

## Ordinary Meeting

**Meeting Date:** Monday, 23 January, 2023  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.30pm

**Membership** (Quorum - 7)  
All Councillors

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

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

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

### Statement of Ethical Obligations

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

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

## Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
  - Ordinary Meeting - 12 December 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**
  - Presentation of the Financial Statements for the Year Ended 30 June 2022

**8. Mayoral Minute**

Mayoral Minute

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**10. Call Over of the Business Paper**

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Notices of Motion / Questions on Notice

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**15. Confidential Reports**

Reports

CCL23.1 Tenders - Croobyar & Currarong Road Water Main Replacement Project

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

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

## MM23.1 Mayoral Minute - Nowra Bypass and the Princes Hwy

HPERM Ref: D23/13208

### Recommendation

That:

1. Shoalhaven City Council acknowledges the following budget commitments; \$97Mil from the Commonwealth Government and \$8Mil from the NSW State Government to advance the planning of a bypass for Nowra.
2. Council write to the Member for Gilmore, Member for South Coast and Member for Kiama thanking them for their advocacy for this regionally important project.
3. In corresponding with the Local Members, provide them with a copy of the updated Shoalhaven Advocacy Document for 2023, outlining the immediate needs of the City including keeping Nowra moving by investing in the Princes Hwy upgrades from Nowra Bridge to the Jervis Bay Road turn off, including the improvements that would come to the Kalandar St intersection with those upgrades, East Nowra Sub Arterial (ENSA), Hillcrest-Yalwal Sub Arterial (HYSA).

### Details

The Nowra bypass is a highly complex and strategic project that will open up many opportunities for businesses and people within the region.

On Tuesday 10 January 2023, a joint announcement from the Commonwealth and State Governments noted that additional funds have been pledged to continue with the planning and preparation works for the Nowra bypass. This is a welcome announcement, and it is a shame that both levels of Government were of the opinion that Shoalhaven City Council should not be informed directly.

Shoalhaven City Council has recognised the value of protecting the transport corridor for a number of years and only through Council's dogged persistence in advocacy has the bypass been formally accepted by the NSW State Government for future planning.

Despite pushing from Council, both the latest iteration of the Department of Planning' and Environment's Illawarra Shoalhaven Regional Plan 2041, and its Regional Transport Plan still fail to specifically mention a future bypass of Nowra.

The fact that it doesn't specifically and clearly appear in such important documents is unfathomable. I have no doubt that the bypass will take at minimum of 15 years to deliver considering the complexity of the route, which if planned within the current corridor has a major crossing of the Shoalhaven River to navigate to the west.

In the meantime we must do our utmost to ensure that Nowra and beyond 'keeps on moving' and isn't condemned to decades of inaction on the Princes Hwy due to the focus to the west.

Shoalhaven Council along with the Shoalhaven Business Chamber, have advocated for funding to improve the Kalandar St intersection, through the construction of ENSA and HYSA as an interim measure to reduce congestion.

The 2023 Advocacy document is clear in its support for ALL of these major roads projects including the bypass. I have no doubt that the Senior Executive Team will meet with prospective South Coast Candidates for the upcoming State Election to discuss the contents

MM23.1

and priority of Nowra's road projects, to assist with traffic NOW and into the future via the bypass.

## **MM23.2      Mayoral Minute - Condolence Motion - Uncle Willie Dixon**

**HPERM Ref:**      D23/13301

### **Recommendation**

That Shoalhaven City Council notes the passing of Uncle Willie Dixon of Bomaderry, acknowledging his significant contribution to the Bomaderry Children's Home, and offers our condolences to Uncle Willie's family.

### **Details**

Uncle Willie Dixon was a well known and loved member of the Shoalhaven community, a well-known and respected Aboriginal Elder and the proud caretaker of the Bomaderry Children's Home.

As Mayor, I always enjoyed conversations with Uncle Willie, and will always appreciate the time he took to share his stories and wisdom. I will especially remember the incredible pride he showed in his own work as caretaker of the Bomaderry Children's home, creating and looking after the memorial gardens and other parts of the home.

Uncle Willie Dixon was well known and respected Aboriginal Elder in the Shoalhaven community, I recognise his passing will be a great loss and have profound impact, leaving a hole in the hearts of many.

On behalf of Shoalhaven City Council CEO, Councillors and staff I offer my sincerest condolences to his family and friends both near and far.

**MM23.2**

## **MM23.3      Mayoral Minute - Condolence Motion - Eric Woolley AFSM**

**HPERM Ref:**      D23/13606

### **Recommendation**

That Shoalhaven City Council notes the passing of Mr Eric Woolley AFSM, acknowledging his significant contribution to Fire and Rescue NSW, his service to the Shoalhaven community as (retired) Captain of 405 Station Nowra and offering condolences to Mr Woolley's family and friends.

### **Details**

Mr Eric Woolley AFSM joined the NSW Fire Brigade in 1967, serving the people of Nowra and the wider Shoalhaven community for his entire 38-year career at the 405 Station Nowra.

After retiring in 2005, Eric remained actively involved in Firefighting, he was instrumental in establishing and officiating in the firefighting championships.

Mr Wooley was a well-known and prominent member of the Shoalhaven community, renowned for his kind and caring nature and strong sense of community service. His efforts in Firefighting, as well as his ingenuity in the field of radio communications, were recognised in the 2000 Queens Birthday Honours list, being awarded the Australian Fire Service Medal.

On behalf of Shoalhaven City Council Councillors, CEO and staff I extend to Mr Woolley's family, friends, and current and former colleagues our sincerest condolences.

**MM23.3**

## **CL23.1 Report of the Central Floodplain Risk Management Committee - 30 November 2022**

**HPERM Ref:** D22/524161

**Attachments:** 1. Draft Policy - Flood Planning Level - St Georges Basin Floodplain [↓](#)

### **CFM22.8 St Georges Basin Final Flood Study**

**HPERM Ref:**  
**D22/466871**

#### **Recommendation**

That Council endorse the adoption of the St Georges Basin Flood Study (Cardno, 2022) and Flood Planning Level for the St Georges Basin Floodplain Policy (attached to the report).

#### Note by the CEO:

The report was provided to give the Central Floodplain Risk Management Committee (FRMC) an update on the outcomes of the draft St Georges Basin Flood Study public exhibition and community consultation phase and seek endorsement from the FRMC for adoption of the St Georges Basin Flood Study and associated Flood Planning Level for the St Georges Basin Floodplain Policy.

The objective of this study is to improve understanding of flood behaviour and impacts, and proactively inform management of flood risk in the study area in consideration of contemporaneous information and current best practice. The study will also provide a sound technical basis for any further studies.

The study outputs will inform decision making for investing in the floodplain, managing flood risk through prevention, preparedness, response and recovery activities, and informing and educating the community on existing and future flood risk and response to floods.

### **CFM22.10 Election of Chairperson**

#### **Recommendation**

That Cllr Norris be appointed as Chairperson of the Central Floodplain Risk Management Committee.

CL23.1



# Flood Planning Level for the St Georges Basin Floodplain

DRAFT

<b>Adoption Date:</b>	[Click here to enter date]
<b>Amendment Date:</b>	
<b>Minute Number:</b>	[Click here to enter Minute number]
<b>Review Date:</b>	
<b>Directorate:</b>	City Development
<b>Record Number:</b>	POL22/201

CL23.1 - Attachment 1





## **CL23.2 Report of the Northern Floodplain Risk Management Committee - 7 December 2022**

**HPERM Ref:** D22/518745

**Attachments:** 1. Flood Planning Levels for the Lower Shoalhaven River Floodplain [↓](#)

**NFM22.7 Lower Shoalhaven River Final Flood Study**

**HPERM Ref:**  
**D22/466873**

### **Recommendation**

That Council:

1. Endorse the adoption of the Lower Shoalhaven River Flood Study (Cardno, 2022) and revised Flood Planning Level for the Lower Shoalhaven River Floodplain Policy.
2. Endorse the Committees request to extend the hydraulic model to include the Coomonderry swamp catchment in the Lower Shoalhaven River FRMS&P.
3. Ensure that the community is made aware that there will be further opportunities available for community members to comment on flood mitigation options as part of the Lower Shoalhaven River FRMS&P.

### Note by the CEO:

Staff provided the Northern Floodplain Risk Management Committee (FRMC) with an update on the outcomes of the draft Lower Shoalhaven River Flood Study public exhibition and community consultation phase.

Staff also sought endorsement from the FRMC for adoption of the Lower Shoalhaven River Flood Study and revised Flood Planning Level for the Lower Shoalhaven River Floodplain Policy.

The study area comprises the Lower Shoalhaven River floodplain from Burrier to the primary entrance to the Tasman Sea at Crookhaven Heads and the intermittently open and closed entrance at Shoalhaven Heads.

The objective of this study is to improve understanding of flood behaviour and impacts, and better inform management of flood risk in the study area in consideration of best available information and current best practice. The study will also provide a sound technical basis for any further studies. The previous Floodplain Risk Management Study and Plan (FRMS&P) for the Lower Shoalhaven River was completed in 2011.

The Lower Shoalhaven River FRMS&P update will result in updated contemporary flood intelligence which utilise industry best practice guidelines. The study outputs will inform decision making for investing in the floodplain, managing flood risk through prevention, preparedness, response and recovery activities, and informing and educating the community on existing and future flood risk and response to floods.

CL23.2

**NFM22.9 Additional Item - Member Induction Program**

**Recommendation**

That Council investigate implementing an induction program for community members on the Floodplain Risk Management Committees.

*Note by the CEO:*

The development of flood studies, floodplain risk management studies and floodplain risk management plans is complex and nuanced. It requires considerable strategic planning and collaboration, as well as background knowledge of the process and the specific catchment being considered. As a result such an induction program would be considered highly beneficial to the outputs of the FRMS&P.











## **CL23.3 Report of the Nowra CBD Revitalisation Strategy Committee - 13 December 2022**

HPERM Ref: D22/528402

**CBD22.42 Traffic Masterplan - North Street Nowra - Update**

**HPERM Ref:  
D22/510047**

### **Recommendation**

That Council:

1. Notes that the Nowra CBD Revitalisation Strategy Committee encourages the following staging of North St Upgrades.
  - a. Kinghorne St intersection upgrade
  - b. O’Keeffe Ave intersection upgrade
  - c. Graham St – Realigning to traditional 4 way intersection
  - d. Bridge and Berry St intersection upgrade
2. Advocates for TfNSW to update the intersection with the Princes Highway to coincide with the widening of the eastern end of North St.

### Note by the CEO:

Staff from the City Services Directorate presented the findings of the North Street Traffic Report prepared by Cardno. This body of work was requested by the Nowra CBD Revitalisation Strategy Committee and as such the Committee was given the first opportunity to review.

No other community engagement has been undertaken at this stage but will follow in due course once priorities are confirmed and approval was granted to proceed with project development tasks.

The works proposed are consistent with the adopted CBD Transport Strategy and Nowra CBD East Road Network Strategy (MIN07.1031).

**CL23.3**

## **CL23.4 Report of the Nowra CBD Revitalisation Strategy Committee - 9 January 2023**

**HPERM Ref:** D23/10326

**Attachments:** 1. Nowra CBD - Financial Statement - Promotions Fund [↓](#)

**CBD22.45 Annual Financial Statement - Nowra CBD Promotions Budget - 2021-2022**

**HPERM Ref:**  
**D22/460722**

### **Recommendation**

That the Annual Financial Statements for the 2021-2022 Financial Year (Attached to the report) provided by the Nowra CBD Business Chamber be received for information as per clause 11.3 of the Nowra CBD Revitalisation Strategy Committee Terms of Reference.

CL23.4



## **CL23.5 Report of the Shoalhaven Sports Board - 11 January 2023**

HPERM Ref: D23/10355

**SB23.1 Shoalhaven Sports Board Membership - Casual  
Positions**

**HPERM Ref:  
D22/526730**

### **Recommendation**

That Council:

1. Endorse the following nominees to the Shoalhaven Sports Board as Casual Community members which will expire on 31 March 2023.
  - a. Jonathan Sellers (new member)
  - b. Colin Stevenson (new member)
2. Write to the successful applicants, congratulating them, and sending the Shoalhaven Sports Board Terms of Reference, Strategic Plan, and upcoming meeting dates.

**CL23.5**

## CL23.6 Election of Chairperson Natural Area Volunteers Group

**HPERM Ref:** D22/437569

**Department:** Business Assurance & Risk

**Approver:** James Ruprai, Director - City Development

**Attachments:** 1. Terms of Reference - Natural Area Volunteers Group [↓](#)

### Reason for Report

The reason for this report is to allow for the election of a new Chairperson of the Natural Area Volunteers group until the next Call Meeting (scheduled for September 2023). The Chairperson is required to be appointed to convene a panel for new membership applications.

### Recommendation

That Council

1. Resolve to elect a Councillor as Chairperson of the Natural Area Volunteers Group for the period to September 2023.
2. Undertake that election at the meeting at which this report is considered to allow the business of the Natural Area Volunteers Group to proceed.

### Options

1. As recommended

Implications: The membership structure as specified in the Council Resolution is adopted for the period to 30 September 2023.

2. Propose a different membership arrangement.

Implications: Council will be advised of any implications based on assessment of an alternate membership arrangement.

### Background

At the Ordinary meeting on 26 September 2022 Council resolved as follows:

#### CL22.487 Natural Area Volunteers Group

**RESOLVED** (Clr Ell / Clr White)

MIN22.685

That Council continue the operation of Natural Area Volunteers Group for the period to September 2023 as outlined below.

<p><u>Meetings per year</u> – As required <u>Commence time</u> – 4.00pm</p>	<p>Quorum – Five (5) – One (1) Councillor acting as chair and four (4) community representatives Terms of Reference: <a href="#">POL22/26 (42643E)</a> Amended 20 September 2022</p>
<p><b>Purpose:</b></p>	

CL23.6

The purpose of the Natural Area Volunteers Group is to act as an advisory and representative group on all matters relating to the future directions of the Bushcare Policy and program (refer MIN10.1461).

**Role:**

To meet the ‘Purpose’ above, the Group will advise Council on strategic matters pertaining to the Bushcare Program. This will include policies, procedures, resourcing, natural resources management, environmental restoration and preservation techniques and plans, and community and volunteer stakeholder engagement. Natural Area volunteer groups include those managed under Council’s Bushcare program that predominantly work on Community Land categorised as ‘Natural Area’ (*Local Government Act 1993*). These include Bushcare, Dunecare and similar groups.

**Delegation** – Nil

**Chairperson** – Appointed by the Council

**2022-2023 Councillor/Staff Membership**

Councillor as Chairperson  
2021 - Chairperson to be appointed by Committee  
All Councillors (observers)  
CEO (or nominee)

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.

**Community/ Organisational Representatives**

Nine (9) Natural Area volunteer representatives (e.g., Bushcare, Dunecare volunteers)  
South-east Local Land Services representative (optional)  
NSW Department of Planning and Environment representative (optional)  
Other relevant government agency representatives

CL23.6

CARRIED

The Natural Area Volunteers Group [Terms of Reference](#) outlines the process for membership appointments which requires the assessment panel to consist of a Council staff member (*Manager – Environmental Services*), the Chairperson of the Group and one (1) suitably qualified independent representative.

In order for the assessment panel to convene, Council is required to appoint a Chairperson who is a Councillor to participate in the panel deliberations. The Natural Areas Volunteer Group was previously chaired previously by Councillor Proudfoot

The Natural Area Volunteers Group currently has five (5) vacant positions and Council is calling for expression of interest which closes on 3 February 2023.

After the close of the expression of interest to fill the vacant Natural Area Volunteer representatives, and meeting of the assessment panel, a report will be submitted to Council recommending applicants for membership.

The first meeting of the Natural Area Volunteers Group is currently scheduled for 29 March 2023, the new appointments will be invited to the March meeting.













## CL23.7 Ongoing Register of Pecuniary Interest Returns - December 2022

**HPERM Ref:** D22/512539

**Department:** Business Assurance & Risk

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

### Reason for Report

The purpose of this report is to provide the elected Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 December to 31 December 2022 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

### Recommendation

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

### Background

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

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

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

Part 4.26 of the Model Code of Conduct states:

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

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

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

Directorate	Name	Designated Position Start Date	Returned
CEO Group	Caitlin Lewis	19/10/2022	08/12/2022
City Services	Jackson McEnallay	12/12/2022	15/12/2022
City Services	Sanjay Perumal	12/12/2022	19/12/2022
City Development	Peter Fredericks	12/12/2022	19/12/2022

CL23.7

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*.

**Risk Implications**

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

## **CL23.8 Policy - Council Sponsorship**

**HPERM Ref:** D23/293

**Department:** Business Assurance & Risk

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

**Attachments:** 1. Draft - Council Sponsorship Policy (under separate cover) [⇒](#)

### **Reason for Report**

The purpose of this report is to seek Council's adoption of the Council Sponsorship policy (the Policy). It is a public policy and therefore requires adoption by the Council.

### **Recommendation**

That Council adopts the revised Council Sponsorship Policy as attached to this report.

### **Options**

1. Adopt the draft Policy as attached.

Implications: The Council Sponsorship Policy will be adopted by Council.

2. An alternative recommendation.

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

### **Background**

The Policy is currently known as the Sponsorship – Donations Policy. The name of the policy often causes confusion with the Community Donations Policy.

It is noted that historically the Policy has been used for both providing and receiving sponsorship. For those referencing the policy in its current format are required to interpret which statements are for providing or receiving sponsorship.

The changes proposed are not substantially changing the policy's current intent, but these changes do provide clarity which enables the ability to differentiate the considerations that apply when the Council is seeking or providing sponsorship with ease and provides examples and flow charts for efficiency.

The changes proposed are shown in the attached version of the report using track changes.

### **Community Engagement**

There is no requirement for community consultation as the intent of the Policy has not been substantially changed. The changes are to clearly identify which statements within the policy relate to the receiving sponsorship funds as distinct from Council providing sponsorship funding.

### **Policy Implications**

The Policy was considered internally as a draft and has been endorsed by the Senior Leadership Team and the Executive Management Team prior to be reported to Council for adoption. The policy in its current format can be viewed [here](#).



## **CL23.9 Presentation of the Financial Statements for the Year Ended 30 June 2022 to the Public**

**HPERM Ref:** D22/530192

**Department:** Finance

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

### **Reason for Report**

The purpose of this report is to seek a resolution of the Council to present its Financial Statements to the public within five weeks of receiving the Auditor's Report, in accordance with the Local Government Act 1993.

### **Recommendation**

That:

1. The audited Annual Financial Statements for the year ended 30 June 2022, together with the Report on the Conduct of the Audit, be presented to the public at the Ordinary Meeting of Council on 23 January 2023.
2. Council notes the attendance of Lisa Berwick, Director of Financial Audit Services at the Audit Office of New South Wales and thank her for her presentation and professionalism in relation to the auditing of Council's Annual Financial Statements.

### **Options**

1. The audited Annual Financial Statements for the year ended 30 June 2022 are presented to the public  
Implications: Council meets its statutory requirements in relation to presenting the Financial Statements to Council and the public.
2. Further information regarding the Annual Financial Statements be requested.  
Implications: Staff will need to prepare a further report to provide any information that is required.

### **Background**

On 12 December 2022, Council resolved that the Financial Statements and the Auditor's Report be presented to the public at this Council meeting. Public Notice of the presentation of the audited Financial Statements was given via Council's website on 4 January 2023.

The public notice was in accordance with Section 418 of the Local Government Act 1993. Copies of the audited Annual Financial Statements were available for inspection by members of the public at Council's Administration Buildings in Nowra and Ulladulla, at Council's Library Branches in Nowra, Milton, Sanctuary Point and Ulladulla, and available on Council's website.

The Audit Office of New South Wales (the Office) has audited the Financial Statements for the year ended 30 June 2022. The Office has provided the Audit Reports and the Report on the Conduct of the Audit which have been included in the Financial Statements.

A representative of the Office will be attending the meeting to discuss, present reports and to answer any questions concerning the audit of the Financial Statements.

The Conduct of the Audit Report states that:

*“I expressed an unmodified opinion on the Council’s GPFS (General Purpose Financial Statements).”*

The report also states that:

*“The Council’s:*

- accounting records were maintained in a manner and form that facilitated the preparation and the effective audit of the GPFS*
- staff provided all accounting records and information relevant to the audit.*

The Report on the Conduct of the Audit Report is provided to the Council for information.

### **Community Engagement**

Public notice of the presentation of the Financial Statements was given, inviting the community to provide feedback by 30 January 2023. At the time of writing this report no community feedback had been received.

### **Conclusion**

Despite a number of difficult financial years, Council’s financial position remains sound. Ongoing prudent management of Council’s budget will see this remain the case as the recovery from natural disasters and severe weather events continues in addition to the provision of ongoing services to the community.

## CL23.10 Cudmirrah / Swan Lake Cycleway - Naming - Dave Tarbert

HPERM Ref: D22/533982

Department: Information Services

Approver: Kevin Voegt, Director - City Performance

### Reason for Report

The purpose of this report is to respond to a Notice of Motion (CL22.263) from the Ordinary Meeting held on 28 November 2022 in relation to the investigation of the naming of the Council cycleway between Cudmirrah and Swan Lake.

### Recommendation

That Council receive and note the information provided in this report on the investigation of the naming the Council cycleway between Cudmirrah to Lake Drive, Swan Lake.

### Options

1. Resolve as recommended

Implications: That Council receive and note the information provided in this report on the investigation of naming the Council cycleway between Cudmirrah to Lake Drive, Swan Lake.

### Background

As a result of a Notice of Motion considered by Council on 28 November 2022, it was resolved as follows (MIN22.912):

*That Council:*

1. *Investigate the naming of the Council cycleway Cudmirrah to Lake Drive Swan Lake the "Dave Tarbert" cycleway including the new pedestrian bridge.*
2. *Report back to Council following the investigations.*

### Update

Council has carried out preliminary consultation with the Geographical Names Board (GNB) to ascertain whether the Council cycleway between Cudmirrah to Lake Drive, Swan Lake could be named the "Dave Tarbert" cycleway under the Geographical Names Act, 1966.

Key outcomes from the preliminary investigation are as follows.

- The cycleway is applicable for naming under the Geographical Names Act, 1966 given that it is not located on a dedicated road corridor.
- The use of the name "Dave Tarbert" is currently acceptable as is the addition of the word "Cycleway" as it is unique to the surrounding area.

- The proposal for naming would not satisfy Policy 7 – Commemorative Names of the GNB's Place Naming Policy as it can only be applied posthumously, at least one year after the passing of the person intended to be commemorated.

Given the current proposed name would not satisfy the GNB requirements in relation to Policy 7 - Commemorative Names, Council may wish to consider the naming of another built feature in the local area e.g., pavilions and grandstands etc, as these features are not formally assigned by the GNB and are not covered by the Local Government Act.

### **Community Engagement**

If a submission for naming under the Geographical Names Act, 1966 for the cycleway was to be prepared by Council, a letter of support from the relevant Community Consultative Body (CCB), in this case, the Cudmirrah Berrara Swanhaven Progress Association is required to be submitted to Council.

Letters of support from individual community members may also be submitted in addition to CCB Support. Any letters of support must clearly demonstrate the significance of the contribution made by the person being commemorated.

A letter of permission from the immediate family must also be received by Council to demonstrate they are in agreeance with the proposal.

## **CL23.11 Tenders - Croobyar & Currarong Road Water Main Replacement Project**

**HPERM Ref:** D22/460680

**Department:** Water Asset Planning & Development

**Approver:** Robert Horner, Executive Manager Shoalhaven Water

### **Reason for Report**

To inform Council of the tender process for the Tenders - Croobyar & Currarong Road Water Main Replacement Project.

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 Description***

Shoalhaven Water, through asset management practices, has developed a prioritised listing of water mains for replacement, which have been identified as susceptible to breakage and/or reaching end of life. The highest priority mains are predominately Class 12 white PVC ranging between 195mm to 300mm in diameter, located throughout the Shoalhaven. Through the replacement of these pipelines, Council can expect a reduction in water main breakages, a reduction in dirty water complaints, improved pressure to residents and generally more robust water distribution systems.

In November 2020, Shoalhaven Water commenced design for the replacement of the highest priority mains throughout the Local Government Area. The construction phase is now ready to commence in a number of "packages". The first two packages, being the Croobyar Road

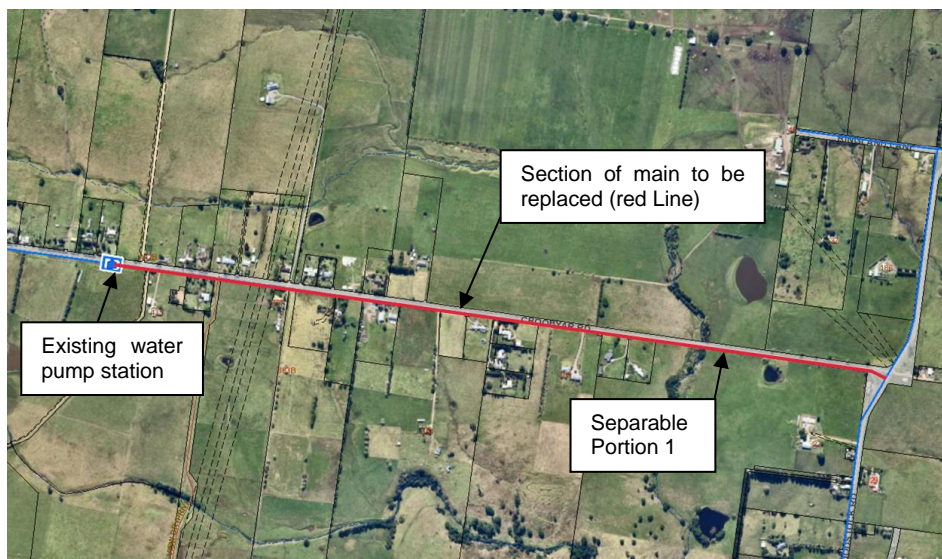
and Currarong Road water mains, in 3 separable portions have now been tendered for Councils consideration, as detailed below.

In November 2020, Shoalhaven Water commenced design works for the higher priority mains and is now ready to undertake the replacement of the highest priority mains being the Croobyar Road and Currarong Road water mains. The works are proposed to be delivery as 2 distinct packages (with 3 Separable Portions) as detailed below:

- Package 1 Mains Replacement:
  1. Separable Portion 1 being Design Package 1S, Croobyar Road Water Main Replacement.
- Package 2 Mains Replacement:
  1. Separable Portion 2 being Design Package 1B, Currarong Road Water Main Replacement; and
  2. Separable Portion 3 being Design Package 1A, Currarong Road Water Main Replacement.

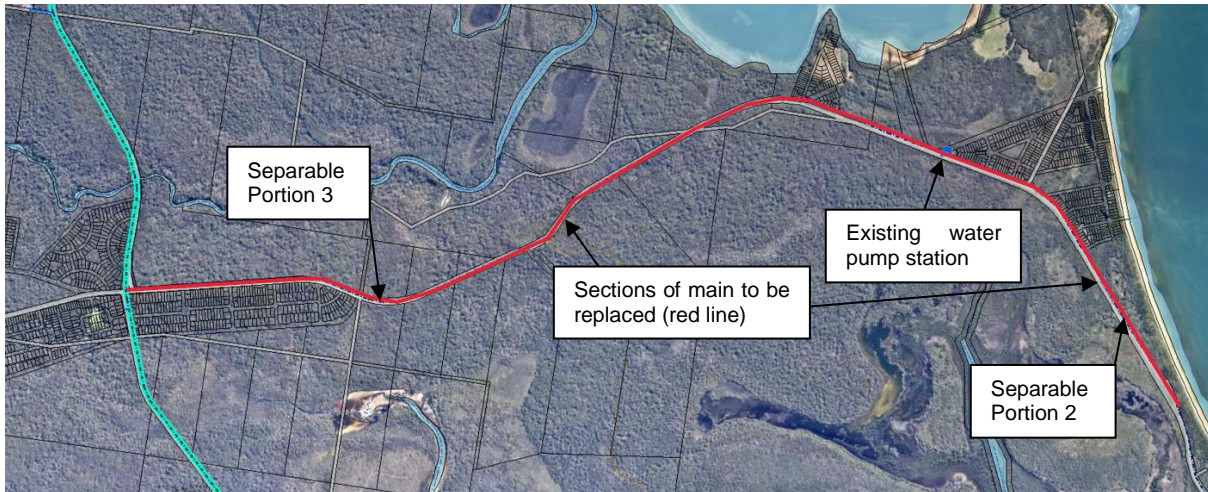
*Package 1: Croobyar Road Water Main Replacement (Separable Portion 1)*

Replacement of approximately 2.33km of existing 100mm diameter white UPVC water main within the road reserve of Croobyar Road, from the existing water pump station to Woodstock Road intersection; with 125mm diameter PE100 PN16 water main. The existing pipeline fails due to cyclic loading from the existing water pumping station.



*Package 2: Currarong Road Water Main Replacement (Separable Portions 2 & 3)*

Replacement of approximately 7.3km of existing DN225 white UPVC water main from the existing water pumping station to the point where the main had previously been replaced as part of the recent Currarong Road upgrade project, being approximately 2km south of the existing water pumping station (Separable Portion 2) and from the Coonemia & Currarong Road intersection to the existing water pump station along Currarong Road (Separable Portion 3).



**Tendering**

Tenders were invited from the ‘61930E - Water and Sewer Mains Construction Panel (2020-2024)’ via Tenderlink on 8 November 2022. Prospective tenderers were invited to attend a non-mandatory pre-tender meeting on 15 November 2022, with tenders subsequently closing on 13 December 2022. For this tender, bidders could choose to either bid on a single Package or both Packages 1 and 2 individually. As such, evaluation was conducted on both Packages separately, with bidders able to be awarded either one or both packages depending on the outcome of the evaluation. Tenders were received from the following:

Tenderer	Location
Hisway Pty Ltd	13A Investigator Street, Nowra, 2541
Killard Infrastructure Pty Ltd	4 Coronation Avenue, Kings Park, NSW, 2148

Details relating the evaluation of the tenders are contained in the Confidential Report.

**Community Engagement:**

Community and stakeholder engagement prior to and during construction is proposed. A dedicated project webpage is to be established under Council’s ‘Major Projects & Works’ Portal.

**Policy Implications**

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

**Financial Implications:**

Sufficient funds have been allocated in the Water Fund for the 2022/23 and 2023/24 financial years. Funding is available to cover the tender amount and other project costs.

CL23.11

## **CL23.12 Notice of Motion - Sporting User Fees**

**HPERM Ref:** D22/514339

**Submitted by:** Cllr Greg Watson  
Cllr Mark Kitchener

### **Purpose / Summary**

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

### **Recommendation**

That:

1. Council re-endorse the existing policy of not charging sporting user fees for our sports grounds and that Council continue to cover the cost of sporting field lighting.
2. The CEO note that consequently, any proposal to include such fees in the upcoming budget considerations of Shoalhaven City Council will not be able to be supported by the elected Council.

### **Background**

The issue of sporting user fees has been a proposal pushed by Council staff for the last 20 years. Such a proposal led to mass demonstrations across the Shoalhaven from sporting user groups in the early 2000's. The Council abandoned the proposal and later waived the cost of lighting on sporting fields as a number of other councils do.

The introduction of sporting using fees and the winding back of our policy to meet lighting costs or training and night games will hit those who can least afford the costs the hardest as they seek to have their children become engaged participants in sport. Single-parent families and struggling working families who seek to give their children the best start they can in life by involving them in healthy exercise will be smashed If such a proposal is adopted.

### **Note by the CEO**

The second recommendation in this Notice of Motion is not considered able to be enacted by the Council as it seeks to direct what the staff and the CEO recommend as part of the development of the 2023-2024 Delivery Program/Operational Plan and budget. It is of course for the elected Council to determine what is and is not included in that budget, however, the staff and the CEO must be unfettered in what they recommend on the basis of their financial assessment and advice.

CL23.12



## **CL23.13 Notice of Motion - Two Villages Walking Track Erowal Bay**

**HPERM Ref:** D22/534102

**Submitted by:** Cllr Greg Watson  
Cllr John Kotlash

### **Purpose / Summary**

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

### **Recommendation**

That Council receive a report on the possibility of constructing a walking track between the Erowal Bay villages.

### **Background**

For the last 40 years some residents have had a desire to have a walking track between Erowal Bay and Old Erowal Bay. If it is possible to construct a track, it would open up a magnificent walking and cycling opportunity for the residents of both villages as well as the retirement village. There would appear to be an opportunity to construct a walkway along the Shoalhaven Water easement which runs between the two villages.

CL23.13

## **CL23.14 Notice of Motion - Recognition of the Allen Family Greenwell Point**

**HPERM Ref:** D23/8137

**Submitted by:** Clr Greg Watson

### **Purpose / Summary**

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

### **Recommendation**

The CEO be requested to place a plaque on or adjacent to the plinth of the bicentenary monument located in Anzac Park Greenwell Point, acknowledging the donation of the anchor by Ted Allen, Barry Allen and Brian Allen.

### **Background**

The Allen family have been farming oysters at Greenwell Point for almost 100 years. The family recovered an anchor which originally belonged to one of Alexander Berry's sailing ships. Rather than keep the anchor for themselves, the Allen family donated it to the Greenwell Point Community as the bicentenary monument for Anzac Park. The generosity of the family has never been acknowledged and this Notice of Motion seeks to rectify that situation, by having a plaque located with the monument acknowledging the family is contribution.

### **Note by the CEO**

The cost of a plaque would be expected to be between approximately \$300 (180 x 150mm) and \$1,500 (865 x 365mm). If required, this expense would be able to be accommodated from within Council's existing operational budget.

CL23.14

**CL23.15 Notice of Motion - Call in of DA22/2153 for 7  
Flora Street, Sanctuary Point - Lot 278 DP 26390**

**HPERM Ref:** D22/517366

**Submitted by:** Cllr Paul Ell

**Purpose / Summary**

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

**Recommendation**

That Council calls in DA22/2153 7 Flora Street, Sanctuary Point - Lot 278 DP 26390 on account of community interest.

CL23.15

## **CL23.16 Notice of Motion - Nowra Bypass Funding**

**HPERM Ref:** D23/9516

**Submitted by:** Cllr Paul Ell

### **Purpose / Summary**

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

### **Recommendation**

That Council:

1. Welcomes the bipartisan joint Federal and State Government announcements totalling \$105 Million toward planning for the construction of the Nowra Bypass.
2. Acknowledges that this project is critical for the future of the Shoalhaven and is one of the City's key advocacy priorities for the upcoming NSW State Election.
3. Calls on all candidates for the NSW State Election in the seat of South Coast and Kiama to confirm their support for this project and that they will continue to lobby for the Nowra Bypass as a priority for the Shoalhaven.
4. Instructs the CEO to write to The Hon. Anthony Albanese MP, Prime Minister of Australia and The Hon. Dominic Perrottet MP, Premier of New South Wales stating that:
  - a. Council welcomes this funding and thanks the Prime Minister and the Premier for their commitment to the project;
  - b. Council reaffirms its strong support for the bypass to Transport for NSW to help deliver the bypass, including but not limited to assisting with planning and identifying the corridor and streamlining land acquisition; and
  - c. Council calls on the Federal and State Governments to now commit to an 80-20 funding arrangement for the delivery of the Nowra Bypass and other necessary upgrades to the Princes Highway, noting that this arrangement was in place for the Pacific Highway.

CL23.16

### **Background**

Councillors will be aware of the announcement made on 10 January 2023 by The Hon. Dominic Perrottet MP, Premier of NSW, The Hon. Sam Farraway MLC, The Hon. Shelley Hancock MP, Mrs Fiona Phillips MP and The Hon. Catherine King MP confirming \$105 Million towards the Nowra Bypass.

This motion records Council's strong support for this bipartisan announcement and calls for an 80-20 funding arrangement to help deliver the Nowra Bypass.

## **CL23.17 Notice of Motion - Offshore Wind Farm Proposal**

**HPERM Ref:** D23/12677

**Submitted by:** Cllr Paul Ell

**Attachments:** 1. Proposed Project Location [↓](#)

### **Purpose / Summary**

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

### **Recommendation**

That Council:

1. Acknowledges the significant community concern about the BlueFloat Energy / Energy Estate South Pacific Offshore Wind Project which is the development of over 100 floating wind generated power producers to be located off the coast of the Illawarra- Shoalhaven region.
2. Notes that Federal Energy Minister The Hon. Chris Bowen MP has recently earmarked our region as one of six open for offshore wind projects. However, to date the Commonwealth Government has yet to legislate an offshore wind energy zone.
3. Notes that the proponents have not arranged to brief Councillors or the Shoalhaven community about their plans and the Federal Government likewise has not undertaken any formal consultation.
4. Directs the CEO to write to the Hon Chris Bowen MP, the Federal Minister for Climate Change and Energy, Mrs Fiona Phillips MP, the Federal Member for Gilmore and the Hon Matt Kean MP, the NSW Minister for Energy, requesting an explanation of how the concerns about risks of environmental and economic impacts to our coastal waters and townships are being considered and evaluated throughout their planning for the Illawarra Renewable Energy Zone.
5. Directs the CEO to write to Blue Float Energy and Energy Estate requesting a briefing with Councillors about the project and for a further public meeting to be held in the Shoalhaven for our residents to be able to attend.

### **Background**

Councillors would be aware of recent media reports concerning the South Pacific Offshore Wind Project. This matter has been the subject of significant commentary within our community and concerns have been raised about the risks of environmental and economic impacts to our coastal waters and townships.

Attached is the proposed project location as indicated by the proponents Blue Float Energy and Energy Estate on their website. As Councillors will see, this project will be visible from Shoalhaven beaches and coastline.

This motion acknowledges the significant concerns our community hold about this issue and calls on the Federal Government and the proponent to provide more information to Council and the broader community.

A similar motion to this one was recently adopted by Kiama Municipal Council at their December 2022 meeting.

Councillors can access the limited information currently being provided by the proponents by visiting: <https://southpacificowp.com/>

CL23.17



## **CL23.18 Notice of Motion - Council Managed Reserve - The Old Wool Rd - BSG548 19271 Lot 70 DP 25550 The Wool Rd, St Georges Basin & Old Wool Road Heritage Track**

**HPERM Ref:** D23/15630

**Submitted by:** Cllr Patricia White  
Cllr John Kotlash

### **Purpose / Summary**

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

### **Recommendation**

That:

1. Council liaise with Basin Villages Community Forum to organise a Councillor/staff briefing/workshop by the Forum to discuss actions to protect important bushland areas of 2.20ha Council managed reserve adjacent to The Old Wool Rd - BSG548 19271 Lot 70 DP 25550 The Wool Rd, St Georges Basin, and the Old Wool Road Heritage Track.
2. Council Organise an on-site inspection of the Council managed reserve and heritage track for available Councillors and appropriate staff and with Forum members.
3. A further report be provided to Council following discussions and onsite inspections.

### **Background**

The Basin Village Forum has written to Council and Councillors on behalf of the Local Community.

Council has provided a response to the Forum in recent communications; however, it seems the communications bring more questions than answers re this valuable community reserve.

There is strong feeling within the community about Council and privately owned lands still fully vegetated, as St Georges Basin bushland continues to be destroyed at a rate too high to allow the ongoing preservation of flora & fauna still surviving in St Georges Basin and surrounds. The Forum are concerned that without intervention the St Georges Basin area could be headed for a total loss of biodiversity.

The Forum is looking to Council to ensure the best outcomes for their village and the surrounding areas. All levels of government are highlighting the importance of protection for our bushland and wildlife across the country and the greater protection required for Threatened Species.

The Forum requests Council (Councillors and relevant personnel) fully investigate this situation at St Georges Basin and liaise with Forum committee to ensure actions are taken to protect important bushland areas remaining. Members of the Forum are willing to take a walk with Councillors and Officers to show the OLD WOOL RD HERITAGE TRACK as well as make a presentation at Council outlining fully the history of the track and community concerns.

I seek support from all Councillors in resolving this matter.

CL23.18



## 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.