid over 10 years) that have been previously endorsed by Council:

Loan #	Purpose of the Loan	Loan Amount \$
Loan 1	Materials Recovery Facility	8,000,000
	Bioelektra Resource Recovery Facility RRF	7,000,000
Total Loan 1 (Waste Fund):		15,000,000
Loan 2	Bomaderry Basketball Stadium	650,000
	Local Roads Renewal	2,500,000
	Public Amenities (Francis Ryan Reserve and Hyams Beach Reserve)	1,350,000
	SEC Upgrade	2,100,000
	Comerong Ferry	600,000
Total Loan 2 (General Fund):		7,200,000
Loan 3	Sanctuary Point Library	6,000,000
	Ulladulla Skate Park	1,350,000
Total Loan 3 (General Fund):		7,350,000
TOTAL:		29,550,000

Options

1. Adopt the recommendation in the report.

Implications: Council will be able to take up loans and fund capital projects in accordance with the adopted 2021/22 Delivery Program and Budget.

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

Implications: Council will need to seek borrowings from other financial institutions and pay higher interest on loans or delay capital works.

CL22.522

Background

As part of the Fit for the Future reforms, the NSW Government announced that councils who were declared “Fit” would be able to borrow funds from TCorp at reduced interest rates. Given that Shoalhaven City Council was deemed “Fit” in October 2015, it is eligible to utilise TCorp for borrowing funds at reduced rates for approved purposes.

The borrowings outlined in this report were approved in principle by Council as part of the 2021/22 Delivery Program and Operational Plan and a subsequent additional borrowing for the Shoalhaven Entertainment Centre Upgrade and Cladding (Min 21.237C). Please note that these borrowings do not include the Holiday Haven proposed loan program for 2021/22 (\$5,264,300). The loan for Holiday Haven will be sourced from other financial institutions as TCorp’s loan facilities are not available for a Council run business which is in competition with existing privately run businesses.

The summary of the proposed borrowings along with the estimated interest expenditure is summarised in the 10 year projections table below:

Loan #	Project	Loan Amount \$	Total Interest over Life of the Loan \$	Funding Source \$
1	Materials Recovery Facility	8,000,000	1,979,720	Waste Fund
1	Bioelektra Resource Recovery Facility RRF	7,000,000	1,732,255	Waste Fund
	Total Funded by Waste Fund:	15,000,000	3,711,975	
2	Bomaderry Basketball Stadium	650,000	160,852	General Fund
2	Local Roads Renewal	2,500,000	618,662	General Fund
2	Public Amenities (Francis Ryan Reserve and Hyams Beach Reserve)	1,350,000	334,078	General Fund
2	SEC Upgrade	2,100,000	519,676	General Fund
2	Comerong Ferry	600,000	148,479	General Fund
3	Sanctuary Point Library	6,000,000	1,484,790	General Fund
3	Ulladulla Skate Park	1,350,000	334,078	General Fund
	Total Funded by General Fund:	14,550,000	3,600,615	
	Total	29,550,000	7,312,590	

CL22.522

Loan #	Project	Loan Amount \$	Total Interest over Life of the Loan \$	Funding Source \$
1	Materials Recovery Facility	8,000,000	1,979,720	Waste Fund
1	Bioelektra Resource Recovery Facility RRF	7,000,000	1,732,255	Waste Fund
	Total Funded by Waste Fund:	15,000,000	3,711,975	
2	Bomaderry Basketball Stadium	650,000	160,852	General Fund
2	Local Roads Renewal	2,500,000	618,662	General Fund
2	Public Amenities (Francis Ryan Reserve and Hyams Beach Reserve)	1,350,000	334,078	General Fund
2	SEC Upgrade	2,100,000	519,676	General Fund
2	Comerong Ferry	600,000	148,479	General Fund
3	Sanctuary Point Library	6,000,000	1,484,790	General Fund
3	Ulladulla Skate Park	1,350,000	334,078	General Fund
	Total Funded by General Fund:	14,550,000	3,600,615	
	Total	29,550,000	7,312,590	

It is important to note that out of \$29.55M of new borrowings, \$15M of principal repayments will be funded from the Waste Reserve and the remaining \$14.55M from the General Fund.

The estimated total cost of the interest on new borrowings over 10 years is \$7.3M of which \$3.7M will be funded from the Waste Reserve and the balance \$3.6M from the General Fund.

It is important for Council to gain the best interest rates on borrowings and locking this agreement in place will ensure the lowest interest rate available for the full term of the loan agreement. The current indicative interest rate provided by TCorp is 4.41%, an updated interest rate will be provided when the drawdown date has been confirmed. This rate is more favourable when compared to indicative interest rates from the financial sector of 5.79%.

Copies of the proposed loan agreements are provided for the information of Councillors in the Councillor Information Folder.

CL22.522

CL22.523 Indigenous Leadership Summit 2022

HPERM Ref: D22/418147

Department: Business Assurance & Risk

Approver: Sara McMahon, Manager - Business Assurance & Risk

Reason for Report

To consider Councillor attendance at the Indigenous Leadership Summit 2022 scheduled for 15 to 18 November 2022 in Sydney, NSW.

Recommendation

That Council

1. Notes the details of the Indigenous Leadership Summit 2022 scheduled for 15 to 18 November 2022 in Sydney, NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Note that travel, registration fees, accommodation and all reasonable out-of-pocket expenses will be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.
2. That Council limit the number of Councillors attending the Conference and such attendance be deemed Council Business.
3. That Council does not approve Councillor attendance at the Conference as Council Business.

Background

The Indigenous Leadership Summit 2022 is considered relevant to local government, Information in relation to the conference can be found via the link below:

<https://www.theleadershipinstitute.com.au/indigenous-leadership-summit/>

Costs associated with the conference are estimated as follows:

- registration: \$3,199 (entire event) – Early Bird
\$2,699 (Conference +Post or Pre conference workshop) – Early Bird
\$1,999 (Conference only) – Early Bird
\$3,499 (entire event) – Standard
\$2,899 (Conference +Post or Pre conference workshop) – Standard
\$2,199 (Conference only) – Standard
- travel, accommodation and out of pocket expenses: not yet determined.

CL22.523

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend. This option is presented having regard to the increase in Councillor expenses in recent years, so that Council may pro-actively control this area of expenses when appropriate.

The Conference commences at 9.00am (TBC) Tuesday 15 November and concludes 5.00pm Friday 18 November 2022 (TBC) and following Council Business is scheduled within the period of the conference:

- Ordinary Meeting 14 November 2022
- Youth Advisory Committee 16 November 2022.
- Shoalhaven Sports Board 16 November 2022 (TBC).
- Homelessness Taskforce Shoalhaven 17 November 2022
- Councillor Briefing 17 November 2022

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 State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

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 [↓](#)

Note: This item was deferred from the Ordinary Meeting 26 September 2022.

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).

CL22.461

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

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

CL22.524 Proponent Planning Proposal Request - 17 Croobyar Road, Milton - Centre Based Child Care Facility

HPERM Ref: D22/361030

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

Reason for Report

The purpose of the report is to present a proponent-led Planning Proposal (PP) request for consideration of support. The request relates to the site of the former Shoalhaven Anglican School which is being redeveloped for the Budawang School for Specific Purposes (SSP).

The PP request seeks to enable the existing childcare centre to be relocated to an existing building on another part of the site.

Recommendation

That Council:

1. Support the Planning Proposal (PP) request to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) to include an additional permitted use for 'centre-based childcare facility' under Schedule 1 for Lot 200 DP 1192140.
2. Prepare and submit the required PP documentation to the NSW Department of Planning and Environment for Gateway determination
3. Note in the Gateway request that public exhibition is not considered necessary in this instance given the minor nature of this proposal and history of the site.
4. Expedite the matter as a 'minor' proponent-initiated Planning Proposal and only report back to Council if necessary prior to finalising the LEP amendment.
5. Apply fees in accordance with Council's adopted Fees and Charges for a 'minor PP'.
6. Advise the Proponent and relevant stakeholders of this resolution.

Options

1. Support the PP request to include an additional permitted use 'centre-based child care facility' in the LEP for the subject site.

Implications: Would possibly enable the existing childcare facility, run by Big Fat Smile in the north-eastern corner of the site to be relocated within the site (subject to approval) after the recently approved Budawang School development (SSD-8845345) is completed. The PP has strategic and site merit and as this option is favoured.

2. Not support the PP request.

Implications: The site is currently zoned *RU1 Primary Production* under the *Shoalhaven Local Environmental Plan (LEP) 2014*. The site has had a number of development consents granted for educational uses and ancillary uses, and the existing childcare centre operates under 'existing use rights' as centre-based childcare is prohibited in the RU1 zone.

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If the PP request is not supported, the current childcare facility will not be able to continue on the subject land because the 'existing use rights' only relate to the current building. An alternative longer-term option would be to consider rezoning the subject land to *SP2 Educational Establishment* as part of a future housekeeping or broader Planning Proposal. However, the timing of this would be uncertain and there is a need to help with a timelier resolution of this issue.

Background

The proponent Mecone Pty Ltd, has been engaged by the NSW Department of Education (landowner) to assist it with this PP.

Subject Land

The subject land comprises Lot 200 DP 1192140 (17 Croobyar Road), Milton. The subject land is identified in **Figure 1** below.



Figure 1 - Subject land aerial photo

Existing development on subject land

The subject land is comprised of the currently vacant former Shoalhaven Anglican School which closed in 2017, and the recently approved Budawang School development which is now under construction. The site is owned by the NSW Department of Education.

Built elements on the subject land include an internal road, car park, a number of one to two-storey buildings located on the eastern side of the lot, with a sports field located on the south-west portion of the lot. The buildings of the former school are currently vacant. The existing childcare facility (see **Figure 2**) is located in the north east corner of the subject land.

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Figure 2 - Existing childcare facility on subject land viewed from Croobyar Road. Note temporary barricades are related to roadwork on Croobyar Road.

The subject land is irregular in shape and has a total area of approximately 7.76 ha. It slopes gently to the west and is generally clear of vegetation with the exception of the south and south-west boundary which has a number of mature trees.

Shoalhaven Local Environmental Plan 2014 (SLEP 2014)

The subject land is currently zoned *RU1 Primary Production* under the *Shoalhaven LEP*, see **Figure 3**. The RU1 zone is a 'closed zone' and a 'centre-based childcare facility' is currently prohibited.

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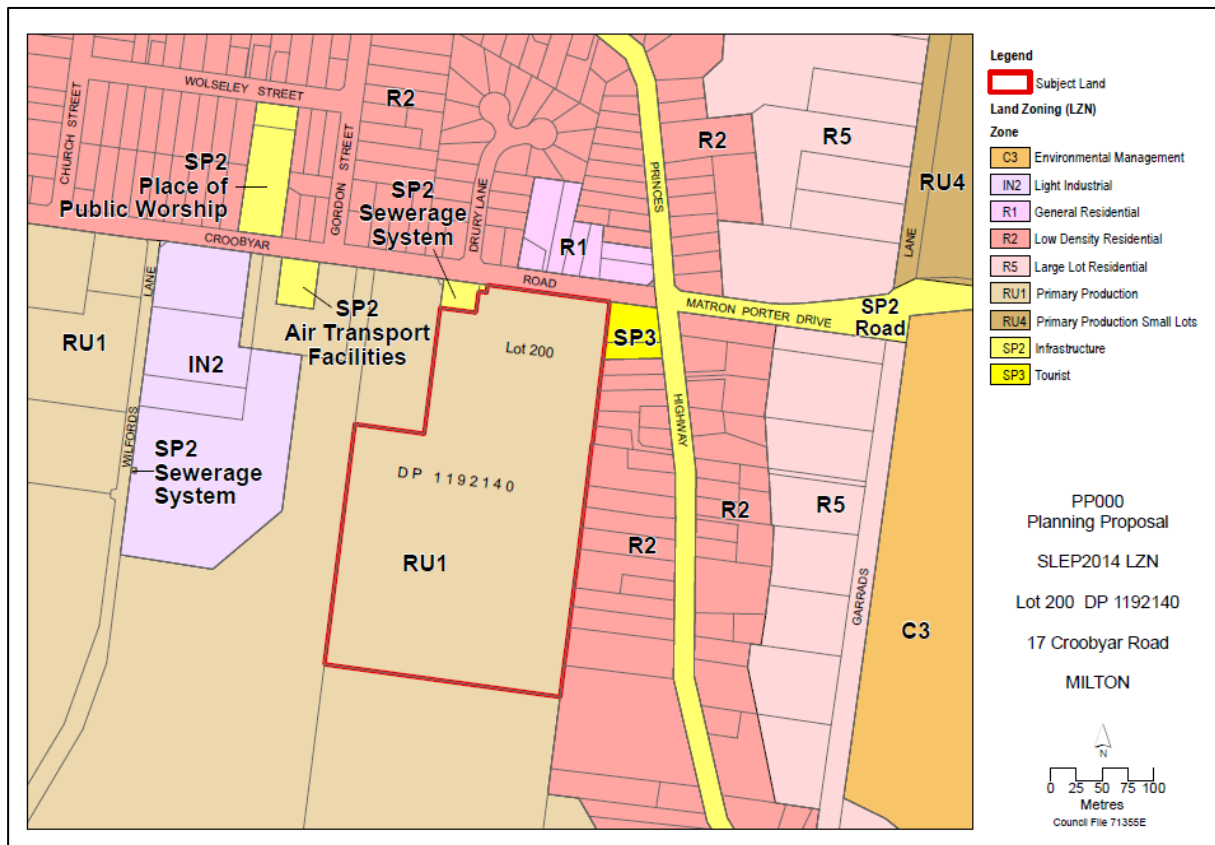


Figure 3 - Current zoning under SLEP 2014

History of the RU1 Zoning and Educational Establishments on the subject land

The subject land was previously zoned Rural 1(a) Rural under the earlier Shoalhaven LEP 1985 (SLEP 1985) as shown on **Figure 4**. This LEP was in force at the time the first education establishment was approved on the subject land in 1990. At the time the 1(a) zoning enabled 'educational establishments' (and ancillary developments) and as such a number of consents were issued in this regard.

In October 1990, a consent was issued for Stage 1 of a Primary and Secondary School which included the use as an educational establishment and a primary classroom. In February 1991, another consent was issued to establish a childcare centre and an extended hours preschool. Over the course of December 1991 to 2016, a number of consents and building permits were issued for the building of a number of buildings and associated infrastructure which included, but not limited to the following:

- School library / canteen;
- Educational establishment;
- Classrooms, learning centre and toilet facilities;
- School extensions (additional classrooms);
- Sporting field, retaining wall and associated works; and
- Advertising sign for Shoalhaven Anglican School.

The most recent educational establishment which operated on the site was the Shoalhaven Anglican School which announced the closure of the Milton campus in 2016. The Department of Education have since purchased the site and are the current owners.

The most recent approval on the subject land was for the construction of the Budawang School for Specific Purpose, in September 2021.

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In summary, Council has previously issued a number of consents over the subject land for development associated with educational establishments, their ancillary structures and uses, notwithstanding the rural zoning.

Proponent's Planning Proposal Request

The proponent's PP request was formally received on 5 August 2022, accompanied by a [Planning Proposal Report](#) containing the following appendices:

- Site plan showing the approved Budawang School development and the proposed new childcare centre location – see **Figure 4**.
- New childcare centre floor plan
- Bushfire Protection Assessment
- Traffic Impact Statement
- Flood Assessment
- Ecological Assessment
- Ministerial Directions Checklist

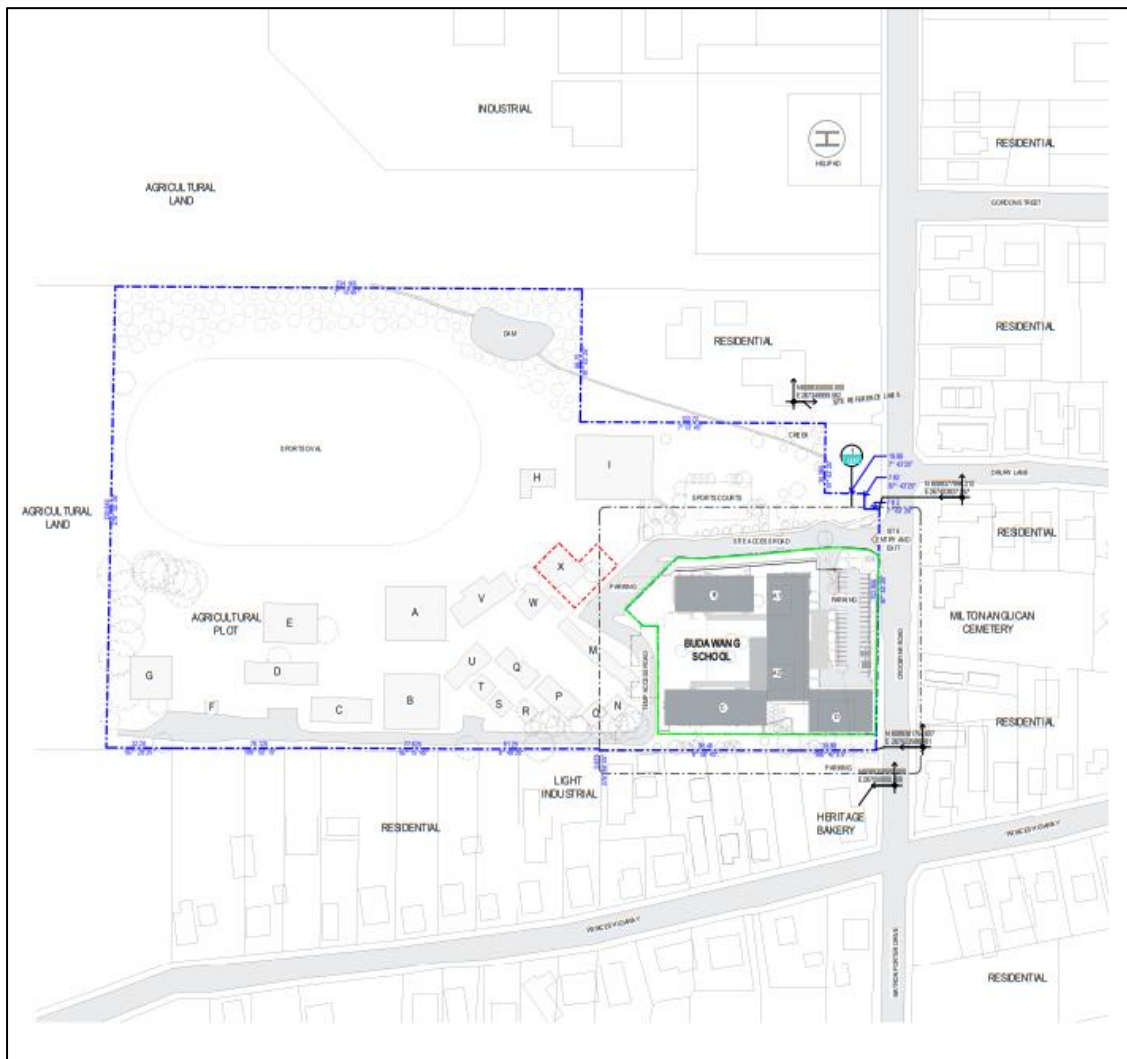


Figure 4 – Site location plan from the proponent's PP showing the approved Budawang School development and proposed new location of the childcare centre (subject to separate approval) depicted by red dashed line ('Building X')

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The PP request seeks to amend the LEP to allow an additional permitted use under Schedule 1 for a 'centre-based childcare facility' on the subject land.

The PP Report states that the objectives and intended outcomes are:

- *To enable the continued operation of an existing childcare facility on the site, albeit in a different location; and*
- *To facilitate the delivery of a high-quality childcare facility that responds to the site circumstances and maintains the rural character of the site with minimal visual or amenity impact on the surrounding area.*

The PP Report provides an extensive planning and approvals history which relates to varying development applications made and approved on the site in relation to the primary and secondary school, and the existing childcare centre.

Preliminary Assessment

The NSW Government's [LEP Making Guideline](#) (the Guideline) was released in December 2021. Council's Planning Proposal Guidelines will be reviewed in coming months to ensure it is consistent with the new Guideline which contains more detailed criteria than was provided in the preceding guidelines. The assessment undertaken by Council staff focuses primarily on consistency with the Guideline.

The Guideline states that a PP must have strategic merit and site merit to be progressed.

Strategic merit is the degree to which a proposal is consistent with the NSW strategic planning framework, which includes a range of NSW Government and endorsed Council documents, and Ministerial directions issued under section 9.1 of the NSW *Environmental Planning and Assessment Act, 1979*.

Site merit is the site-specific environmental, social, and economic impacts/cost/benefits of the proposal.

Preliminary assessments of strategic and site merit are provided below.

Strategic Merit

A preliminary strategic merit assessment is provided in the proponent's PP Report. The following overarching strategic documents have been considered:

- Illawarra Shoalhaven Regional Plan 2041 (ISRP)
- Shoalhaven 2040: Our Strategic Land-use Planning Statement (LSPS)
- (the then) Draft Shoalhaven 2032 Community Strategic Plan (CSP)

On review the request is considered broadly consistent with each of these strategic documents given its relatively minor nature involving the relocation of a use within an existing developed site.

The request is also considered to be generally consistent with the following Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act:

- 1.1 *Implementation of Regional Plans*
- 1.4 *Approval and Referral Requirements*
- 1.5 *Site Specific Provisions*
- 3.1 *Conservation Zones* - not anticipated to impact on any local biodiversity.
- 3.2 *Heritage Conservation* - adjacent European heritage items are unlikely to be impacted as no changes to build form are proposed.

- 4.1 *Flooding* – the advice provided states that the proposed building is above the Flood Planning Level, unaffected by peak flows of the 1% AEP event, and therefore generally consistent with this Direction.
- 4.3 *Planning for Bushfire Protection* - the future Development Application will need to demonstrate compliance with relevant Bush Fire Protection requirements. The RFS will be consulted prior to public exhibition in accordance with this Direction.
- 4.4 *Remediation of Contaminated Land* - the future Development Application will need to demonstrate compliance with requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- 4.5 *Acid Sulfate Soils*
- 5.2 *Reserving Land for Public Purposes*
- 9.1 *Rural Zones*
- 9.2 *Rural Lands* - the proposal seeks to continue an existing use elsewhere on an already developed site. No adverse effects, or additional impacts are anticipated to occur to rural land uses as part of the proposal.

Preliminary Site Merit

The Guideline includes the following site merit considerations:

- the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)
- existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates
- services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

Potential impacts on adjoining properties

The proposed additional permitted use would have minimal impacts on neighbouring properties due to the intention to relocate the existing child-care facility to an existing building at a different location of the site. It is stated that the intent of the PP is to enable continued operation of an important social service while having no notable adverse environmental impacts, and negligible impacts on adjoining properties. Any potential impacts, such as traffic, would be assessed as part of the development application process.

Internal Feedback - Shoalhaven Water

- Noted that the rising main is Asbestos containing material and cannot be constructed over due to the criticality of the asset. This main may be upgraded in the future due to the age of the asset and issues arising from asbestos materials.
- Sewer and water supplies are currently connected to the site, and these should be sufficient to support the proposed rezoning. The following specific information is provided.

Water

Assessment of the required and available pressures will need to be undertaken by the developer and an application for a pressure certificate will be required should the development proceed as water pressure in this area can be problematic due to the ground levels and the proximity of the site to the water treatment plant.

Booster pumps for firefighting or domestic other purposes cannot be directly connected to water supply mains.

Sewer

Land on western side will not be able to be served by means of a gravity sewer connection. These areas may need to consider pressure sewer.

The existing system should have capacity to support the proposed development if it is like for like. Any upgrades to the facility may require review at the time of application.

Section 64 Contributions.

May be applied. Credit for any approved development will be applied should the new facility be of similar capacity as the existing.

Conclusion

In summary, the proposal has both strategic and site merit, noting that:

1. A PP is only necessary because the 'existing use rights' that apply to the current childcare centre in the north-eastern corner of the site do not apply to other parts of the site; and
2. The proponent proposes to relocate the childcare centre to an existing building (refer to 'Building X' in **Figure 4**).

The proposal will assist in providing a continued educational establishment to cater for Shoalhaven's growing, and diverse communities. The PP request is also consistent with Council's current Planning Proposal guidelines on the basis it is minor in nature, for reasons outlined above.

As such it is recommended that the PP request be supported.

Community Engagement

Notification of the request was sent to adjoining landowners, the Milton CCB and Business Milton-Ulladulla (chamber of commerce). No submissions were received.

A development application (DA) will need to be assessed and approved to enable the childcare centre to be relocated to the existing building (Building X). Given that a childcare centre has operated on the site for several years and that the community will be consulted as part of the DA process, there is a strong argument that public exhibition of the PP is unnecessary in this instance.

Financial Implications

The PP is proposed to be managed as a minor PP, to be funded by the proponent on a 100% cost-recovery basis.

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CL22.525 Accessible Parking Spaces - Nowra CBD - Investigate Upgrade to Australian Standards

HPERM Ref: D22/115633

Department: Technical Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Nowra CBD Accessible Carpark Audit [↓](#)

Reason for Report

To provide Council with an update and options for funding the acceleration of upgrading existing accessible car spaces to current Australian Standards within Council owned car parks within the Nowra CBD.

Recommendation

That:

1. The CEO (Director City Services) prepare a budget bid of \$40,000 during the 2023/24 financial year budget process for designs to address shared zones and fall non-compliance above 50mm within the existing accessible car spaces in Council owned car parks within the Nowra CBD.
2. The CEO (Director City Services) engage with and pursue any funding available from TfNSW to bring forward works to upgrade existing accessible car spaces within Council owned car parks within the Nowra CBD in line with the current Australian Standards.

Options

1. Do Nothing

Implications: Existing accessible car spaces would remain as they are.

2. As recommended - Council could decide to accept minor fall non-compliance, pursue design solutions to address major fall non-compliance and address required shared zones in Council owned car parks within the Nowra CBD.

Implications: The project would require \$40,000 for design subject to a budget bid in the 2023/24 financial year budget process.

3. Council could decide to pursue design solutions to address all fall non-compliance and address required shared zones in Council-owned car parks within the Nowra CBD.

Implications: The project would require \$70,000 for design subject to a budget bid in the 2023/24 financial year budget process.

A recommendation for this option would be:

That:

1. *The CEO (Director City Services) prepare a budget bid of \$70,000 during the 2023/24 financial year budget process for designs to address shared zones and fall non-compliance within existing accessible car spaces in Council owned car parks within the Nowra CBD.*

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2. *The CEO (Director City Services) engage with and pursue any funding available from TfNSW to bring forward works to upgrade existing accessible car spaces within Council owned carparks within the Nowra CBD in line with the current Australian Standards.*

Background

At the Ordinary Meeting of Council 7 February 2022 the report IA21.16 Accessible Parking Spaces in Nowra CBD from the Inclusion and Access Advisory Group was resolved by Council:

That the Inclusion & Access Advisory Group:

1. *The report be received for information;*
2. *Request that Council write to the privately owned car parks noting the spaces do not comply with current Australian Standard;*
3. *Investigate/seek funding to upgrade accessible spaces in Council owned carparks to meet current Australian Standards.*

The list below shows the carparks within the Nowra CBD that have previously been reported to the Inclusion and Access Committee.

Council Owned Carparks

- Graham St
- Shoalhaven Council Administration Building
- Shoalhaven Entertainment Centre
- Bridge Road
- Collins Way
- Berry Street
- Egans Lane
- Haigh Avenue
- Lawrence Avenue
- Worrigee Street
- Stewart Place
- Nowra Pool

Privately Owned Carparks

- Nowra Mall
- Nowra Mall East - Upper & Lower
- IGA
- Stockland East
- Aldi

Assessment

Australian Standards change over time, carparks that met the requirements at the time they were constructed may not meet today's standards. The Council owned carparks have been

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assessed against the current Australian Standard AS2890.6:2009 Parking Facilities Part 6: Off-street parking for people with disabilities, specifically:

- Carpark Size – 2.4m x 5.4m
- Shared Zone – 2.4m x 5.4m (an area adjacent to a dedicated space provided for access or egress to or from a parked vehicle)
- Ground Slope – The ground slope of the car park and shared zone must not exceed 3% in any direction

The full results are in attachment 1 and have been summarised below.

Carpark	Total Spaces	Accessible Spaces	Has required Shared Zones	Has Required Fall
Graham St	120	3	No	No
Shoalhaven Council Administration Building	46	3	No	No
Shoalhaven Entertainment Centre	59	7	No	No
Bridge Rd	194	5	No	No
Collins Way	147	3	No	No
Berry St	85	3	No	No
Egans Lane	255	12	No	No
Haigh Ave	34	1	No	No
Lawrence Ave	99	4	No	No
Worrigeer St	200	3	No	No
Stewart Pl	221	4	Yes	No
Nowra Pool	32	2	Yes	Yes

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Rectification

When Australian Standards are updated, due to financial and logistical limitations it is not expected that all existing elements need to be immediately upgraded to the new standard. Rather it is expected that when new facilities or upgrades occur the standard of the day is to be met.

Shared Zones (Signage and Line marking)

In most cases shared zones can be created relatively easily through signage and line marking. An implication of creating shared zones is the loss of regular car spaces. These types of changes do require a design and subsequent reporting to Shoalhaven Traffic Committee for approval. The cost of these works can typically be covered by the block grant for signage and line marking from TfNSW.

Ground Slope

Correcting the ground slope is more complicated and requires a design from engineers. The implications of this option are time and cost of design, excavating and re-leveling the ground and associated drainage challenges, possible earth retaining structures, resurfacing of the car spaces and the loss of regular car spaces.

Council staff have written to TfNSW seeking funding assistance for the design and the response from TfNSW was:

“Whilst Transport for NSW (TfNSW) supports improvements by Council to existing accessible parking spaces to meet the current Australian Standards, unfortunately there are no grant funding programs through which TfNSW can administer funding to Council for this purpose.

TfNSW has no other funding available for this purpose, apart from the block grant funding already in use by Council.”

Consideration

Option 1 – Do Nothing

This option would accept that many of the current accessible spaces do not meet the current Australian standards, but that the risk associated with the existing non-compliances is manageable. Improvements would occur sporadically as opportunities for grant funding become available.

Option 2 – Accept minor fall non-compliance, address major fall non-compliance and address required shared zones.

This option is to take a considered approach to address the car spaces on the higher end of the non-conformance scale. This would be a risk-based approach where, for example, where a grade non-conformance requires the level to be adjusted less than 50mm in order to meet the current standard, it is proposed to accept the car space as it is. Where a car space is required to be adjusted greater than 50mm to meet the current standard it is proposed to design a car space that would be compliant with the current standards.

Option 3 – Address all non-conformance

This option would provide designs for all accessible car spaces within the Council owned car parks within the Nowra CDB to be compliant with the current Australian Standards.

Financial Implications

Option 1 – Nil

Option 2 – Creation of shared zones can be completed using block grant for signage and line marking from TfNSW. A budget bid of \$40,000 for design work to be considered as part of the 2023/24 financial year budget process. Note: The funds nominated are for design only, funds for construction would be subject to a future budget bit once the full scope is known.

Option 3 – Creation of shared zones can be completed using block grant for signage and line marking from TfNSW. A budget bid of \$70,000 for design work to be considered as part of the 2023/24 financial year budget process. Note: The funds nominated are for design only, funds for construction would be subject to a future budget bit once the full scope is known.

Risk Implications

The risk implications for all 3 options are similarly negligible. The update to the standards aims to make car parks more inclusive rather than to address a known risk with previous standards.

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Carpark	Total Spaces	Accessible Spaces	Observations	Shared Zone	Measured Longitudinal Fall (%)	Required level change to meet current standards - Longitudinal Fall (mm)	Measured Cross Fall (%)	Required level change to meet current standards - Cross Fall (mm)	Proposed Work - Option 1	Option 2 - Proposed Funding - Accept minor fall non-compliance, address major fall non-compliance and address required shared zones.	Option 3 - Address all non-conformance
Graham St	120	3	1 Space without shared zones in front of SET:	No	0.5	0	4	16.8	Accept minor fall non compliance and create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	\$6,000 for Survey & Design
			2 Spaces without shared zones in front of ARUMA:	No	0.5	0	1.9	0	Create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	TNSW block grant for signage and linemarking
Shoalhaven Council Administration Building	46	3	1 Space with shared zone in middle parking row:	Yes	2.8	0	1.4	0	Nil - Meets Current Standard	Non Required	Non Required
			2 Space without shared zones closest to entry:	No	3.8	27	1.1	0	Redesign	\$5,000 for Survey & Design	\$5,000 for Survey & Design
Shoalhaven Entertainment Centre (front and rear)	59	7	7 Spaces without shared zones in front of Entertainment Centre:	No	2.5	0	2.5	0	Create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	TNSW block grant for signage and linemarking
			1 Space with shared zone behind Entertainment Centre	Yes	4.2	48.6	1	0	Nil - Accept minor fall non compliance	Non Required	\$7,000 for Survey & Design
Bridge Rd	194	5	5 Spaces without shared zones:	No	3	0	3	0	Create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	TNSW block grant for signage and linemarking
Collins Way	147	3	1 Space without shared zone (northernmost spot):	No	3.1	0	1	0	Redesign	\$8,000 for Survey & Design	\$8,000 for Survey & Design
			1 Space without shared zone (middle spot):	No	1.5	0	9	136.8			
			1 Space without shared zone (southernmost spot):	No	9	307.8	7	88.8			
Berry St	85	3	2 Concrete Spaces with shared zone:	Yes	3	0	2	0	Nil - Meets Current Standard	Non Required	Non Required
			1 Bitumen Space without shared zone:	No	3.5	10.8	3.5	4.8	Accept minor fall non compliance and create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	\$5,000 for Survey & Design
Egans Lane	255	12	4 Spaces without shared zones in front of Woolworths:	No	6	145.8	0.5	0	Redesign	\$10,000 for Survey & Design	\$10,000 for Survey & Design
			4 Spaces facing the Square	No	4.2	48.6	2.5	0			
			1 Corner Space without shared zone:	No	2.5	0	5.5	52.8			
			3 Spaces in back of Library:	No	4	37.8	5.7	57.6			
Haigh Ave	34	1	1 Space without shared zone	No	2.1	0	6	64.8	Redesign	\$5,000 for Survey & Design	\$5,000 for Survey & Design
Lawrance Ave	99	4	2 Spaces without shared zone (near Lawrence St exit):	No	4.2	48.6	3.5	4.8	Accept minor fall non compliance and create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	\$7,000 for Survey & Design
			2 Spaces opposite each other without shared zone (near Kinghorne St exit):	No	3.8	27	6	64.8	Redesign	\$7,000 for Survey & Design	\$7,000 for Survey & Design
Worrigee St	200	3	3 spaces without shared zone:	No	6.5	172.8	1.5	0	Redesign	\$5,000 for Survey & Design	\$5,000 for Survey & Design
Stewart Pl	221	3	2 Spaces	Yes	3.5	10.8	2.4	0	Nil - Accept minor fall non compliance	Non Required	\$6,000 for Survey & Design
		1	1 Space	No	3.5	10.8	3	0	Accept minor fall non compliance and create required shared zone from existing regular carspace	TNSW block grant for signage and linemarking	\$6,000 for Survey & Design
Nowra Pool	32	2	2 Spaces with shared zone:	Yes	3	0	1.8	0	Nil - Meets Current Standard	Non Required	Non Required
										Total Funding Required - \$40,000	Total Funding Required - \$70,000

CL22.526 Grant of Easement for Drainage of Water - Lot 1 DP 1084362 - 42 Coomea Street Bomaderry

HPERM Ref: D22/348765

Department: Technical Services

Approver: Paul Keech, Director - City Services

Attachments: 1. Proposal Easement Plan [↓](#)

Reason for Report

This report provides Council with the opportunity to consider granting an Easement for Drainage of Water 2m wide, that will burden Council land identified as Lot 1 DP 1084362, 42 Coomea Street Bomaderry, currently constructed and used as a public carpark.

Recommendation

That Council:

1. Resolve to grant an Easement for Drainage of Water 2m wide that will burden Council land known as Lot 1 DP 1084362, 42 Coomea Street Bomaderry, as shown in attachment 1 (D22/355314);
2. Require the proprietor of Lots 19, 20, 21, 22 and 23 Sec 25 DP 2886 to:
 - a. Pay compensation for the Grant of Easement for the Drainage of Water burdening Council land with compensation determined by independent valuation (including GST if required);
 - b. To fund all costs associated with the creation and registration of the easement;
3. Delegate authority to the Chief Executive Officer to adjust the compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorise the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolved as recommended. Compensation sought for the land

Implications: The registration of the easement will provide the proprietor of Lots 19 – 23 (inclusive), Sec 25 DP 2886 Coomea Street Bomaderry, with legal access for the construction of drainage infrastructure within the easement and the ability to comply with the Deferred Commencement Consent RA22/1002, and therefore being able to act upon the consent - Affordable Housing Development.

The easement creating process is likely to cost in the order of \$3,000 and the value of the land for compensation purposes in creating an easement could be in the order of \$15,000.

2. Not Resolve as recommend and consider an alternate recommendation.

Alternate recommendation: Nil Compensation for the land

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That Council:

1. *Resolve to grant an Easement for Drainage of Water 2m wide that will burden Council land known as Lot 1 DP 1084362, 42 Coomea Street Bomaderry, as shown in attachment 1 (D22/355314);*
2. *Seek nil compensation from the proprietor for the grant of Easement for Drainage of Water over Council operational land as the project is in accordance with Council Affordable Housing Policy.*
3. *Require the proprietor of Lots 19 - 23 (inclusive) Sec 25 DP 2886 to fund all costs associated with the creation and registration of the easement;*
4. *Authorise the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.*

Implications of alternate recommendation: Council would receive nil financial return for potential loss of use from the creation of the easement that burdens the operational land.

Where Council is supportive of easements over Council land, Council seeks compensation from the beneficiary of the easement. This is to compensate Council for the loss of the use of the land and as a result loss in value and future potential for development. The value is determined by an independent valuer.

Given Council's ongoing support with the Shoalhaven Affordable Housing Strategy, the alternate recommendation allows Council to consider granting the easement for nil compensation in support of the project.

Background

In 2017, Shoalhaven City Council adopted the Shoalhaven Affordable Housing Strategy.

The Affordable Housing Strategy highlights a number of mechanisms available to Council to improve housing affordability in the Shoalhaven. Mechanisms range from those actions with limited market intervention, such as efficient approval processes; through to direct market interventions, such as partnering with a social housing provider to deliver affordable housing to the community.

The Affordable Housing Strategy identified 44 – 52 Coomea Street, Bomaderry as a preferred affordable housing project site.

On 8 July 2022, Southern Cross Community Housing lodged a development application in direct response to the Shoalhaven Affordable Housing Strategy. Development consent RA22/1002 was granted for the construction of an Affordable Housing Development comprising of Two (2) Residential Flat Buildings containing 39 Dwellings and associated parking on 44 – 52 Coomea Street, Bomaderry.

Development consent RA22/1002 was issued as a deferred commencement with condition 1(a) as follows:

- a) *Evidence must be submitted to Council that an easement has been obtained across Council Operational Land (Lot 1 DP 1084362), for the drainage of water required within this property.*

At the request of Southern Cross Housing this report has been prepared to authorise the registration of the required easement.

CL22.526



Figure 1: Lots 19, 20, 21, 22 and 23 Sec 25 DP 2886 highlighted in yellow Lot 1 DP 1084362, 42 Coomea Street Bomaderry, is located immediately north and shares a common boundary with the affordable housing development site. The land is operational land and is currently a constructed carpark. The attached Proposed Easement Plan shows the location of the easement.

Community Engagement

Lot 1 DP 1084362, 42 Coomea Street Bomaderry is operational land and consultation is not required for operational purposes.

The Asset Custodian supports the proposal as the registration of the easement will have no impact on the current use of the site.

Policy Implications

The proposal aligns with Councils Shoalhaven Affordable Housing Strategy and facilitates development of the identified site.

Financial Implications

All costs associated with the creation of the easement are to be the responsibility of the proprietor of Lots 19, 20, 21, 22 and 23 Sec 25 DP 2886 being Southern Cross Community Housing.

Council generally seeks compensation from the benefiting party when granting an easement. Without a valuation it is difficult to determine the amount of compensation.

Any compensation received could be added to the Strategic Reserve.

CL22.526

Risk Implications

Should Council resolve not to grant an easement, the adjacent development will not proceed in its current form. The applicant may need to redesign or seek other avenues for the disposal of stormwater that will lead to an increase in cost and time delays. There is a risk that the Shoalhaven will miss the opportunity to have 39 affordable housing units created for the benefit of the community.

CL22.526

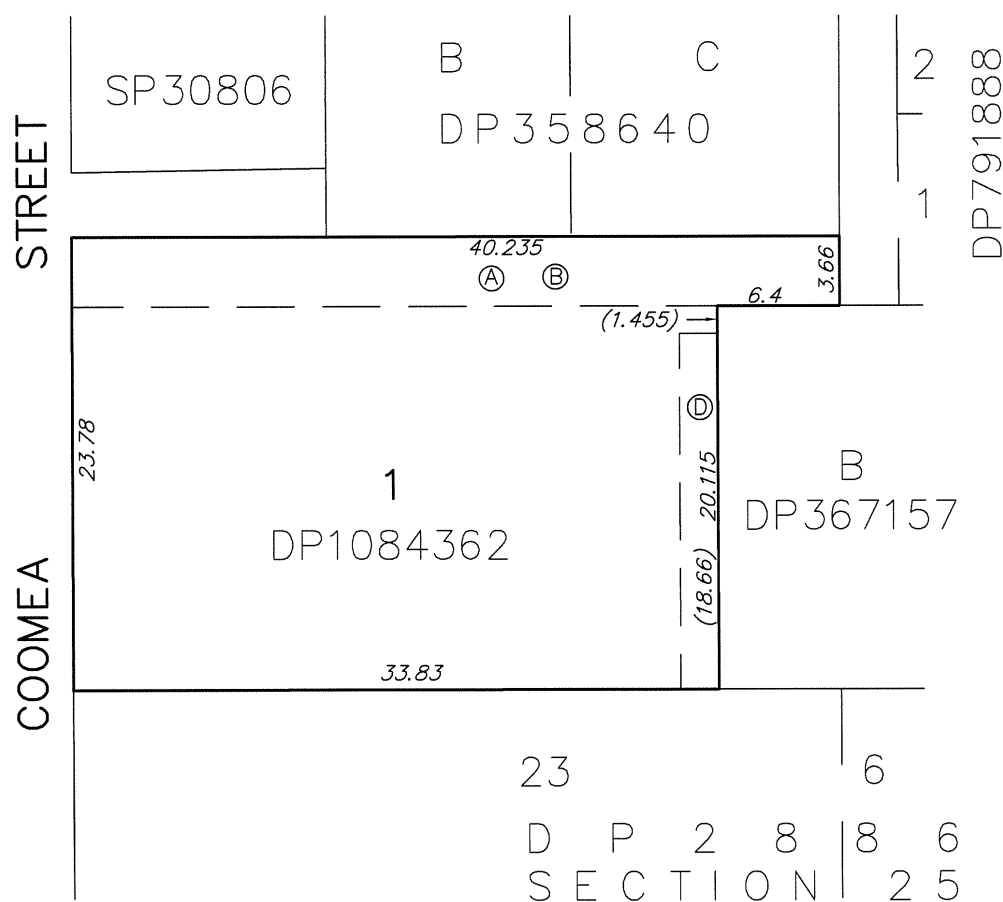
PLAN OF PROPOSED
EASEMENT FOR DRAINAGE
OF WATER 2 WIDE
AFFECTING LOT 1 DP 1084362

LGA: SHOALHAVEN
LOCALITY: BOMADERRY
PARISH: BUNBERRA
COUNTY: CAMDEN

① PROPOSED EASEMENT FOR
DRAINAGE OF WATER 2 WIDE

Ⓐ RIGHT OF CARRIAGEWAY
3.66 WIDE (DP357157– F95739)

Ⓑ RIGHT OF WAY 3.66 WIDE
(DP354992– G256137)



CL22.526 - Attachment 1

Thanh N Le
THANH N LE
REGISTERED SURVEYOR

DATE: 09.08.2022
SURVEYORS REF: N28739

SHEET 1 OF 1 SHEET
RATIO 1:300

CL22.527 RA21/1002 – Flatrock Road, Mundamia – Lot 436 DP 808415

DA. No: RA21/1002/4

HPERM Ref: D22/391363

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments:

1. Consultant Planning Report - Flatrock Rd MUNDAMIA - Lot 436 DP 808415 (under separate cover) [⇒](#)
2. Clause 4.6 Statement - Flatrock Rd MUNDAMIA - Lot 436 DP 808415 (under separate cover) [⇒](#)
3. Consultant Draft Determination - Flatrock Rd MUNDAMIA - Lot 436 DP 808415 (under separate cover) [⇒](#)
4. EPA - General Terms of Approval (under separate cover) [⇒](#)

Description of Development: Construction of Materials Recycling Facility as Addition to an Existing Waste or Resource Management Facility

Owner: Shoalhaven City Council

Applicant: PDC Lawyers & Town Planners

Notification Dates: 22 December 2021 to 21 January 2022

No. of Submissions: Nil

Purpose / Reason for consideration by Council

To review the section 4.15 assessment report and determination prepared by an independent consultant which is to be submitted to the Southern Regional Planning Panel for consideration.

Recommendation

That:

1. Council receive and note the report RA21/1002 - Flatrock Road, Mundamia - Lot 436 DP 808415.
2. Council support RA21/1002 for a materials recycling facility at the existing waste or resource management facility at Flatrock Road, Mundamia on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1002.

Options

1. Support the consultant's recommendation to the Southern Regional Planning Panel (SRPP) for approval of the application and advise the SRPP accordingly.

Implications: The recommendation would be provided to the SRPP for their information as part of their consideration of the regional application.

CL22.527

2. Make an alternative resolution and make a separate submission to the SRPP.

Implications: The alternative resolution would be provided to the SRPP for their consideration. The SRPP will be the determining authority for the application.

Location Map



Figure 1 – Site location / Aerial view

Background

Why this DA is being reported to the Regional Planning Panel

- The development has a capital investment value (CIV) of more than \$5 million. The CIV is \$26,861,924.
- Shoalhaven City Council has an interest in the proposal being owner of the land.
- The Southern Regional Planning Panel is the determining authority for the application in accordance with section 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*, (SEPP).

The determination by a Panel adds a layer of transparency to the assessment process. Furthermore, the application was also independently assessed by a reputable Planning Consultancy – Cardno – now Stantec (also having merged with TCG planning). These assessment and management measures are intended to deal with any potential conflicts of interest.

Proposed Development

Council is in receipt of a development application (DA) which seeks approval for construction and operation of a Materials Recycling Facility (MRF) within the existing West Nowra Waste and Recycling Facility.

The MRF includes:

- An enclosed building to house the MRF with the following dimensions:
 - 121 metres length by 68 metres width by 12 metres height

CL22.527

- A footprint of 7,260 square metres
- An internal footprint of approximately 5,000 square metres (equipment and stockpile areas)
- A receival hall and bunker approximately 1,980 square metres in size
- A community education and viewing platform
- Equipment capable of processing up to 24,000 tonnes per annum of kerbside recycling, commercial, industrial, construction and demolition waste streams
- A fire protection and control system.

The MRF and building are proposed in the north-west corner of the subject site. This site is already operating as a land fill and waste management facility (owned and operated by Shoalhaven City Council). The proposed MRF will be incorporated into the existing waste management activities onsite which include the existing operating hours (7am-6pm, seven (7) days per week).

The proposal is expected to operate with 17 staff. Operations will be undertaken internally on the existing waste depot facility with no external interface with customers or the general public.

No new waste streams are proposed to those already imported to the site. The MRF will sort materials into greater purity than current practices allow which will allow sorted materials to be baled, bagged and or bulk hauled to external markets.

As mentioned previously, the development has a capital investment value (CIV) of more than \$5 million, in accordance with section 3(b) of Schedule 6 of SEPP (Planning Systems) 2021, the application constitutes a regional development application, and the Southern Regional Planning Panel is the determining authority for the application.

The proposed site plan and eastern elevation are provided in **Figures 2-3**.

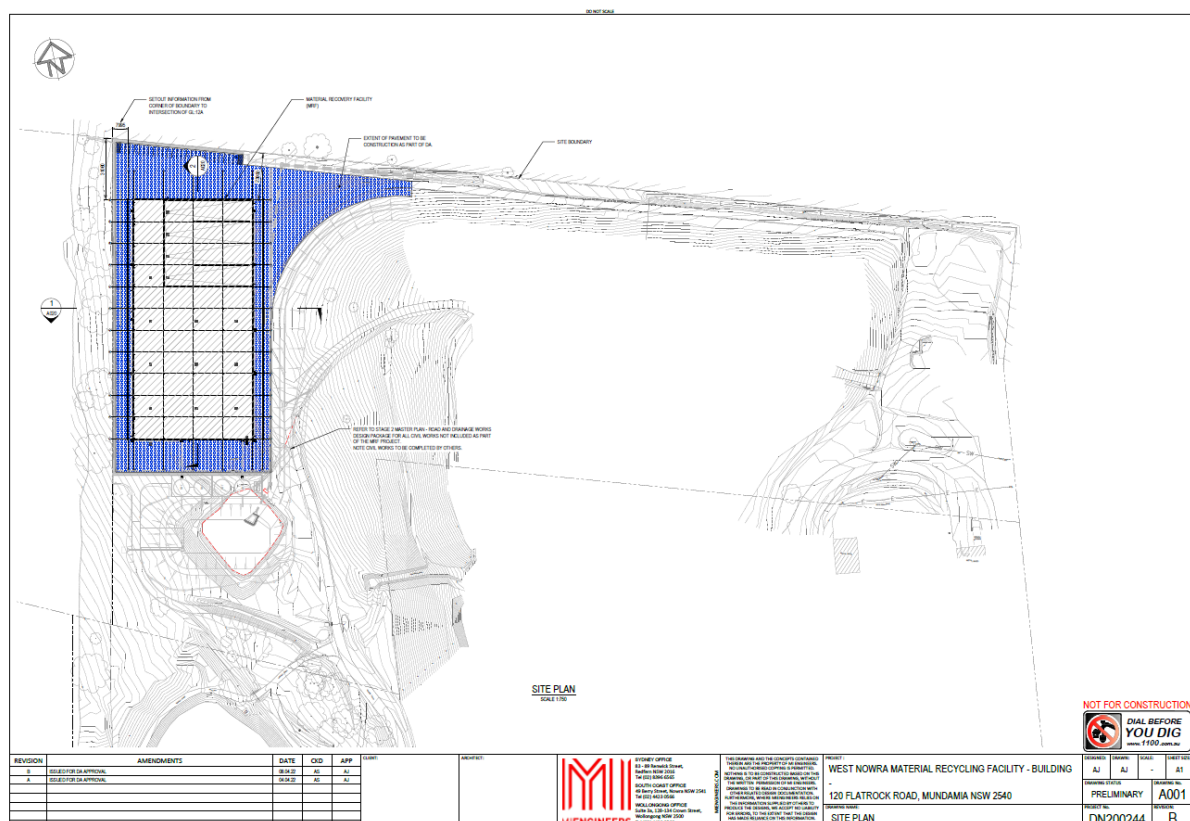


Figure 2 – Site Plan

CL22.527

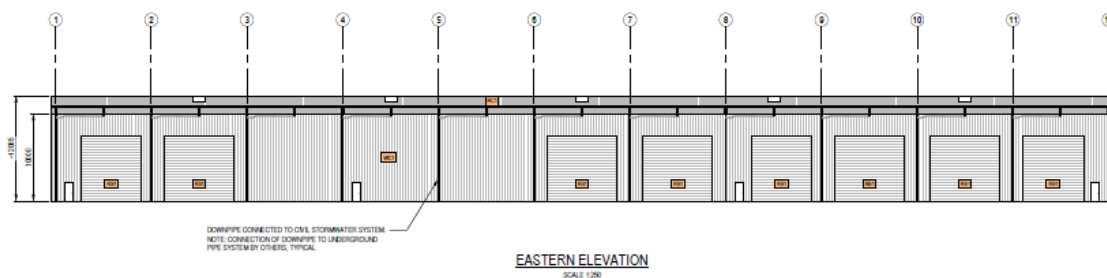


Figure 3 – Eastern Elevation

Subject Land and Surrounds

The subject site contains the existing West Nowra Waste and Recycling Facility.

The portion of the land to be developed is legally identified as Lot 436 DP 808415.

The land is zoned SP2 Infrastructure (waste or resource management facility) under the *Shoalhaven Local Environmental Plan 2014* (SLEP 2014), under which the proposed MRF is permitted with the consent of Council.

Adjoining land outside the existing Facility is zoned C3 Environmental Management.

Planning Assessment

The DA has been assessed by an independent consultant. A key issue with the application is the height of the development. A clause 4.6 variation was provided, assessed and supported.

The additional height of the development does not impact on adjoining development, would not result in adverse environmental or visual impacts. The height of the development of the development is directly related to the purpose of the building and is required for functionality. For example, the machinery that will operate within the building is 10m in height. Adequate clearance is required for the operation of the machinery. Tipping vehicles are 8m high. Within the building there will be lighting, cameras and other equipment which will impact on the internal clearances available.

The *Shoalhaven Local Environmental Plan 2014*, applies a 11m height limitation, the building measures 12.065m at the highest point. This is 1.065m over the height limitation or 9.68%.

The height limitation is not a prohibition. Clause 4.6 is the legal mechanism available to vary height having regard to specific criteria contained in that clause. More detail can be found in the attached documents.

Consultation and Community Engagement:

The DA was notified in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regs) and Council's Community Consultation Policy for Development Applications from **22 December 2021** to **21 January 2022**.

No public submissions were received in relation to Council's notification of the development.

CL22.527

Financial Implications:

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court, should the applicant utilise appeal rights afforded under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Legal Implications

Pursuant to section 8.2 of the EP&A Act, a decision of the Southern Regional Planning Panel (SRPP) may be the subject of a review by the applicant in the event of approval or refusal. If such a review is ultimately pursued, the matter would be put to the SRPP for consideration.

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

Summary and Conclusion

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the EP&A Act. Based upon the recommendations of the s4.15 Assessment Report (**Attachment 1**), Development Application No. RA21/1002 is recommended to the SRPP for conditional development consent. The draft conditions of development consent are contained in **Attachment 3** to this report. As the conditions reference the General Terms of Approval issued by the NSW EPA, these are included in **Attachment 4** to this report.

CL22.527

CL22.528 Demolition of Existing Garage and Construction of a New Detached Garage - DA22/1909 - 107 Jerry Bailey Road Shoalhaven Heads - Lot 10 DP 24264

HPERM Ref: D22/388195

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments: 1. s4.15 Assessment Report - 107 Jerry Bailey Road, Shoalhaven Heads (under separate cover) ➡
2. Draft determination ↓

Description of Development: Demolition of Existing Garage and Construction of a New Garage

Owner: J E Backhouse & B J Cox

Notification Dates: 11 August 2022 – 27 August 2022

No. of Submissions: Nil

Purpose/Reason for Consideration by Council:

This application is for demolition of an existing shed and the construction of a new Colourbond shed at the rear of the property. Clause A35.2 of Chapter G12 of Shoalhaven Development Control Plan 2014 provides the garage is to maintain a setback of 3.0m to the rear boundary. The new shed is proposed to be set back 900mm from the rear boundary and this represents a 75% variation.

This application is presented to Council for determination because one of the property owners works within City Development and there is a substantial variation to SDCP-2014. Council's Policy POL16/235 *Dealing with Development Applications Lodged by Staff or Councillors* applies in this instance.

The application has been assessed and the only issue is the rear boundary setback. The application was notified and no objections were received. The application is presented to Council for determination.

Recommendation

That Development Application DA22/1909 for the Demolition of the existing garage and construction of a new detached garage at 107 Jerry Bailey Road Shoalhaven Heads be approved subject to the recommended conditions of consent provided at Attachment 2.

Options

1. Approve the application in accordance with the recommendation.

Implications: This would enable the development to proceed according to the recommended conditions of consent.

CL22.528

2. Refuse the application.

Implications: Council would need to determine the grounds on which the application is refused, having regard to the section 4.15(1) considerations. The applicant would be entitled to seek a review and / or pursue an appeal in the Land and Environment Court.

3. Alternative recommendation.

Implications: Council will need to specify an alternative recommendation and advise staff accordingly.

Figure 1- Location Map



Background

Proposed Development

The Development Application seeks approval for the demolition of an existing garage and the construction of a new garage. The new garage will be 6.0m wide x 8.0m long and 3.0m high to the eaves line. The apex of the roof will be 3.583m above finished ground level.

CL22.528

Figure 2 – Site Plan

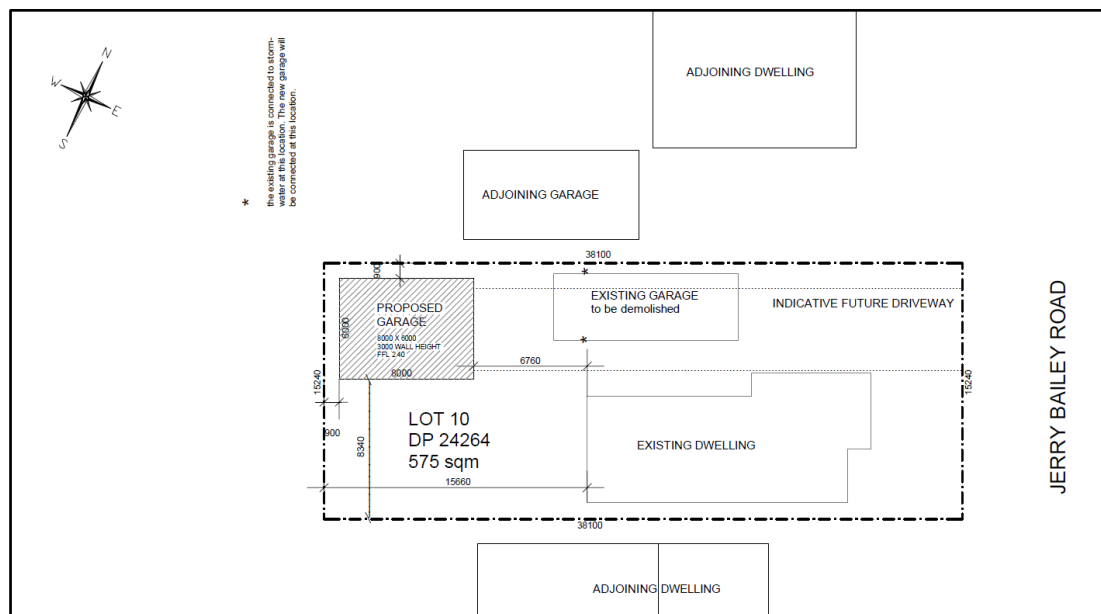
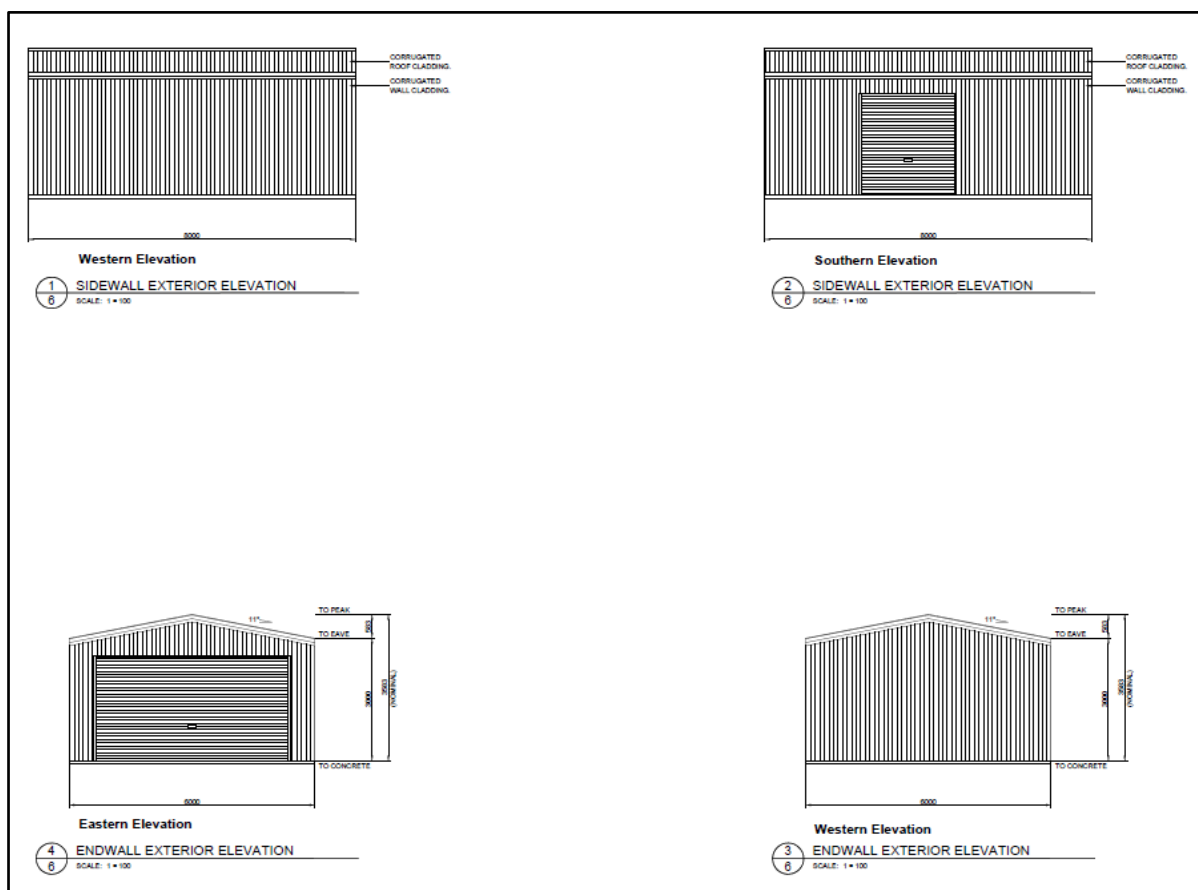


Figure 3 – Elevations



Subject Land

The development site is legally identified as Lot 10 DP 11892 and is described as 107 Jerry Bailey Road, Shoalhaven Heads (Refer to Figure 1).

CL22.528

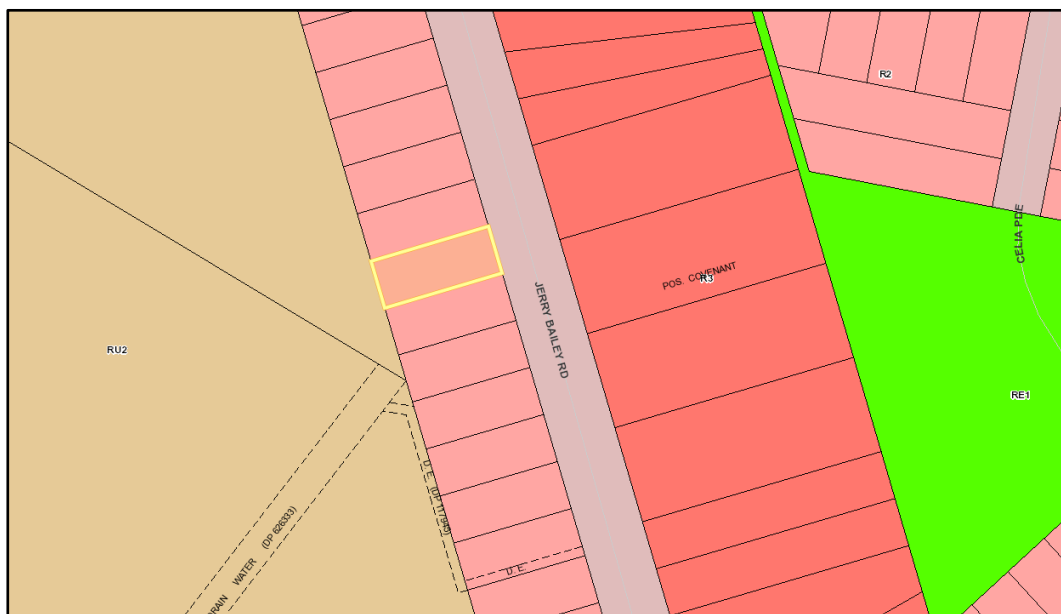
Site & Context

The development site is located on the western side of Jerry Bailey Road. The site is a regular shaped allotment having an area of 575.41m².

The existing development on the site includes a single storey dwelling house (BA77/0538) and a detached garage (BA75/0914). The site has connections to town water and a reticulated sewer system. The site is accessed directly from Jerry Bailey Road.

Immediately adjoining the site are single dwelling houses to the north and south. There is a heavily vegetated vacant lot to the west and townhouses to the east. The site is mapped as being bushfire prone land, flood prone land and Acid Sulfate Soils Class 2 and 3. Under the provisions of the Shoalhaven Local Environment Plan 2014 (SLEP-2014) the subject land is zoned R2 – Low Density Residential.

Figure 4 – Zoning Extract



History

The following provides detail on post-lodgement actions and general site history for context.

- The application was lodged on 5 August 2022.
- Following the detailed assessment of the application, additional information was requested to address Clause 7.1 (Acid Sulfate Soils) of Shoalhaven LEP 2014 on 05/09/2022. This information has since been provided.
- An assessment against Council's Policy POL16/235 revealed the application must be reported to Council for determination due to one of the property owners being a staff member within the Building and Compliance Section of the City Development Group and the development was seeking a substantial variation to a performance-based DCP.

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Issues

Subclause 3.3 of POL16/235 – Dealing with Development Applications Lodged by Council Staff or Councillors

POL16/235 provides guidance to the Assessing Officer and the Applicant/landowner as to how to appropriately deal with Development Applications Lodged by Council Staff or Councillors.

POL16/235 ensures that where a DA is lodged by or on behalf of a Council staff member or Councillor, that:

- a) the development assessment process is free from any conflicts of interest.
- b) the development assessment process is undertaken in a transparent and unbiased manner; and
- c) the assessment of DAs for staff and/ or Councillors is undertaken strictly in accordance with Council's Code of Conduct and is free from any undue influence.

One of the property owners is a staff member of the Certification and Compliance Section of the City Development Group. As the development application proposes a substantial variation to Acceptable Solution A35.2 (Section 8.1) of Chapter G12 Dwelling Houses and Other Low Density Residential Development, this has triggered the need to report it to Council. Subclause 3.3(2) of POL16/235 states "The proposed DA seeks a substantive variation to any performance-based DCP or Council Policy."

Council's Development Control Plan (DCP) Controls:

The development generally complies with the provisions of Shoalhaven Development Control Plan 2014 (DCP 2014) and has utilised performance solutions in regard to the following:

Acceptable Solution A35.2 of Control 8.1 Density, Height and Setbacks. Chapter G12 Dwelling Houses and Other Low Density Residential Development

A departure is proposed to Acceptable Solution A35.2, which states ancillary development must comply with the setback provisions in Table 2 (p.27). The setback provision to be varied is the rear setback, which is to be 3m (average). The proposal is to have a setback of 900 mm and this represents a 75% variation to the DCP requirement.

Applicant's Submission

The applicant provided the following justification for the proposed variation:

The proposed structure is detached and set back from the street, adjacent to the rear boundary and will not be out of character for the neighbouring residences or future streetscapes.

There are other structures noted along Jerry Bailey Road that are constructed within 3m of the rear setback.



CL22.528

The proposal will have minimal to no effect on the privacy of the adjoining and surrounding properties. There are no windows on any of the walls of the proposed garage. The proposal will also not generate additional noise which would affect the adjoining properties or neighbourhood. The land to the rear of the subject site is zone RU2. It is vegetated farmland and there is no 'rear neighbours' as such.

Discussion

The proposed garage will be constructed in the rear yard and it will have a maximum height of 3.583m to the apex and 3.0m to the eaves. It will have a gross floor area of 48m². The bulk and scale of the garage is compatible with the existing and future desired character of the area. The proposal is considered to have merit and there are also examples of similar developments in the area with reduced rear setback distances.

The proposed development does not overlook or impact on the privacy of the adjoining properties to the north, west and south. Also, adequate levels of light and ventilation to adjoining buildings are protected as the detached garage is appropriately separated from existing buildings within the context of the site.

The proposed siting of the detached garage is deemed to achieve the relevant objectives and performance criteria of Shoalhaven DCP 2014.

Planning Assessment

The DA has been assessed under s4.15(1) of the Environmental Planning and Assessment Act 1979 (Refer Attachment 1). The only matter needing consideration is the variation to the rear boundary setback. All other matters have been addressed and could otherwise be conditioned on the determination.

Consultation and Community Engagement

In accordance with Council's Community Consultation Policy, the proposed Development Application was notified for a period of fourteen (14 days) from 11 August 2022 to 27 August 2022. No submissions were received during the notification period.

Financial Implications

There are potential cost implications for Council in the event of a refusal of the application. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

A section 8.2 review or an appeal with the Land and Environment Court are possible if the application is refused.

Summary and Conclusion

The proposed development is compliant with the provisions of Shoalhaven LEP 2014 and is generally consistent with Shoalhaven DCP 2014 (albeit for the alternative solution proposed under Chapter G12 as detailed earlier in this report).

The application is considered capable of support as there are no substantive planning reasons to warrant refusal. Accordingly, it is recommended it is approved subject to the conditions in the draft consent (Refer Attachment 2)

CL22.528



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

Address all correspondence to

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

shoalhaven.nsw.gov.au     

**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
DEVELOPMENT CONSENT**

Environmental Planning and Assessment Act, 1979
DA22/1909

TO:

being the applicant(s) for **DA22/1909** relating to:

107 Jerry Bailey Rd, SHOALHAVEN HEADS - Lot 10 - DP 24264

APPROVED USE AND OR DEVELOPMENT:

Detached Garage

DETERMINATION DATE: **To be confirmed**

Pursuant to the Section 4.18 of the Act, notice is hereby given that the above application has been determined by granting consent, subject to the conditions listed below.

CONSENT TO OPERATE FROM: **To be confirmed**

CONSENT TO LAPSE ON: **To be confirmed**

This consent is valid for five years from the date hereon.

In accordance with Section 4.53 of the Act, development consent for the use of the land or the erection of a building does not lapse if building, engineering or construction work relating to the building or work or the use is physically commenced on the land to which the consent applies before the lapse date.

DETAILS OF CONDITIONS:

The conditions of consent and reasons for such conditions are set out as follows:

Determination Notice - Page 2 of 10 - DA22/1909

PART A: GENERAL CONDITIONS

1. General

The consent relates to detached garage as documented on the stamped plans/documentation, or as modified by the conditions of this consent. The development must be carried out in accordance with this consent. If there is inconsistency between the stamped plans/documentation and the conditions of consent, the conditions prevail to the extent of that inconsistency.

Stamped plans/documents	Ref/sheet no.	Prepared by	Dated
Demolition Plan	Page 1 Revision 1	John Stewart Design & Drafting	28/07/2022
Floor Plan	SCAS28850 – 1 of 1	Fair Dinkum Sheds	11/07/2022
Elevations	SCAS28850 – 1 of 2	Fair Dinkum Sheds	11/07/2022
Site Plan	Page 1 Revision 1	John Stewart Design & Drafting	28/07/2022
Waste Management Plan	-	Jenna Backhouse	21/07/2022

Note: Any alteration to the plans and/or documentation must be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under section 4.55 of the Environmental Planning and Assessment Act, or a new development application.

2. Prescribed Conditions

The development must comply with the [Prescribed Conditions of Development Consent](#), *Environmental Planning and Assessment Regulation 2021*, as applicable.

3. Occupation / Use

The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e. a security).

4. Class 10 Structure

The Class 10 structure is ancillary to the dwelling and is not permitted as a standalone structure without an established dwelling that is legally occupied.

5. Use of Shed

The detached shed has been approved as a Class 10 structure under the Building Code of Australia and must not be used for any industrial, commercial or habitable purposes without separate development consent, or unless otherwise exempt under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for a change of use.

Determination Notice - Page 3 of 10 - DA22/1909

PART B: INTEGRATED DEVELOPMENT AND CONCURRENCE CONDITIONS

NIL

PART C: PRIOR TO THE COMMENCEMENT OF WORKS

6. Construction Certificate

A Construction Certificate must be obtained from either Council or a certifier before any building work can commence.

7. Appointment of Principal Certifier

Prior to the commencement of building or subdivision work, a Principal Certifier must be appointed.

8. Notice of Commencement

Notice must be given to Council at least two (2) days prior to the commencement of building or subdivision work by completing and returning the form '[Commencement Notice for Building or Subdivision Work and Appointment of Principal Certifying Authority](#)'

9. Toilet Facilities - Temporary

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer, or
- b) have an onsite effluent disposal system approved under the *Local Government Act 1993*, or
- c) be a temporary chemical closet approved under the *Local Government Act 1993*.

10. Asbestos Removal

Asbestos removal must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable, by a person holding the relevant licence issued by SafeWork NSW.

A licence is not required to remove less than 10m² of non-friable asbestos, provided that the total amount of non-friable asbestos removed from the lot does not exceed 10m².

Asbestos must be taken for disposal to the licensed Waste Management Facility identified in the approved Waste Management Plan.

Post asbestos removal and prior to further work on the site, the following must be submitted to the Certifier:

- a) A clearance certificate issued by a licensed asbestos assessor or competent person as required by the *Work, Health and Safety Regulation 2017* for the specific type of asbestos removal work confirming that the area has been cleaned satisfactorily and is safe to be re-occupied for normal use.

Determination Notice - Page 4 of 10 - DA22/1909

- b) A clearance certificate is required if the removal work involved any quantity of friable asbestos, or if it involved removal of more than a total of 10 square metres of non-friable asbestos from the lot.
- c) Documentary evidence of the legitimate disposal of all asbestos in the form of tip receipts from an approved waste management facility.

11. Asbestos – Notification of Neighbours

Seven (7) days prior to the commencement of any demolition works involving asbestos, all immediate neighbours must be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and submitted to Council

12. Demolition

Demolition work must be carried out in accordance with AS2601-2 [SafeWork NSW – Code of Practice, Demolition Work \[ISBN 978-0-642-78415-5\]](#) and [SafeWork NSW – Code of Practice, How to Safely Remove Asbestos \[ISBN 978-0-642-33317-9\]](#) as applicable.

13. Demolition - Completion of Works

Demolition work, once commenced, must be completed within three (3) months.

14. Run-off and Erosion Controls

Prior to the commencement of site works, run-off and erosion controls must be implemented and maintained during construction to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- a) diverting uncontaminated run-off around cleared or disturbed areas.
- b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties.
- c) preventing the tracking of sediment by vehicles onto roads.
- d) stockpiling topsoil, excavated materials, construction and landscaping supplies and debris within the lot.

Note: all implemented measures must not cause water pollution as defined by the [Protection of the Environment Operations Act](#) (POEO).

15. Dilapidation Report

Prior to the commencement of work, the developer must engage a competent person to prepare a dilapidation report in respect of the neighbouring premises and adjacent public infrastructure, including adjacent kerbs, gutters, footpaths (formed or unformed), driveways (formed or unformed), carriageway, reserves and the like to document evidence of any existing damage.

The dilapidation report must consider the impact of any excavation work that extends below the level of the base of the footings of any structure within 0.9metres of the shared boundary.

Before works commence, a copy of the dilapidation report must be provided to the Certifier and Council. The dilapidation report will be the benchmark for necessary repairs to damage caused during the development works. All repairs must be completed by the developer at the developer's cost.

Determination Notice - Page 5 of 10 - **DA22/1909**

Not less than seven (7) days before works commence, the developer must notify the owner of any affected property of the intention to carry out approved works. The developer must also furnish the owner with details of the approved work.

However, if the occupier or owner of any neighbouring dwelling does not permit reasonable access for the purposes for the preparation of the dilapidation report, written evidence of the efforts taken to secure access may be submitted to the *Principal Certifier* and the *Principal Certifier* may waive the requirement in relation to the relevant property.

Note: A dilapidation report can comprise of video footage and photos of adjacent public infrastructure and relevant structures on adjoining properties.

PART D: PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

16. Flooding – Construction Certificate Requirements within Flood Prone Land

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the following items have been detailed on the construction drawings:

- a) Any proportion of the structure below the Flood Planning Level (FPL) must be built from flood compatible materials.

All electrical installations must be constructed above the FPL or be able to be isolated prior to a flood event.

17. Flooding – Construction Certificate Structural Soundness Requirements within Flood Prone Land

Prior to the issue of a Construction Certificate, a professional engineer, (as defined in the National Construction Code) must submit to the satisfaction of the Certifier, certification that the building and associated structure(s):

- a) Can withstand forces of floodwaters including debris and buoyancy forces up to a 1% Annual Exceedance Probability (AEP) flood event.

18. Existing Infrastructure

Any required alterations or repair of damaged infrastructure will be at the developer's expense.

Note: it is recommended prior to the issue of a Construction Certificate, all infrastructure, existing and proposed, is to be shown accurately on construction plans with clearances clearly labelled confirming that the proposed works do not affect any existing infrastructure this will potentially prevent unexpected costs and expenses.

PART E: PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

NIL

PART F: DURING WORKS**19. Hours for Construction**

Construction may only be carried out between 7.00am and 5.00pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday. Proposed changes to hours of construction must be approved by Council in writing.

20. Noise

The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment & Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.

21. Aboriginal Objects Discovered During Excavation

If an Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) All excavation or disturbance of the area must stop immediately.
- b) Additional assessment and approval pursuant to the National Parks and Wildlife Act 1974 may be required prior to works continuing the affected area(s) based on the nature of the discovery.

Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

The Heritage NSW must be advised of the discovery in accordance with section 89A of the [National Parks and Wildlife Act 1974](#).

22. Archaeology Discovered During Excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work:

- a) All work must stop immediately in that area.

Work may recommence in the affected area(s) if Heritage NSW advises that additional assessment and/or approval is not required (or once any required assessment has taken place or any required approval has been given).

In accordance with the *Heritage Act 1997*, the Heritage NSW must be advised of the discovery.

23. Maintenance of Site and Surrounds

During works, the following maintenance requirements must be complied with:

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Where tree or vegetation protection measures are in place, the protected area must be kept clear of materials and / or machinery.

Determination Notice - Page 7 of 10 - **DA22/1909**

- d) The developer must maintain the approved soil water management / erosion and sediment control measures to the satisfaction of the Certifier for the life of the construction period and until runoff catchments are stabilised.
- e) During construction:
 - i) all vehicles entering or leaving the site must have their loads covered, and
 - ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- f) At the completion of the works, the work site must be left clear of waste and debris.

24. Waste Management Plan

All waste must be contained within the site during construction and then be recycled in accordance with the approved Waste Management Plan (WMP) or removed to an authorised waste disposal facility. Waste must not be placed in any location or in any manner that would allow it to fall, descend, blow, wash, percolate or otherwise escape from the site. Compliance with the WMP must be demonstrated by the submission of tip receipts to the Certifier.

Note: "Waste" is defined in the Dictionary to the Protection of the Environment Operations Act 1997 (POEO Act).

25. Acid Sulfate Soils - Unexpected Finds

If acid sulfate soils are encountered during excavation and/or construction works all work must cease and Shoalhaven City Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.

PART G: PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

26. Compliance

The Occupation Certificate must not be issued until all relevant conditions of development consent have been met or other satisfactory arrangements have been made with council (i.e. a security).

27. Dilapidation Report – Evidence

Prior to the issue of an Occupation Certificate, the developer must provide the Certifier and Council with evidence that any damage to neighbouring premises or adjacent public infrastructure, not previously identified as existing damage in the Dilapidation Report, has been repaired by the developer to the satisfaction of Council.

PART H: PRIOR TO THE ISSUE OF A SUBDIVISION / STRATA CERTIFICATE

NIL

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PART I: ONGOING USE OF THE DEVELOPMENT**28. Overland Stormwater Flow, Redirecting and/or Concentrating Stormwater**

All excavation, backfilling and landscaping works must not result in:

- a) any change to the overland stormwater flow path on your property and or a neighbouring property. If any change to the overland flow path occurs on a property, the stormwater runoff shall be collected and directed to a legal point of discharge.
- b) the redirection and/or concentration of stormwater flows onto neighbouring properties.

29. Maintenance of Stormwater Infrastructure

The approved stormwater design and any associated on site detention must be maintained for the life of the development in accordance with the approved documents and maintenance programs.

PART J: OTHER COUNCIL APPROVALS AND CONSENTS

NIL

Consent is given under Section 68 of the Local Government Act 1993 for water supply, sewerage and stormwater drainage work as detailed in the approved documentation, subject to the following conditions:

1. Stormwater

Stormwater from the garage is to be conveyed to the street gutter via drainage designed and constructed in accordance with *AS/NZS 3500 Plumbing and Drainage* - Part 3: Stormwater drainage and the Building Code of Australia.

PART K: REASONS FOR CONDITIONS

The application has been assessed as required by section 4.15 of the *Environmental Planning and Assessment Act 1979* and has been determined by the granting of conditional development consent.

Statutory requirements

The development proposal, subject to the recommended conditions, is consistent with:

- a) the objects of the Environmental Planning and Assessment Act, 1979.
- b) the aims, objectives and provisions of the applicable environmental planning instruments,
- c) the aims, objectives and provisions of Shoalhaven Development Control Plan 2014 (SDCP 2014).
- d) the aims, objectives and provisions of relevant Council policies.

Public notification

The application was publicly notified in accordance with the *Environmental Planning and Assessment Regulation 2021* and Council's Community Consultation Policy for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (POL 16/230).

Submissions

Any submissions received during the public notification period are available on [DA Tracking](#)

Determination Notice - Page 9 of 10 - DA22/1909

Community views

Issues and concerns raised by the community in submissions have been considered in the assessment of the application and, where appropriate, conditions have been included in the determination to mitigate any impacts.

Suitability of the Site

The application has been approved because the development proposal is considered to be suitable for the site.

The relevant public authorities and the water supply authority have been consulted and their requirements met, or arrangements made for the provision of services to the satisfaction of those authorities.

The increased demand for public amenities and services attributable to the development has been addressed by the requirement to pay contributions in accordance with section 7.11 of the *Environmental Planning and Assessment Act 1979* and Council's Contribution Plan 2019. Contributions under Section 307 of the *Water Management Act 2000* have been applied as required.

Impacts of the Development

The application was considered to be suitable for approval. Conditions have been imposed to ensure that:

- a) the development will not result in unacceptable adverse impacts on the natural and built environments.
- b) the amenity and character of land adjoining and in the locality of the development is protected.
- c) any potential adverse environmental, social or economic impacts of the development are minimised.
- d) all traffic, car parking and access arrangements for the development will be satisfactory.
- e) the development does not conflict with the public interest.

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

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

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

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

Review of Modification Decision

An application for a review under section 8.3 of the Act is to be made within the prescribed period.

Approvals under Local Government Act, 1993

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

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

PART M: GENERAL ADVICE

In this consent the term developer means any person or corporation who carries out the development pursuant to that consent.

Disability Discrimination Act 1992

This application has been assessed in accordance with the *Environmental Planning & Assessment Act, 1979*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.

The applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation.

The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references AS1428.1 - "*Design for Access and Mobility*".

Disclaimer –Conveyancing Act 1919 – Division 4 – Restrictions on the Use of Land

The applicant should note that there could be covenants in favour of persons other than Council restricting what may be built or done upon the subject land. The applicant is advised to check the position before commencing any work.

Under Clause 1.9A of *Shoalhaven Local Environmental Plan 2014* agreements, covenants or instruments that restrict the carrying out of the proposed development do not apply to the extent necessary to enable the carrying out of that development, other than where the interests of a public authority is involved.

DBYD Enquiry - 'Dial Before You Dig'

In order to avoid risk to life and property it is advisable that an enquiry be made with "Dial Before You Dig" on 1100 or www.dialbeforeyoudig.com.au prior to any excavation works taking place to ascertain the location of underground services. You must also contact your Local Authority for locations of Water and Sewer Mains.

Existing and proposed Swimming Pool/ Spa Barrier

Existing and proposed swimming pools or spas on the premises must comply with the provisions of the *Swimming Pools Act 1992*, *Swimming Pools Regulation 2018* and comply with all the relevant Australian Standards.

SIGNED on behalf of Shoalhaven City Council:

Emily May
Team Supervisor (Acting) – Development Assessment
City Development

CL22.529 Development Application Fee Reimbursement Request – Anglican Church Property Trust Diocese of Sydney – DA22/1550

DA. No: DA22/1550/4

HPERM Ref: D22/385449

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments: 1. Request - DA Fees Waiver / Refund - Lot 11 DP 1280272 - 263 The Wool Rd Worrowing Heights - New Church - Campbell Mackay / Anglican Church Property Trust [↓](#)(under separate cover)

Description of Development: Place of public worship

Owner: Anglican Church Property Trust Diocese of Sydney

Applicant: Allen Price and Scarratts Pty Ltd

Purpose / Reason for consideration by Council

This report is to enable Council to consider a request made by the Anglican Church Property Trust Diocese of Sydney for the reimbursement of fees in relation to Development Application DA22/1550. Details of the development are provided in the 'Background' section of this report.

Recommendation

That Council:

1. Reimburse the Anglican Church Property Trust Diocese of Sydney \$7,607.48 being Development Application (DA) fees in relation to DA22/1550.
2. Fund the reimbursement from the City Development budget.

Options

1. Adopt the Recommendation.

Implications: Council will be required to reimburse the DA fees paid in relation to DA22/1550, excluding prescribed advertising, notification and archive fees which have already been expended.

2. Not support the request.

Implications: Fees will be retained by Council.

Background

The Anglican Church Property Trust Diocese of Sydney is a not-for-profit registered charity and owner of Lots 11-12 DP 1280272 (known as 263 The Wool Road and Naval College Road, Worrowing Heights).

Evidence of registration as a charity has been provided to Council, as per Attachment 1.

CL22.529

On 17 May 2022, Council received a DA (DA22/1550) from Allen Price and Scarratts Pty Ltd in relation to a place of public worship (i.e., a new church and associated works).

The total of fees paid was \$8,376.98.

However, the DA has been advertised and neighbour notified on 20 July 2022 and referrals have also been actioned, particularly an Integrated development referral to the NSW Rural Fire Service.

Accordingly, only the relevant 'development' fees (being \$7,607.48 of the total fees paid) may be reimbursed.

Section 2.4 of Council's Policy POL20/68 (Waiving of Development Application Fees and Other Fees for Charitable Organisations and Community Groups) states as follows:

"2.4. Reimbursement of fees for DAs

If a reimbursement of the fees is sought, a written request outlining the grounds for reimbursement must be submitted. The matter will then be referred to Council's Strategy and Assets Committee for consideration by Council. Any donations by way of whole or partial reimbursement determined by the Council will be paid out of the City Development budget or a source identified in Council's resolution.

The request for reimbursement of fees is in accordance with this provision and would apply to the 'development' fees paid and not to those other fees already expended (being the prescribed advertising, notification and archive fees).

Policy Implications

It is unlikely that the adoption of the recommendation of this report will have any substantial policy implications.

Financial Implications:

Council's support of the request will result in a refund of \$7,607.48 funded from the City Development budget. If there are insufficient funds available in the budget, an alternative option may be required to enable the refund.

Summary and Conclusion

As per Section 2.4 of Council's Policy POL20/68, it is recommended that the application development fees paid (excluding fees for advertising, integrated development and archiving) be reimbursed amounting to \$7,607.48.

CL22.529

CL22.530 Policy - Community Consultation Policy - for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies

HPERM Ref: D22/246100

Department: Development Services

Approver: James Ruprai, Director - City Development

Attachments: 1. Community Consultation Policy - for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies (under separate cover) [↗](#)

Reason for Report

This policy review is presented to Council in accordance with the resolution for all policies to be reviewed within the first 12 months of the new Council.

The report has been prepared to assist Council to consider the adoption of these existing public policies which deal with the responsibilities within City Development.

Recommendation

That Council adopt the Community Consultation Policy - for Development Applications (Including Subdivision) and the Formulation of Development Guidelines and Policies as attached.

Options

1. Adopt the recommendation

Implications: The Community Consultation Policy will continue to apply.

2. Not adopt the recommendation

Implications: Council will need to give further instruction to staff.

Background

The purpose of this Policy is to ensure that the community is consulted during the processing of development applications and the formulation of development guidelines and policies; and that the community is informed of decisions made by Council.

Nature of Proposed Changes to Policy

General updates

The amendments are mostly to 'tidy up' the current policy. There are a number of changes proposed to reflect the recent amendments to the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*, title of the Directorate and change from General Manager to Chief Executive Officer.

CL22.530

New text to acknowledge use of digital platforms

New text is proposed under Section 3.6 of the Policy noting that a digital platform may be used for meetings. This is largely in response to the pandemic and health concerns, however there are practical reasons and benefits for holding digital meetings. For example, to avoid excessive travel for participants, avoid travel in bad weather and potential flood events.

Removal of text referencing Council Committees

Section 3.7 is proposed to be amended to remove references to Council Committees which no longer operate.

Removal of Section 4 – references to strategic planning documents

Section 4 of the Policy, relating to the formulation of development guidelines (development control plans and Council policies) is to be deleted. The information that was in the Policy was outdated, and current information relating to public exhibition of DCPs is contained in the Regulation or the Act. Furthermore, Council's Community Participation Plan (CPP) references strategic planning documents and their exhibition periods. Accordingly, there is no need to duplicate the information.

It is considered preferable and clearer that the Policy subject of this report has specific focus on DA matters. The title of the Policy has been amended to reflect this deletion.

Further updates

A further review of the Policy may be required in the future noting that there are periodic legislative amendments and changes to processing requirements (such as NSW Planning Portal requirements).

Council may also choose to review the Policy if it considers other changes necessary.

Exempt and Complying Development

Exempt and Complying Development is not notified. Exempt development does not require any approval. Section 134 of the *Environmental Planning and Assessment Regulation 2021* prescribes where Complying Development must be notified. Shoalhaven is excluded.

Community Engagement

No engagement is required as there are no substantial changes proposed at this time.

CL22.531 Policy Review - Community Gardens on Council Managed Land

HPERM Ref: D22/348220

Department: Shoalhaven Swim Sport Fitness
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Revised Community Gardens on Council Managed Land Policy [↓](#)

Reason for Report

The *Community Gardens on Council Managed Land Policy* is presented for adoption. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council

Recommendation

That Council adopts the reviewed Community Gardens on Council Managed Land Policy as attached.

Options

1. As recommended

Implications:

- Updated Policies will be adopted within the 12-month timeframe of a newly elected Council
- Will simplify, streamline and update the Policy
- Community will be provided with more information regarding Council's assessment process and proposed management framework for community gardens
- Change of Policy title to include "on Council Managed Land" to clarify the scope of the Policy for the community's information

2. Not adopt the Recommendation

Implications:

- Council can request further details, seek further community input or make other changes
- This may delay or impact Council's ability to meet the requirement for review of policies within twelve (12) months of the election of a new Council

Background

Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

The purpose of the Policy is to define Council's provisions for the management of Community Gardens on Council managed land.

There are no significant changes recommended in the revised Policy, which includes the following amendments:

- Change of Policy title to include the text “on Council Managed Land”, to clarify its scope for the community’s information. This change was requested by a Community Consultative Body.
- The Policy Statement is updated to align with current industry practice and definitions
- Clarification and formatting of the Report’s text
- Additional details provided regarding Public Liability Insurance requirements
- Additional details provided regarding the assessment process including Application Form, application fees and costs, Crown Lands approval and community consultation process
- Additional details provided regarding the management framework including the type of licence and statutory minimum fees that apply
- Updated information regarding Council’s volunteer safety and behaviour standards

Community Engagement

In August and September 2022, the revised Policy was circulated for review to the following stakeholders:

- All Community Consultative Bodies
- Shoalhaven City Council staff from the following Departments:
 - Projects and Technical
 - Environmental Services
 - Shoalhaven Swim Sport Fitness
 - Building Services
 - Works and Services
 - Community Planning & Projects
 - Community Connections

Staff have reviewed the Policy in response to feedback received during the consultation process.

The proposed changes to the format and content of the Policy are considered minor policy changes that do not warrant further community engagement or public exhibition.

Policy Implications

Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

CL22.531

Community Gardens on Council Managed Land

Adoption Date:	24/08/2005
Amendment Date:	10/02/2009, 26/03/2013, 18/04/2017
Minute Number:	MIN05.1164, MIN09.162, MIN13.259, MIN17.301
Review Date:	10/10/2022
Directorate:	City Lifestyles
Record Number:	POL22/52

Community Gardens

1. Purpose

To define Council's provisions for the role management in the provision of Community Gardens on Council managed land.

2. Statement

Community ~~G~~gardens embrace the philosophy of permaculture in a community-supported setting. -These gardens incorporate functional design with the aim of producing a sustainable, harvestable yield. Permaculture gardens maximise the value and use of renewable resources, minimise waste, and catch and store energy and nutrients for reuse.
~~Ideally a garden should aim to imitate nature in its diversity and provide a wide range of non-commercial plant produce in a context that also assists in the rehabilitation of soils, habitat and water quality. Depending on the community management of these gardens, a site may consist of individual or shared garden plots, including fruit and vegetable growing options.~~

3. Provisions

3.1. Eligibility

~~For a~~ Community groups applying to be eligible to establish a ~~proposed~~ Community Garden on Council managed land, ~~it~~ must ~~first~~ meet the following criteria:

- a) Demonstration of support by the local community and/or Community Consultative Body.
- b) No other Community Garden located within the local community (i.e. within the Town or Village).
- c) ~~In~~ Incorporated community group with APRA approved Public Liability Insurance ~~Cover~~ of \$20 million that notes the interests of Shoalhaven City Council and, where applicable, the Minister administering the Crown Lands Act indemnifies Council and where necessary the Crown.
- d) The proposed ~~C~~community ~~G~~garden meets the site selection criteria.
- ~~e) Proposed Group must meet Council standard and head Volunteer of group will work under the Volunteer Parkcare Policy to care for and maintain property.~~
- ~~f) e)~~ The requisite minimum number of members for the group will be decided upon by Council staff

3.2 Assessment

- a) The community group must submit a "Proposal to Occupy Council Property - Community" application (D14/274272) to Council's Property Unit and pay:
 - application fee in accordance with the adopted Fees and Charges
 - all advertising fees associated with the licence agreement
- b) Requests for Council managed land held by the Crown will be referred to the Crown Lands department for approval
- c) Licence requests are advertised for a minimum of 28 days to seek community comment

Community Gardens

- d) Council will consider applications and any community comment prior to determining if a licence will be granted

3.3 Site Selection Criteria

Proposed A sites proposed for the Community Garden development must meet the following selection criteria:

- a) Council owned /or managed reserve-
- b) CCConsistent with the relevant Plan of Management for the reserve-
- c) The CCcommunity GGarden must:
 - i. Naot occupy more than one third (1/3) of the reserve area-
 - ii. Be in cClose proximity to supporting infrastructure such as public amenities, water and car parking-
 - iii. Ensure Vsight lines are preserved at the reserve, enablingisual prominence affording casual supervision by the local community
- d) Council has the right to remove and/or demolish an abandoned garden after one year-

3.4

Management Framework

- a) Community gardens are managed by a licence between Council and the incorporated community group. The licence will stipulate terms of occupancy and a minimal annual licence fee is payable.

- b) The community group will be required to pay an annual rental fee, being the Crown Lands statutory minimum annual rental fee as published on the NSW Government website. This fee applies to community gardens on both Council owned and managed land (including Crown Land), ensuring equity for all community garden groups regardless of land ownership. Following development consent, a Community Garden will be licensed (at a minimal fee) to an incorporated community group with APRA approved Public Liability Cover of \$20 million that indemnifies Council and where necessary the Crown.

Theis licensee community group will be solely responsible for operational management of the licenced area, and maintaining be required to manage safe access in and /around the site, including and if necessary, allocation of garden plots. Management of the site will also be required to follow Council's Environmental Sustainable Development guidelines.

- c) The incorporated community group will be responsible for:

- funding and servicing all supporting infrastructure on the site. No funding for
- fencing or
- provision of irrigation systems;
- water (including connection and usage);
- electricity (including connection and usage)
- structures (i.e., garden sheds, etc.)
- plants, mulch, etc. etc will be provided by Council.

Community Gardens

- d) Prior to the ~~erection/construction or~~ installation of any infrastructure, written approval or Development Consent will be required from Council-
- e) The group's members must meet Council's volunteer safety and behaviour standards and comply with the Bushcare / Parkcare Policy to care for and maintain property
- f) Management of the site will be required to align with Council's Community Gardens on Council Managed Land Policy Statement and to follow Council's Sustainable Energy Policy

~~3.2. Provision of suitable land~~

~~Council's contribution to development of a Community Garden will be through the provision of its managed land. Provision of this land will be subject to Development Consent and meeting the terms of a licence.~~

4. Implementation

~~Upon Council receiving a request wide community consultation will be undertaken in the local area before approval is granted for a Community Garden.~~

The ~~Finance Corporate & Community Services Group~~City Lifestyles Directorate will administer this policy.

5. Review

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

CL22.532 Shoalhaven Community Wellbeing Plan - Outcomes of Public Exhibition

HPERM Ref: D22/280034

Department: Community Connections
Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. Shoalhaven Community Wellbeing Strategy (under separate cover) [⇒](#)
2. Amendments to Draft Shoalhaven Wellbeing Strategy [↓](#)
3. Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy [↓](#)
4. Shoalhaven Community Wellbeing Strategy - Engagement Outcomes Report (under separate cover) [⇒](#)

Reason for Report

Shoalhaven City Council received a grant from the Australian Government's Building Better Regions Fund to develop the Shoalhaven Community Wellbeing Plan. The Plan comprises three components:

- The **Shoalhaven Community Wellbeing Strategy** identifies the strategic priorities for Council to improve community wellbeing.
- The **Action Plan** identifies specific actions that will be used to achieve the outcomes identified for each strategic priority in the Strategy.
- The **Evaluation Framework** allows Council to assess the effectiveness and efficiency of our work in terms of impact on wellbeing indicators.

On 22 August 2022, Council endorsed public exhibition of the draft Shoalhaven Community Wellbeing Strategy.

This report provides information on the outcomes of the public exhibition and proposes endorsement of the finalised Shoalhaven Community Wellbeing Strategy. This will allow completion and acquittal of the grant-funded project before the reporting due date on 28 October 2022.

Recommendation

That Council:

1. Adopt the finalised Shoalhaven Community Wellbeing Strategy;
2. Acknowledge and thank the Community members and stakeholders involved in community consultation for their contribution to improving the Shoalhaven Community Wellbeing Strategy.

Options

1. Adopt the recommendations.

Implications: This is the preferred option as it will allow the completion and acquittal of the grant-funded project before the reporting due date on 28 October 2022.

CL22.532

2. Not adopt the recommendations.

Implications: Not endorsing the Shoalhaven Community Wellbeing Strategy for adoption will prevent Council from completing and acquitting the grant-funded project before the reporting due date on 28 October 2022. This may result in Council being unable to use the grant funding as the project is not completed within the terms of the funding agreement.

Background

The Shoalhaven Community Wellbeing Plan creates a framework to guide Council to make decisions about business and service planning to improve community wellbeing. The Plan will provide a tool that will support Council to evaluate the importance and effectiveness of our investments, programs, and assets in achieving wellbeing outcomes and to plan evidence-informed work in response.

The Shoalhaven Community Wellbeing Plan has three components:

- The **Shoalhaven Community Wellbeing Strategy** identifies the strategic priorities for Council to improve community wellbeing. Guided by the strategic direction of this document, the two components below will be developed.
- The **Action Plan** identifies specific actions that will be used to achieve the outcomes identified for each strategic priority in the Strategy.
- The **Evaluation Framework** allows Council to assess the effectiveness and efficiency of our work in terms of impact on wellbeing indicators.

On 22 August 2022, Council endorsed public exhibition of the draft Shoalhaven Community Wellbeing Strategy. The feedback received from the public exhibition has been considered and used to finalise the Shoalhaven Community Wellbeing Strategy (**Attachment 1**) presented with this report. The amendments made to the draft document are listed in the Amendments to Draft Shoalhaven Community Wellbeing Strategy (**Attachment 2**).

The Strategy provides the strategic direction for the Action Plan and Evaluation Framework. Councillors will be updated on the progress of this as the project progresses.

Grant funding

Shoalhaven City Council received a grant from the Australian Government's Building Better Regions Fund to develop the Shoalhaven Health and Wellbeing Strategy, which is now called the Shoalhaven Community Wellbeing Plan.

The funding is dependent on the project being completed and acquitted, including adoption of Strategy, before the reporting due date on 28 October 2022.

Overview of the Strategy

Wellbeing is the ability to thrive, to which all should have equitable access. The Shoalhaven Community Wellbeing Strategy has been developed based on the principle that community wellbeing is a shared responsibility that requires all community stakeholders to work collaboratively to achieve shared goals and aspirations for wellbeing.

The Strategy identifies the foundations needed to create community wellbeing – the broad range of key things that the community needs to thrive, including both the places and the people that make up communities that support wellbeing. To create the conditions for individuals and communities to thrive, eight Foundations have been identified as integral for wellbeing. The key aspects of each Foundation form the Wellbeing Domains.

Council is a key player in creating the conditions for wellbeing but cannot achieve community wellbeing alone. Recognising, this, the Strategy supports Council to work more strategically and collaboratively to improve community wellbeing, considering how our efforts work

alongside those of other stakeholders and valuing the important contribution that people in our community make to community wellbeing. The Strategy outlines Council's current and planned work contributing to each Domain, as well as opportunities for future work and the key partners who make each Domain happen in the Shoalhaven. The full details are available in the attached Shoalhaven Community Wellbeing Strategy (**Attachment 1**).

Public Exhibition feedback

The Draft Shoalhaven Community Wellbeing Strategy was placed on public exhibition from 23 August until 12 September 2022. There were 21 submissions received via an online feedback form on the Get Involved page, and 1 submission received by email.

Of the 21 submissions received via the online form, 90% considered that improving community wellbeing in the Shoalhaven was 'Very important'. The remaining 10% considered it 'Fairly important'.

The feedback form asked people to rate how well the Draft Strategy performed in three areas. The majority of responses rated the Draft Strategy as 'Good' or 'Excellent' for how well it:

- Considers the factors contributing to community wellbeing – 57%;
- Reflects local priorities for community wellbeing – 57%;
- Improves understanding of how local communities, service providers, businesses, Council and other levels of Government work together and alongside each other to improve community wellbeing – 52%.

Table 1. Ratings given for how well the Draft Strategy performed

Rating received for "How well the Draft Strategy..."	Poor	Fair	Good	Excellent
Considers the factors contributing to community wellbeing	14%	29%	43%	14%
Reflects local priorities for community wellbeing	14%	29%	43%	14%
Improves understanding of how local communities, service providers, businesses, Council and other levels of Government work together and alongside each other to improve community wellbeing	14%	33%	38%	14%

Feedback in support of the Draft Strategy

People giving feedback on the Draft Strategy were asked "What do you like most about the Draft Strategy?". Feedback in support of the Draft Strategy, including responding to this question, is summarised in Table 1 of the Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy (**Attachment 3**).

The most common supportive feedback related to:

- How comprehensive the Draft Strategy was
- Support for identification of different wellbeing contributors
- Appreciation for the document layout and appearance
- Support for the creation of a strategic document on community wellbeing in the Shoalhaven.

Feedback requesting changes to the Draft Strategy

People giving feedback on the Draft Strategy were asked "What would you like to change about the Draft Strategy?". Feedback requesting changes to the Draft Strategy, including responding to this question, is summarised in the Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy (**Attachment 3**). In this attachment, Table 2 summarises feedback related to each the eight Wellbeing Foundations and Table 3

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summarises feedback related to other aspects of the Draft Strategy, with both tables including responses to the requested changes.

The most common themes for feedback requesting changes were:

- Foundation 4 – Healthy and active communities
- Foundation 5 – Transport connections to access our community's opportunities
- Foundation 7 – Housing that meets the community's needs
- Consideration of the needs of diverse people and communities

Stakeholder Workshop feedback

During the public exhibition period, a workshop was held for stakeholders. In total, 22 stakeholders from 16 organisations attended the workshop on 5 September 2022. The consultation invited participation from organisations, government departments and businesses that currently contribute to building community wellbeing at the Shoalhaven-wide level.

The purpose of the workshop was to:

- Update stakeholders on the draft Strategy and thank them for their involvement to date
- Share the draft Strategy on public exhibition, improve understanding and encourage stakeholders to prepare submissions to public exhibition
- Gather feedback on the draft Strategy and better understand how stakeholders are contributing to community wellbeing
- Identify ideas for implementation of the Strategy and future collaboration opportunities in delivering Shoalhaven's wellbeing

Workshop participants represented a large cross-section of Shoalhaven's organisations and institutions currently contributing to its wellbeing. Across all workshop activities, participants acknowledged the potential future impact of the Strategy on community wellbeing across the Shoalhaven. Many participants embraced the intent and content of the Strategy as an important mechanism in building better relationships and enabling greater collaboration.

In summary, participants felt there were three key roles of the draft Strategy:

- A mechanism for enabling greater collaboration
- A guide for addressing the social determinants of health
- A tool for increasing accountability, as a guide for identifying targets and mandates to hold Government, organisations and community accountable

Further detail on participant responses is provided in Table 4 of the Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy (**Attachment 3**).

When asked about their role and responsibilities in the implementation of the Strategy, the majority of participants outlined their role in collaboration, identifying the next step of networking and building relationships to identify future opportunities. Further detail on participant responses is provided in Table 5 of the Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy (**Attachment 3**).

When asked to outline their current operations around Shoalhaven's foundations of wellbeing, participants identified a range of projects. Operational strengths were shown in the foundations of community life (Foundation 1) and healthy and active communities (Foundation 4), with participants identifying a range of community events and programs currently provided. Although distance and an aging population were identified as barriers to Shoalhaven's wellbeing, stakeholders showed strength in operations that connected and supported health service providers with patients, listing a range of innovative and

technologically led programs. Sustainable natural and built environment (Foundation 6) and resilient local economies and inclusive economic opportunities (Foundation 8) identified current operational gaps of workshop attendees.

Participants identified a range of ideas and priorities for future operations. Participants felt the operations that required particular advancement were community safety in the built environment, community preparedness for shocks and stresses, local educational opportunities and housing affordability.

What was clear from stakeholder feedback, was that Shoalhaven has a diversity of skills, projects and passionate stakeholders that currently contribute to advancing its wellbeing. The Strategy provides an important guideline and tool to mobilise and connect these stakeholders. The feedback on current operations of stakeholders has been used to update the Strategy, providing more comprehensive information on the contributions of stakeholders to the Wellbeing Domains. The information gathered on future operations has been collated within the Stakeholder Workshop Outcomes Report as a resource to inform future work.

Community Engagement

In developing the Shoalhaven Community Wellbeing Strategy, Council heard from over 460 people in the community using surveys, workshops and interviews with residents, service providers and community organisations. The engagement outcomes report is included as **Attachment 4**. Additionally, Council teams, the Executive Management Team, Mayor, and Councillors were engaged throughout the process. This approach allowed us to hear from people across the Shoalhaven, including engagement targeted to hear from young people and seniors, and to also learn from the insights of experienced Council staff. The community and stakeholder engagement are detailed in the attached Shoalhaven Community Wellbeing Strategy.

Feedback on the draft Strategy was sought from the community through public exhibition. In addition, a follow-up workshop with external stakeholders was held on 5 September to seek feedback and encourage stakeholder interest in working collaboratively on wellbeing actions. The outcomes of this engagement are detailed as part of this report.

Policy Implications

The Shoalhaven Community Wellbeing Strategy will inform the development of future policies and encourage consideration of wellbeing outcomes.

Adoption of the Strategy will support Council to make decisions about business and service planning to improve community wellbeing. As the Strategy is used, it will influence decisions about the work included in future Delivery Programs and Operational Plans, which outline Council's strategies and actions to be undertaken.

The Shoalhaven Community Wellbeing Strategy is informed by the themes and priorities of Shoalhaven 2032 – Community Strategic Plan as well as Council's Core Values of Collaboration, Adaptability, Integrity, and Respect. It is informed by international, national, state, and regional strategies and legislation, as detailed in the attached Shoalhaven Community Wellbeing Strategy.

Financial Implications

The Shoalhaven Community Wellbeing Strategy identifies the priorities for improving community wellbeing and provides a framework to guide decisions about work-planning. This means there is no request for financial allocation for adopting the Strategy. Specific actions to address the priorities, and resourcing to be used, will be identified in the Action Plan.

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The actions in the Action Plan will be integrated into ongoing work planning processes across the organisation, including resource allocation processes. If additional funding is required to deliver any action within the Action Plan, the established business processes for financial requests and funding considerations will be used.

Being unable to complete and acquit the grant-funded project, including adoption of the Strategy, before the reporting due date could impact on the availability of the grant funding, with the funding body revoking the grant agreement. This would require Council to identify other budgets to cover the budget shortfall. The total project budget is \$100,000 which comprises 50% Council contribution and 50% grant funding from the Building Better Regions Fund.

Risk Implications

The financial risks, related to not completing and acquitting the grant-funded project before the reporting due date, are addressed above. This may also impact our ability to secure funding under future grant programs and put at risk the implementation of a range of other Council projects. There are reputational risks to Council if the Shoalhaven Community Wellbeing Plan is not completed.

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Amendments to Draft Shoalhaven Community Wellbeing Strategy

Page	Change	Reason
8	Inclusion of the Mayor's message	This was needed to complete the document
9	Inclusion of the CEO's message	This was needed to complete the document
22	Added text: "Church buildings can provide multipurpose community gathering spaces, or people can gather for spiritual activities and practices by making use of community halls."	In response to community feedback, this wording was adding to highlight the contribution of spiritual gatherings and activities.
23	Image changed	Due to the cropping limitations, the previous image was not as clear at showing people participating in a community activity
25	Added text "spiritual groups"	In response to community feedback, this wording was adding to highlight the contribution of spiritual gatherings and activities.
25	Added text "For example, Shoalhaven Neighbourhood Services provides social support activities in neighbourhood centres to help people participate more in their community."	This was added in response to information provided at the Stakeholder Workshop.
29	Added text "For example, Southern Cross Community Housing facilitates a Tenant Advisory Group for their tenants to be involved with planning and decisions related to their homes."	This was added in response to information provided at the Stakeholder Workshop.
31	Image cropping changed	Due to the cropping limitations, the previous image was not as clear at showing people participating in a community activity
34	Image moved elsewhere in the document	Due to the cropping limitations, image was best suited to another location in the document
37	Image changed	Due to the cropping limitations, the previous image was not as clear at showing people participating in a training activity
39	Added text "For example, UOW's Industry 4.0 Hub in the Shoalhaven supports learning and innovation focused on automation and data exchange in manufacturing technologies." "The Flagstaff Group provides the Life Choices Hub to support people living disability to access vocational and skills development training and improve opportunities for employment."	This was added in response to information provided at the Stakeholder Workshop.
40	Added text "how to find inner calm"	In response to community feedback, this wording was adding to highlight the contribution of spiritual learning and activities.

41	Image moved elsewhere in the document	Image was best suited to another location in the document
44	Added text “disaster recovery supports” “Awareness-raising initiatives can also be used by services to improve community understanding and access to supports, such as improved awareness of mental health impacts and needs during disaster recovery.”	This was added in response to information provided at the Stakeholder Workshop.
45	Image changed	The previous image was not as clear at showing people participating in a local support activity
47	Added text “For example, Salt Care provides a meal program with transport support, co-ordinates 150 volunteers and provides volunteer training.” “Supported Accommodation and Homelessness Services Shoalhaven Illawarra (SAHSSI) provide support services to women (and their children) affected by homelessness or domestic and family violence.”	This was added in response to information provided at the Stakeholder Workshop.
48	Image changed	The previous image was not as clear at showing people safely participating in the community
50	Added Text “In addition to crime risk, safety of people in the community depends on the built environment being designed, constructed and used in a way that considers the environment, safety risks to people using it, managing safety risks according to accepted standards. Council plays an important role in community safety through inspecting and ensuring land-use, building and development complies with legislative requirements. Council Ranger Services contributes to community safety by providing a community service in relation to environmental protection, animal management (including the animal shelter and nuisance animals) and vehicle parking to create a safer community. Responsible for investigating complaints and enforcing legislation throughout the Shoalhaven, Council’s Rangers work to provide consistent law enforcement to protect the environment and preserve public amenities and assets. Council’s Building & Compliance Unit contributes to community safety by providing a community service to create a safer community. The Building & Compliance Unit consists of the Fire Safety Team, Development Assessment Team, Compliance Team & the Certification Team and as a unit are responsible for assessing development,	In response to community feedback, this wording was added to reflect the role of Council in improving community safety through enforcement of legislation related to building compliance and companion animals.

	complying development & construction certificate applications, investigating complaints and enforcing legislation throughout the Shoalhaven. Council's Building & Compliance Unit work to provide consistent application of the legislation to ensuring community members can continue to enjoy the local area and lifestyle."	
51	Image moved elsewhere in the document	Image was best suited to another location in the document
52	<p>Add text</p> <p>Act as the local authority in carrying out the provisions of the <i>Companion Animals Act 1998</i> which provides for the effective and responsible management of companion animals, including to protect native birds and animals. In addition, this requires Council to promote awareness of the responsibilities of dog and cat owners, including penalties for not complying.</p> <p>Act as the local authority in carrying out the provisions of the Environmental Planning & Assessment Act 1979, Protection of the Environment Operations Act, Local Government Act, Swimming Pools Act, to name a few, in the interest of ensuring community members can continue to enjoy the local area and lifestyle.</p>	In response to community feedback, this wording was adding to reflect the role of Council in improving community safety through enforcement of legislation related to companion animals.
53 & 57	<p>Added text</p> <p>"(Police) also deliver community engagement activities like 'Coffee with a cop' to help people feel comfortable seeking support."</p>	This was added in response to information provided at the Stakeholder Workshop.
55	Image moved elsewhere in the document	Image was best suited to another location in the document
56-57	Image moved elsewhere in the document. Replacement image moved to opposite page.	Image was best suited to another location in the document. Opposite page better suited for document readability.
57	<p>Added text</p> <p>"For example, South Coast Medical Service Aboriginal Corporation provides men's and women's groups to build relationship skills as well as mentoring programs in primary and high schools."</p>	This was added in response to information provided at the Stakeholder Workshop.
59	Image changed	The previous image was not as clear at showing people participating in emergency services activities.
61	Added text	This was added in response to information

	<p>“The Flagstaff Group have developed the EMBER app to improve preparedness of people living with disability and understanding of emergency services”</p> <p>“Community Connect Southern Shoalhaven maintains a list community groups and works to co-ordinate volunteer efforts in disaster recovery”</p> <p>“Australian Red Cross supports communities interested in community-led resilience planning”</p>	provided at the Stakeholder Workshop.
64	Added text “speech therapists” In response	In response to community feedback, this wording was adding to encourage consideration of early intervention health service needs of children.
69	Image changed	The previous image was not as clear at showing people accessing health supports
69	<p>Added text</p> <p>“Service NSW supports access to programs across NSW Government bodies, including online health resources, the organ donor registry, and rebates and assistance like EnableNSW. EnableNSW provides assistive technology and related services to help people live safely at home, which can include mobility aids and respiratory equipment.”</p>	This was added in response to information provided at the Stakeholder Workshop.
74-75	Image changed. Replacement image moved to opposite page.	Due to the cropping limitations, the previous image was less suited to available space. Opposite page better suited for document readability.
75	Added text “and First Lap vouchers through Service NSW”	This was added in response to information provided at the Stakeholder Workshop.
77	Image changed	The previous image was not as clear at showing healthy food systems
85	Image moved elsewhere in the document	Due to the cropping limitations, image was best suited to another location in the document
86-87	Image changed. Replacement image moved to opposite page.	The previous image was not as clear at showing people using active transport. Opposite page better suited for document readability.
87	<p>Added text</p> <p>“Healthy Cities Illawarra help design the infrastructure of a healthy community by developing, implementing and evaluating evidence-based and sustainable programs that address the underlying social, economic and environmental causes of health</p>	This was added in response to a request from Healthy Cities Illawarra to be included as a stakeholder in creating ‘5.1 Active transport’.

	inequity. There has been limited expansion of activity into the Shoalhaven due to funding limitations. Healthy Cities Illawarra will also facilitate the Illawarra Shoalhaven Active Transport Taskforce.”	
93	Image changed	Due to the cropping limitations, image was less suited to available space
96	Image changed to better show people accessing natural environments	The previous image was not as clear at showing people accessing natural environments
112	Image added to show sustainable building	The images improve understanding of sustainable building
114	Image cropping changed to better show housing	Due to the space limitations, the previous image was not as clear at showing housing
119	Add text “Southern Cross Community Housing” “Shoalcoast Community Legal Centre offers community education and free legal advice to help people understand their legal rights and responsibilities, including in relation to tenancy matters like rental repairs, eviction and arrears.”	This was added in response to information provided at the Stakeholder Workshop.
122-123	Image moved to opposite page	Opposite page better suited for document readability
126-127	Image moved to opposite page	Opposite page better suited for document readability.
132-133	Image moved to opposite page	Opposite page better suited for document readability.
136-137	Image moved to opposite page	Opposite page better suited for document readability.

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

Table 1. Public exhibition feedback in support of the Draft Strategy

No. of submissions	Theme of feedback
7	Comprehensive For example: "A lot of thought gone into it" and "The document is comprehensive"
4	Identification of Wellbeing Foundation or Domain Support for identifying the importance of different wellbeing contributors: <ul style="list-style-type: none"> • 1 for Domain 1.1 • 1 for Domain 3.1 • 2 for Domain 5.1 • 1 for Domain 5.3 • 1 for Foundation 7 • 1 for Domain 2.2 • 2 for Domain 4.2 • 1 for Domain 5.2 • 3 for Foundation 6 • 1 for Domain 8.2
3	Document layout and appearance For example: "I like that the draft is easy to read and well laid out"
3	Creation of a strategic document on Shoalhaven community wellbeing For example: "I believe it's an excellent body of work on a community and its desires"
2	Provides detail to support implementation For example: "Well done on identifying some good practice examples, they should help the community and council progress on the plan"
2	Community involvement and perspectives For example: "Having a section where community comments have been captured is a good thing"
2	Other <ul style="list-style-type: none"> • Improved understanding of Council's role and ability to act • Focused on relatively achievable outcomes

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

Table 2. Public exhibition feedback requesting change related to Wellbeing Foundations

No. of submissions	Theme of feedback	Response
2	Foundation 1 – Vibrant communities where everyone can participate and connect Respondents wanted Council to improve how individuals can participate in decision-making at all levels of government, and on improve two-way communication between Council and community.	Domain 1.2 gives information on the role of Council and others in providing opportunities for people to participate in local decision-making, and identifies some possible future directions. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
2	Foundation 2 – Lifelong learning and helping each other Respondents wanted Council to improve access to safe and supportive education for young people, and improve individual capacity, resilience and self-determination.	Domain 1.2 gives information on the role of Council and others in improving access to primary and secondary education, whilst Domain 3.1 gives this information on encouraging safe behaviour and supportive relationships, including programs delivered in schools. Domain 2.2 gives information on the role of Council and others in providing learning opportunities for people to build capacity, resulting in improved resilience and self-determination. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
3	Foundation 3 – Safe and prepared communities Respondents wanted Council to reduce impacts of barking dogs, reduce vandalism and reduce CCTV.	Domain 3.1 has been updated to give information on the role of Council and others in enforcement of the <i>Companion Animals Act 1998</i> , including in relation to excessive noise. Domain 3.1 gives information on the role of Council and others in reducing vandalism and providing CCTV. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
6	Foundation 4 – Healthy and active communities Respondents wanted Council to improve access to health services and supports: natural therapies and naturopaths, hospital and ambulatory services, and early childhood intervention like speech therapists, OTs and paediatricians. Respondents wanted Councils to improve provision of exercise equipment in parks, park benches on walking routes, and of bike tracks.	Domain 4.1 gives information on the role of Council and others in improving access to health services and supports, including complimentary therapy, hospital and ambulatory services, and specialist doctors. Though it wasn't possible to specifically list all types of services and supports, the Strategy was updated to mention speech therapists. Domain 4.2 gives information on the role of Council and others in providing of recreational infrastructure, including exercise equipment, walking and cycling facilities. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
5	Foundation 5 – Transport connections to access our community's opportunities Respondents wanted Council to improve active transport infrastructure, road conditions (2 respondents) and injuries related to road conditions. A respondent wanted their organisation listed in the Key Partners section for an additional Wellbeing Domain.	Domain 5.1 gives information on the role of Council and others in providing active transport infrastructure. Domain 5.3 gives information on the role of Council and others in providing road infrastructure. Whilst this acknowledges the significant impacts of severe weather, it wasn't possible to gather information on injuries related to road conditions within the scope of this project. The Strategy was updated with additional information provided by the stakeholder organisation. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

1	Foundation 6 – Sustainable natural and built environments A respondent wanted Council to improve incentives to encourage environmentally sustainable behaviour.	Domain 6.1 gives information on the role of Council and others in providing incentives to improve environmentally sustainable behaviour. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
4	Foundation 7 – Housing that meets the community's needs Respondents wanted Council to improve housing, through increasing supply, ameliorating urban sprawl, limiting short term rental accommodation and providing/costing affordable housing.	Domain 7.1 gives information on the role of Council and others in providing housing supply, whilst Domain 6.3 gives this information on encouraging building sustainability. Domain 7.3 gives information on the role of Council and others in encouraging communities where the majority of is available for residents, including regulating short term rental accommodation. Domain 7.1 gives information on the role of Council and others in providing affordable housing, though there wasn't scope to provide further detail within the Strategy. Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.
1	Foundation 8 – Resilient local economies and inclusive economic opportunities A respondent wanted Council to improve sustainability and resiliency of livelihoods at the individual/household level (compared with the economy level).	Domain 8.2 gives information on the role of Council and others in improving resiliency of a wide variety of employment types including sole traders and small businesses, while Domain 2.2 gives this information on building capacity of individuals (resulting in improved resilience for households). Where Council has a role in improving provision, this feedback will be considered as part of planning future work and developing the Action Plan.

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

Table 3. Public exhibition feedback requesting change to other aspects of the Draft Strategy

No. of submissions	Theme of feedback	Response
4	Consider needs of diverse people and communities Respondents wanted the Strategy to consider the needs of young families, children and young people (teens and tweens), as well as equitable access for all locations (including Callala Bay and Vincentia).	Throughout the Strategy, the importance of equitable access to all Wellbeing Foundations is recognised, to ensure everyone in the community can thrive. Some needs specific to different cohorts have been identified within the Domains where suitable, but space limited the ability to give further detail on the needs of the many people and diverse communities in the Shoalhaven. This feedback will be considered as part of planning future work and developing the Action Plan.
3	Community and stakeholder involvement Respondents wanted additional time to provide feedback, to improve community awareness of the Strategy and to include input from Shoalhaven Suicide Prevention Awareness Network and Shoalhaven medical professionals.	To meet project timeframes, it was not possible to provide additional time for feedback. However, there will be opportunities for input as the Strategy is implemented and as it continues to be refined and updated in future. This feedback will be considered as part of planning future engagement.
3	Give more details about needs in the Shoalhaven Respondents wanted the overall Strategy to provide more details and be more specific about the needs and characteristics of the Shoalhaven.	In consideration of document length and available time, there wasn't scope to provide additional detail.
3	Implementation and evaluation Respondents wanted information on the implementation pathway and measures for goals, to ensure accountability and transparency.	The Introduction section describes how the Strategy fits together with the Action Plan and Evaluation Framework. The Action Plan will identify the actions that will be used to achieve the outcomes identified for the Wellbeing Foundations, including measures for monitoring progress. The Evaluation Framework will be a tool to evaluate the effectiveness of work in terms of impact on wellbeing indicators. In consideration of document length for the Strategy, detail on implementation and evaluation has been kept within the Action Plan and Evaluation Framework.
2	Document appearance and readability Respondents wanted a change to one of the images used and improvements to the readability of the Executive Summary (or provision of a companion narrative document).	The appearance of the document has been updated with images that better reflect the wellbeing domains. Whilst a companion narrative document couldn't be provided, effort has been made throughout the document (including the Executive Summary) to use plain language where possible, unless technical language is needed for meaning.
2	Request for service in a locality Respondents wanted park benches (garden walk in unknown location) and a swimming pool in Callala Bay.	Whilst there wasn't scope for the Strategy to address service provision at the locality level, this request has been passed on through Council's ordinary feedback channels. This feedback will be considered as part of planning future work and developing the Action Plan.
2	Other <ul style="list-style-type: none"> Respondent wanted the Strategy to provide information on the contribution of spirituality to wellbeing. 	<ul style="list-style-type: none"> The Strategy has been updated to reflect the contribution of spiritual gatherings and activities to wellbeing through Domains 1.1 and 2.2. Development of the Strategy used the most recent demographic data available, as described in the 'Methodology for understanding wellbeing – Literature and

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

	<ul style="list-style-type: none">Respondent wanted the Strategy to provide information on the impacts of COVID-19, including events, business, employment, mental health and vaccination injuries.	statistics review' section. In consideration of document length and available time, there wasn't scope to provide additional detail about the many significant recent events that have impacted a range of cohorts in different ways.
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Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

Table 4. Stakeholder workshop responses about the role of the Wellbeing Plan

Responses to “How do you see the Wellbeing Plan being used to improve community wellbeing in the Shoalhaven?” (17 responses)	
No. of responses	Theme of feedback
11	Enabling greater collaboration amongst organisations and Government For example: “Allows a lot more organisations and people to work together for a common goal/purpose.” “A very useful tool that can be used to collaborate across organisations, and can be reflected in other organisation documents.” “Collaboration with organisations and community to identify gaps and create solutions in services and resources. Building capacity for those that need it.” “As a foundation and start to continuing conversations and collaboration with all services to work together for the wellbeing of people in the Shoalhaven” “Tool for collaborative partnerships with organisations and community”
3	Improve wellbeing through socially led initiatives For example: “To guide and support the Shoalhaven community, Shoalhaven City Council and its stakeholders to drive meaningful and social led initiative for community wellbeing” and “Addressing social determinants of health and ultimately improving health and wellbeing outcomes for Shoalhaven residents”.
3	Increasing accountability For example: “Holding Council, organisations and community to accountability to set targets for well-being” and “Holding partner organisations to account”.
3	Assist Aboriginal People For example: “I see it (hopefully) being used to benefit and improve the lives and wellbeing of Aboriginal people, communities and families” and “Hopefully to expand on consultation with our local Aboriginal communities to work in partnership to ensure stronger outcomes for all”.
1	Other: <ul style="list-style-type: none"> Knowing what is available for community is key

Summary of Feedback on Draft Shoalhaven Community Wellbeing Strategy – September 2022

Table 5. Stakeholder workshop responses about stakeholder's role

Responses to "What are you going to do to help implement the Wellbeing Plan? What is needed now?" (12 responses)	
No. of responses	Theme of feedback
8	Identify partnerships and collaborate For example: "Aligning with organisations building on our strengths to better support community" "Identify opportunities for collaboration to reduce duplication – support partners" "Build on collaborations and partnerships – SCC (could) hold a similar meeting in a couple of months"
3	Advocate For example: "I will now give consideration to each of the foundation areas and what I can do personally to lobby advocate and act" and "Advocate for Aboriginal community. Advocacy is needed now in all areas of this well-being plan."
3	Other: <ul style="list-style-type: none"> Integrate foundations of the Wellbeing Plan into our own organisation's strategic planning Ensure all work prioritises social outcomes Active transport as key deliverable of social infrastructure projects

CL22.533 Shoalhaven City Council Homelessness Policy Review

HPERM Ref: D22/375402

Department: Community Connections
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Shoalhaven Homelessness Policy [↓](#)

Reason for Report

The Shoalhaven Homelessness Policy (POL22/55) is presented for adoption. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

Recommendation

That Council reaffirm the Shoalhaven Homelessness Policy with the changes outlined in Attachment 1.

Options

1. The recommendation is adopted as written:
Implications: The Shoalhaven Homelessness Policy will be updated as detailed in this report.
2. The recommendation is not adopted, and an alternative recommendation is provided.
Implications: Council can request further details, seek further community input, or make other changes.

Background

The Shoalhaven City Council Homelessness Policy is required to be reviewed within one (1) year of the election of a new Council.

The proposed amendments to the Homelessness Policy, as described in the Homelessness Policy Review September 2022, D22/375352, in Attachment 1, include:

- Statement

An expansion to the description of homelessness to elaborate the understanding of the diversity of homelessness:

Furthermore, Mackenzie and Chamberlain's (1992) cultural definition of homelessness was adopted by the Commonwealth Advisory Committee on Homelessness in 2001 and is widely used in the homelessness sector. The definition describes three homelessness categories and builds a greater understanding of the diversity of homelessness:

Primary homelessness – applies when a person lives on the street, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter. The term 'rough sleeper' is often used to describe people who fall into this category of homelessness.

Secondary homelessness – is used to describe people who move frequently from one form of temporary shelter to another. Secondary homelessness applies to people using emergency accommodation, youth refuges or women’s refuges, people residing temporarily with relatives or with friends, and people using boarding houses on an occasional or intermittent basis.

Tertiary homelessness – is used to describe people who live in premises where they do not have the security of a lease guaranteeing them accommodation, nor access to basic private facilities (such as a private bathroom, kitchen or living space). It can include people living in boarding houses on a medium to long term basis (more than 13 weeks) or in caravan parks. It also applies to people paying well above 30% of their income in rent who are at risk of homelessness.

- Right to Participate

Additional commitment included in section ‘3.7 *Right to Participate*’ to elaborate on supporting the role of Council staff to assist with inclusivity and participation at community events, activities and consultations.

- b) *Ensuring that council staff are provided with relevant information and guidance to ensure that people experiencing homelessness are treated respectfully and appropriately, are not discriminated against on the basis of their homeless status and provided with support and assistance where required.*

- Use of Public Spaces and Council Facilities

It is proposed that an additional eighth principle ‘*Use of Public Spaces and Council Facilities*’ is included to address inclusivity around the use of public spaces and council facilities.

3.8 *Use of Public Spaces and Council Facilities*

Council acknowledges the rights of all members of the community to use public spaces, such as parks and beaches, and Council facilities, including showgrounds and campgrounds, whilst also recognising their responsibility towards other members of the community who have the right to live in a safe and peaceful environment.

Council commits to:

- a) *Ensuring that all public spaces and Council facilities are accessible and inclusive of all members of the community, as far as is practicable.*
- b) *Council supervises the use of public spaces and Council facilities based on information from the Department of Communities and Justice, including the ‘Protocol for Homeless People in Public Places’, relevant legislative regulations and Council’s Terms and Conditions of Hire/Use.*
- c) *Ensuring that all staff who frequently engage with people who are at risk or experiencing homelessness are provided with relevant information and guidance to ensure that people experiencing homelessness are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status.*

Policy Implications

Information from the Australian Bureau of Statistics and the Department of Communities and Justice ‘Protocol for Homeless People in Public Places’ has been taken into consideration for the proposed amendments to the Shoalhaven Homelessness Policy.

This proposal also acknowledges Council’s ‘Shoalhaven Affordable Housing Strategy’ and draft ‘Shoalhaven Community Wellbeing Strategy’ when considering Council’s principles and commitment to assisting the Shoalhaven community, including its vulnerable populations.

The content of the Policy is not anticipated to have further implications.

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Homelessness Policy

Adoption Date:	03/04/2018
Amendment Date:	
Minute Number:	MIN18.237
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL22/55

Homelessness Policy

1. Purpose

To identify the role of Shoalhaven City Council in addressing homelessness and outline Council's commitment to:

1. Preventing, reducing and managing homelessness
2. Supporting and building capacity within the community to address homelessness, and
3. Encourage collaboration, community partnerships and evidence based practices

2. Statement

There is no universally accepted definition of homelessness in Australia. For the purposes of this policy Shoalhaven City Council will use the statistical definition of homelessness adopted by the Australian Bureau of Statistics (ABS) to estimate the prevalence of homelessness in Australia.

When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

1. Is in a dwelling that is inadequate; or
2. Has no tenure, or if their initial tenure is short and not extendable, or
3. Does not allow them to have control of, and access to space for social relations.

This definition emphasises the core elements of 'home' such as: a sense of security, stability, privacy, safety, and the ability to control living space. Homelessness is a lack of one or more of the elements that represent 'home'.

Furthermore, Mackenzie and Chamberlain's (1992) cultural definition of homeless was adopted by the Commonwealth Advisory Committee on Homelessness in 2001 and is widely used in the homelessness sector. The definition describes three homelessness categories and builds a greater understanding of the diversity of homelessness:

Primary homelessness – applies when a person lives on the street, sleeps in parks, squats in derelict buildings, or uses cars or railway carriages for temporary shelter. The term 'rough sleeper' is often used to describe people who fall into this category of homelessness.

Secondary homelessness – is used to describe people who move frequently from one form of temporary shelter to another. Secondary homelessness applies to people using emergency accommodation, youth refuges or women's refuges, people residing temporarily with relatives or with friends, and people using boarding houses on an occasional or intermittent basis.

Tertiary homelessness – is used to describe people who live in premises where they do not have the security of a lease guaranteeing them accommodation, nor access to basic private facilities (such as a private bathroom, kitchen or living space). It can include people living in boarding houses on a medium to long term basis (more than 13 weeks) or in caravan parks. It also applies to people paying well above 30% of their income in rent who are at risk of homelessness.

3. Provisions

This policy reflects the following principles and commits Council to the following:

Homelessness Policy

3.1 Understanding the role of Local Government

Commonwealth and State government hold the primary role of funding and providing services to assist people who are homeless or at risk of homelessness. The role of local government in addressing homelessness is not specified in Australian legislation and is largely that of advocacy.

Shoalhaven City Council recognises that in order to ensure sustainable and consistent solutions, addressing homelessness must take on a whole of government and whole of community approach. The role of Council in addressing homelessness is to assist and complement the work of other tiers of government and the community sector, as facilitators of solutions to homelessness and crisis accommodation.

3.2 Orders that make or are likely to make residents homeless

In Cases where development control orders are issued, where they are likely to make residents homeless, Council's responsibility is outlined in the Environmental Planning and Assessment Act, 1979 – Schedule 5, Part 4 – 2 (previously Section 121G). See below:

Orders that make or are likely to make residents homeless

- (1) If a development control order will or is likely to have effect of making a resident homeless, the relevant enforcement authority proposing to give the order must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality.*
- (2) If the resident is not able to arrange satisfactory accommodation in the locality, the relevant enforcement authority must provide the resident with:*
 - (a) Information as to the availability of satisfactory alternative accommodation in the locality, and*
 - (b) Any other assistance that the relevant enforcement authority considers appropriate.*

3.3 The right to housing

Council faces a real and present housing affordability and homelessness challenge. Access to affordable, secure, appropriate and accessible housing is a basic right for all people and plays an integral role in a socially, economically, environmentally and culturally sustainable community.

Council commits to:

- a) Plan for the provision of affordable housing and has developed an Affordable Housing Policy
- b) Identify Council owned and/or Crown land that could potentially be available for low cost housing, social, community housing and/or crisis accommodation and once identified, liaise with relevant authorities to secure a suitable tenure which would allow its future development for affordable housing purposes.

Homelessness Policy

3.4 Advocacy

Council has a responsibility to advocate on behalf of all members of its community.

Homelessness is a complex issue with multiple causes and co-existing issues such as upbringing, mental health, physical health, drug and alcohol misuse, family violence, unemployment, low income, poor education, high cost of living, unaffordability of housing and limited supply of social, community and low cost housing.

Council recognises that people who are homeless are some of the most vulnerable and disadvantaged people in our community. Council has a moral obligation to address and advocate for their needs.

Council recognises its role in advocating to other levels of government for the provision of government funded services to prevent, reduce and manage homelessness within the community.

Council commits to:

- a) Advocate for the needs of vulnerable and disadvantaged people within the community
- b) Advocate for the provision of state and federal government funded services and evidence based policies
- c) Support local community groups action towards preventing, reducing and managing homelessness

3.5 Building the capacity of the Community

Council recognises the importance of supporting and strengthening the skills, competencies and abilities of our community members to enable the development of local ownership and community decision making in community development planning and programs.

Council commits to:

- a) Support the community in raising awareness about the nature, causes, experiences and consequences of homelessness.
- b) Build the capacity of the community in collaborating and delivering local projects to prevent, reduce and manage homelessness.

3.6 Partnership and service coordination

As the issue of homelessness and crisis accommodation is not unique to the Shoalhaven, Council acknowledges the importance of ensuring consistency and continuity between federal, state and regional strategies in addressing homelessness.

Council commits to:

- a) Provide information to residents about their options for alternative accommodation, in cases where development control orders are issued and they threaten to result in homelessness. Council will keep an updated list of alternative accommodation options rendered through partnerships and networks with homelessness services.

Homelessness Policy

- b) Work with federal, state, non-government agencies and local community groups in planning and implementing federal and state wide plans to address homelessness and a lack of crisis accommodation
- c) Seeking to liaise with other local governments in the region, and other public sector bodies to share best practice, gather accurate data collection and discuss concerns around homelessness and its manifestation

3.7 Right to participate

Council recognises that all members of the community have the right to participate in community events, activities and consultations. People who are homeless are some of the most vulnerable and disadvantaged people in our community and may require extra assistance to enable them to participate.

Council commits to:

- a) ~~a)~~ Ensuring that all Council events, services and consultations are accessible and inclusive of all members of the community, as far as is practicable.
- b) Ensuring that council staff are provided with relevant information and guidance to ensure that people experiencing homelessness are treated respectfully and appropriately, are not discriminated against on the basis of their homeless status and provided with support and assistance where required.

3.8 Use of Public Spaces and Council Facilities

Council acknowledges the rights of all members of the community to use public spaces, such as parks and beaches, and Council facilities, including showgrounds and campgrounds, whilst also recognising their responsibility towards other members of the community who have the right to live in a safe and peaceful environment.

Council commits to:

- a) Ensuring that all public spaces and Council facilities are accessible and inclusive of all members of the community, as far as is practicable.
- b) Council supervises the use of public spaces and Council facilities based on information from the Department of Communities and Justice, including the 'Protocol for Homeless People in Public Places', relevant legislative regulations and Council's Terms and Conditions of Hire/Use.
- c) Ensuring that all staff who frequently engage with people who are at risk or experiencing homelessness are provided with relevant information and guidance to ensure that people experiencing homelessness are treated respectfully and appropriately and are not discriminated against on the basis of their homeless status.

4. Implementation

The Finance, Corporate and Community Group will administer this policy

5. Review

Homelessness Policy

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

CL22.534 Policy Review - Shoalhaven Entertainment Centre Hiring Policy

HPERM Ref: D22/408448

Department: Shoalhaven Entertainment Centre
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Draft SEC Hiring Policy (under separate cover) [⇒](#)
2. Current SEC Hiring Policy (under separate cover) [⇒](#)

Reason for Report

The *Shoalhaven Entertainment Centre Hire Policy* is presented for adoption. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

Recommendation

That Council adopt the revised Shoalhaven Entertainment Centre Hiring Policy.

Options

1. Adopt the recommendation as written

Implications: Updated Policies will be adopted within the 12-month timeframe of a newly elected Council

This will allow the inclusion of changes to ensure the policy is appropriate and current.

2. Not adopt the Recommendation

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

This may result in a loss of quality control provisions, impact the Shoalhaven Entertainment Centre's professional reputation with hirers and patrons, and place the Venue at financial risk.

Background

Shoalhaven Entertainment Centre's Hiring Policy was first adopted in 2010 and has been regularly updated to best meet the needs of the Venue as a Category 2 Business Activity of Shoalhaven City Council. The policy identifies the priority for hire and guiding principles for programming and hiring of spaces within the Centre.

It guides decision-making, programming and venue hire to ensure the process is fair, transparent and equitable for stakeholders. The policy is also intended to ensure the Centre delivers a balanced offering of quality events and performances to maximise utilisation alongside the financial objectives of the Centre.

This policy is also intended to assist in reaching the Centre's artistic/programming vision, and a balance of community and professional productions.

Community Engagement

The proposed changes of Shoalhaven Entertainment Centre Hiring Policy are considered minor policy changes that do not warrant community engagement or public exhibition.

Policy Implications

Reaffirmation of the attached Policy will ensure it is relevant and reflects contemporary best business practice within Local Government owned and operated performing arts venues.

Financial Implications

There are no financial implications associated with reaffirming the policy.

CL22.534

CL22.535 Tenders – Bendeela Reservoir Design and Construction Project

HPERM Ref: D22/396889

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

To inform Council of the tender process for the Bendeela Reservoir Design and Construction Projects.

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 separate 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 Procurement Evaluation Plan.

Details

Project Descriptions

Shoalhaven Water Servicing Strategies (along with lessons learned through the Currowan bushfire experiences) have revealed the need to improve resilience and reliability of water supply to the Kangaroo Valley population. A new 0.5ML reservoir is proposed to be constructed at the Kangaroo Valley Water Treatment Plant (WTP) to supplement the existing 0.1ML reservoir on the same site. The existing reservoir servicing the area is identified as inadequate and therefore presents risks to the consistent delivery of water to the community. When the reservoir is emptied for inspection or maintenance, the township is fully reliant on the continual operation of the WTP and associated pumping for supply of water. The proposed 0.5ML reservoir will result in increased capacity of the Kangaroo Valley water supply and support the township during peak flows, particularly during holiday periods and natural disasters such as fires.

CL22.535



Tendering

Council called tenders for the Bendeela Reservoir Design and Construction Project on 9 August 2022, which closed 10:00am on 15 September 2022.

Two (2) tenders were received at the time of closing, with tenders received from the following:

Tenderer	Location
Keane Civil and Construction Pty Ltd	17 Hamelin Place Illawong, NSW 2234
Precision Civil Infrastructure Pty Ltd	Level 1, 155 Macquarie Rd Springwood, NSW 2777

Details relating to the evaluation of the submitted tenders is contained in the associated Confidential Report.

Community Engagement:

Community and stakeholder engagement prior to, and during construction is proposed. A dedicated project webpage has been established under Council's 'Major Projects & Works' Portal: <https://www.shoalhaven.nsw.gov.au/Projects-Engagement/Major-Projects-Works/Bendeela-Cambewarra-Reservoirs-and-Kangaroo-Valley-Storage-Tanks-Projects>

Policy Implications

Nil. The tender process has followed the requirements under the provisions of the Local Government Act 1993.

CL22.535

Financial Implications:

Sufficient funds have been allocated in the water budget for the 2022/23 financial year. The project is also part funded via a Bushfire Local Economic Recovery Fund grant (\$990,000). Funding is available to cover the tender amount including other project costs.

CL22.535

CL22.536 Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2022

HPERM Ref: D22/415484

Submitted by: Cllr Mark Kitchener

Attachments: 1. SEGRA Conference 2022 Report (under separate cover) [⇒](#)

Reason for Report

To provide a report (Attachment 1) from Cllr Mark Kitchener on the Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2022 held in Devonport Tasmania in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation

That Council receive the report from Cllr Mark Kitchener on the Sustainable Economic Growth for Regional Australia (SEGRA) Conference 2022 for information.

Options

1. Receive the report for information
2. Request further information on the conference

CL22.536

CL22.537 Notice of Motion - Continued Waving of Rates Ulladulla Pistol Club

HPERM Ref: D22/410828

Submitted by: Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Waive the rates on the Crown Lease held by the Ulladulla Pistol Club.
2. Review the waiving of rates in respect of community groups with a view to excluding such waivers from being a donations.

Background

For the last 39 years Council has been waving and or refunding the rates on the Crown lease held by the Ulladulla Pistol Club. The Club have developed their own facilities from their own resources assisted by Council with an initial interest free loan. This group is little different from any other sporting club who have developed their own facilities at no real cost to Council. With other sporting groups who lease their facilities from Council it is my understanding they are not rated by Council. It is my view we should not be calling the waving of rates a donation because with the community leases to other sporting groups we pay the rates as part of the primary parcel of land.

Note by the CEO

The Local Government Act 1993 (LGA) has specific requirements for Council to follow when determining a rate category for a property. There are only four rate categories in the LGA, these are Residential, Business, Farmland and Mining. Council must follow the criteria in the LGA when declaring a rate category.

Having reviewed the current rating on the Ulladulla Pistol Club (UPC) it is noted that it is currently being rated Residential, which will need to be corrected to Business effective 1 July 2023. If rated business this rating year, the rates would be an additional \$87. The total rates and charges levied for 2022/23 is \$894.37.

Under Section 494 (1) of the LGA *'A council must make and levy an ordinary rate for each year on all rateable land in its area.'* Section 554 of the LGA further states *'All land in an area is rateable unless it is exempt from rating.'* The leased property occupied by the UPC does not meet the criteria to be exempt from rating.

It is also noted that under Section 555 (1) of the LGA *"The following land is exempt from all rates— (a) land owned by the Crown, not being land held under a lease for private purposes."* According to Council records this parcel of land is leased (occupation permit) from Forests NSW. Under the version of the Occupation Permit (D16/269795) held by Council one of the conditions is to "Pay all rates, fees and charges under the Local Government Act".

CL22.537

Under the LGA there are some rates and charges that may be waived, but none of these sections apply to this parcel of land:

- Section 567 Writing off of accrued interest
- Section 583 Writing off of pensioners rates and charges
- Section 595 Rates to be written off after 5 years (this relates to postponed rates)
- Section 607 Writing off of rates, charges and accrued interest – which refers to the regulations which allows under certain circumstances to write off stormwater charges.

Council is therefore unable to waive the rates for the UPC. An option available to Council to provide relief for rates to the UPC or other community groups is to include a request through the revised Donations Policy.

CL22.537

CL22.538 Notice of Motion - Wildlife Protection on Berry's Country Lanes

HPERM Ref: D22/416173

Submitted by: 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 Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road, Tullouch Road and Beach Road to 60kph for the full length of the road.
2. Provide 'Slow Down: Wildlife Crossing' signage along the road as soon as possible.
3. Encourage residents and road users to write to Transport NSW requesting consideration to a permanent reduction to speed limit on these lanes in Berry.
4. Write to Transport NSW supporting residents for a reduction in speed due to endangered wildlife crossing on Beach Road, Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tullouch Road

Background

After the successful Notice of Motion for Agars Lane in Berry at the Ordinary meeting on 26 September, we have been approached by David Rush the Wildlife Ecologist, Land for Wildlife Regional Assessor and Bush Connect Project Officer for the Illawarra Shoalhaven Great Eastern Ranges Region for the past 12 years. He has provided supplementary information relating to the successful Agars Lane Berry Notice of Motion.

I support any motion to reduce road speed on country lanes as a viable option to reduce wildlife vehicle collisions (wildlife deaths) and address public road safety issues.

Furthermore, I raise to Council's attention other rural lanes, including but not limited to, Beach Road, Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tullouch Road where roadside native vegetation provides important wildlife habitat linkages. These roads are also where wildlife vehicle collisions sometimes occur and where public road safety is also an issue.

The roads in question are similarly narrow with important wildlife habitat (roadside native vegetation, trees and hollows) in the Berry area where road speed should also be 60km/h (if not already).

In some cases, such as with Agars Lane and Beach Road, roadside native vegetation and trees provide the only native wildlife habitat linkages or steppingstones of native vegetation to larger patches of wildlife habitat nearby making them vital for protection and conservation especially for endangered species such as the Greater Glider but also for common native species including Echidna, Swamp Wallaby, Wombat, Eastern Long-necked Turtles and a range of other native animals.

CL22.538

Berry Landcare conducted a Wildlife Crossing Workshop in October 2019 (which I attended) inviting various community group and government agency representatives (including Council, RMS, etc,) to discuss and collate issues related to wildlife crossings and roads. I am certain that Berry Landcare would be more than happy to provide a copy of the outcomes of that workshop to relevant contacts.

CL22.538

CL22.539 Notice of Motion - 52 Parker Cres Berry

HPERM Ref: D22/418343

Submitted by: 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:

1. Councillors be provided with an urgent briefing on the status of the multi residential development approval at 52 Parker Crescent, Berry, noting:
 - a. the development was approved by the NSW Land and Environment Court on 29 July 2021 after initially being refused by Shoalhaven City Council;
 - b. the development was approved despite a draft LEP amendment which would have prohibited subdivision into less than 2000m², being considered as 'certain and imminent' by the Court;
 - c. the Court noted (at paragraph [42]) that in the absence of a desired future character statement, the applicable controls inform the desired future character of the locality
 - d. residents have requested Council challenge the issuance of subdivisions relating to the development site
2. The briefing should include detail with regard to:
 - a. The validity of any subdivision applications.
 - b. Whether or not Section 4.65 of the Environment Planning and Assessment Act 1979 applies;
 - c. Whether any modifications to the application have been received, approved or are under consideration;
 - d. Whether or not Council and the community would be assisted by adopting detailed 'desired future character statements', and if so how would Council begin to prepare those statements;
 - e. Any other views on how Council can better facilitate community expectations in development issues being supported in the NSW Land and Environment Court.

Note by the CEO

It is proposed to brief Councillors on this matter on Thursday 6 October. An Addendum report addressing the above and other matters related to this development approval is being prepared for release ahead of Monday night's meeting.

CL22.539

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.