

Ordinary Meeting

Meeting Date: Monday, 27 March, 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 - 13 March 2023
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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Notices of Motion / Questions on Notice

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Reports

CCL23.9 Exemption to Tendering - Stormwater Pipe Renewal - Scott Street Shoalhaven Heads

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.

MM23.9 Mayoral Minute - Congratulations NSW Regional Woman of the Year 2023 - Gayle Dunn

HPERM Ref: D23/91194

Recommendation

That Council congratulates Gayle Dunn, Founder and President of the Dunn Lewis Youth Foundation on winning the 2023 NSW Minerals Council Regional Woman of the Year Award.

Details

Gayle Dunn, local Ulladulla resident and President and Founder of the Dunn Lewis Youth Development Foundation, has been awarded the 2023 NSW Minerals Council Regional Woman of the Year Award in recognition of her extraordinary achievements in establishing the Dunn and Lewis Youth Development Foundation and Centre following the tragic death of her son Craig and his friend Danny Lewis in the 2002 Bali Bombings.

The Dunn Lewis Centre in Ulladulla was established in 2003, this unique facility supports young people with access to social activities, vocational, educational and counselling services and plays host to a variety of community programs and events as well as being a place of memorial for the victims.

Gayle has dedicated the last 20 years since the Bali tragedy to establishing the Dunn Lewis Foundation, culminating in October with the RISE 20 year anniversary event in October 2022, where the memorial wall was unveiled. Gayle is a quiet but tenacious achiever and a role model to many.

We thank Gayle for her incredible dedication to this project and congratulate her on this outstanding achievement.

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MM23.10 Mayoral Minute - Congratulations to all the Shoalhaven International Women's Day Award Winners

HPERM Ref: D23/95690

Recommendation

That Council acknowledges and congratulates all of the winners in the Shoalhaven in the 2023 International Women's Day Awards.

Details

The 2023 International Women's Day celebrations hosted by the Zonta Club of Berry took place on Friday, 10 March at the Shoalhaven Entertainment Centre. The awards aim to recognise the efforts of all the women from across the Shoalhaven who were nominated and celebrate the outstanding achievements of the winners.

Council recognises and appreciates the importance of International Women's Day celebrations, and congratulates all the nominees on their nominations, Council would also like to extend congratulations to the following 21 winners:

Irene Birks - Senior Woman of the Year - Volunteer is recognised for a lifetime of dedication to Emergency Services. As a Lifeline counsellor (10 years), part of the Red Cross (nearly 20 years), member of the Berry Masonic Village Auxiliary (10 years) as well as her ongoing commitment to Meals on Wheels, Shoalhaven Palliative Care and most recently in leading the campaign to save the David Berry Hospital.

Dr Marlene Longbottom – Woman of the Year – Culture is recognised for her ongoing commitment and advocacy for Indigenous community health. A proud Yuin woman, Marlene has worked with Waminda, UOW School of Medicine and Indigenous Health Department and Ngarruwan Ngadju First People's Health & Wellbeing Research Centre.

Accalia O'Bryan – Young Woman of the Year – Apprentice, Accalia is the first local female apprentice and now the only female local licenced Aircraft Maintenance Engineer, excelling and completing her trade months ahead of schedule in the male- dominated field.

Korin Koutsomihalis – Break the Bias Award is recognised for her work in women's wellness and empowerment of women of all ages and abilities, when not working towards breaking down the barriers of gym member stereotypes, Korin is hosting wellness retreats for women doing it tough for a variety of reasons.

Kristy Hambrook – Agriculture is recognised for her work in the Agriculture, and the success of her local growers hub that currently works with 18 other farmers in the area that she hosts from her farm in Kangaroo Valley. Kristy plans to expand on this and create workshops on how to become an environmentally sustainable produce community.

Anna Glynn – Arts is recognised for her extensive artist talents and achievements, Anna was the 2022 Curator at the Shoalhaven Regional Gallery, and currently has works in the National Museum of Australia, the Australian Parliament House Art Collection and the Halloran Trust collection.

Jemma Tribe – Business Jemma, President of the Shoalhaven Business Chamber for the past 4 years is recognised for her work with the Nowra Community Food Store. A local charity run organisation providing low cost groceries to low income earners or those doing it

MM23.10

tough. Jemma created the \$5 meal kit and a number of other initiatives and is well known for her work in leading the Shoalhaven Women In Business Initiative.

Maxine Starkey – Defence is recognised for her work as the coordinator of the Shoalhaven Defence Families Association, which supports new defence families moving to the Shoalhaven to settle into their new home and Defence community.

Bernice Mathie-Morris – Education Bernice is as a passionate early childhood teacher who is recognised for 25 years' service to the education community and for her creative outdoor bush programs at both Bomaderry Community Preschool and Nowra Anglican College early learning.

Jessica Fabreschi – Emergency is recognised for going above and beyond in her role at the Basin View Rural Fire Brigade, where she is part of the community engagement team, a Mental Health First Aider, a qualified community field liaison and Secretary of the brigade. Jessica is an active firefighter, and is always supporting her colleagues especially following difficult jobs, she has herself attended 29 callouts and five deployments in the past 12 months alone all whilst working her usual full time day job.

Takesa Frank – Environment Takesa is a proud Aboriginal woman and is recognised for her efforts as an environmentalist. She is an integral member of the Brooman State Forest Conservation Group, a youth mentor for the local Sonder Youth initiative, she has facilitated school strikes for climate, native forest logging petitioning and considered a leader among her peer group for encouraging other First Nations women to find their voice.

Sophie Ray – Equity is recognised for her achievements in the corporate sector as an experienced business owner and non-executive director, whose wealth of corporate knowledge and change management experience, led to her being elected as the first female Chair of the Board for RSL NSW in February 2021. She is the first female since its inception and initial operations in 1916.

Wendy Fetchet – Health is recognised for her outstanding commitment to public health and nursing, dedicating over 30 years' service to the people of the Shoalhaven as Shoalhaven Hospitals Emergency Department Nurse Unit Manager.

Sonia Greig – Hospitality Sonia has recently been awarded the coveted chef's hat award from the *Sydney Morning Herald Good Food Guide* for her achievements as Head Chef at South on Albany, where local wine and produce are showcased as a part of her menu.

Jessica Weakley - I Still Call Shoalhaven Home is celebrated as a former Bomaderry High School student and Shoalhaven resident making her mark on the world stage in engineering. Jessica is currently an intern working for Engineering Ministries International based in the USA, assisting countries like Uganda to build vocational training centres. Jessica is a role model and mentor to young women, she has dedicated her time to mentoring others in her profession, volunteering with Engineers Without Borders, organising school outreach trips and workshops.

Maddison Rowe - Lady Tradie is a proud Aboriginal woman who is celebrated for her achievements in the non-traditional field of construction. With no previous construction industry experience, Maddison initially started with Fulton Hogan in 2019 on the Nowra Bridge Project as a part of their pre-employment program and has since gone on to be a Construction Trainee, achieving Construction Worker level 3 and plant machinery operation certifications.

Imogen Radburn – Sport is recognised for her achievements in motor sport racing. From humble beginnings in Karting, Imogen is now the only female Formula Ford racer in the national series, competing at state and national levels in Formula Ford, Supercars and Aussie Race Car and is working towards racing in the Porsche Carrera Cup and Supercars.

Joanne Warrens - Unsung Hero is recognised for her commitments and advocacy in child protection, preventing domestic and family violence and wellness. Joanne is also a school

support officer at Vincentia High School and the Public Officer for Huskisson Heritage Association, the co-convenor of the Bay and Basin Amnesty Group and the founder of the SAHSSI 30 Walk which raises around \$15,000 annually to support SAHSSI.

CL23.88 Report of the Youth Advisory Committee - 1 March 2023

HPERM Ref: D23/94684

- Attachments:**
1. Youth Advisory Committee - Terms Of Reference - New Template 2023
- Track Changes Included [↓](#)
 2. Youth Advisory Committee - Terms Of Reference - New Template 2023
- Clean Version [↓](#)

**YA23.5 Youth Advisory Committee - Terms of Reference
Review**

**HPERM Ref:
D23/28913**

Recommendation

That Council accept the proposed amendments and new format (Attachments 1 & 2) for the Youth Advisory Committee Terms of Reference as recommended by the Youth Advisory Committee.

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CL23.89 Investment Report - February 2023

HPERM Ref: D23/84996

Department: Finance

Approver: Sara McMahon, Acting Director - City Performance

Attachments: 1. Shoalhaven Monthly Investment Report - February 2023 (under separate cover) [⇒](#)

Reason for Report

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

Recommendation

That Council:

1. Receive the Record of Investments for the period to 28 February 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.31% per annum for the month of February 2023, outperforming the benchmark AusBond Bank Bill Index (3.18% pa) by 13 basis points (+0.13%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.
4. Receive a briefing from its Investment Advisors Imperium Markets in relation to Council's current investment strategy.

Options

1. The report on the Record of Investments for the period to 28 February 2023 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 28 February 2023 be requested.

Implications: Nil

3. The report of the record of Investments for the period to 28 February 2023 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 31 March 2023.

Implications: Nil

Background

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

Portfolio Return

The investment returns (excluding growth fund) were a stable 3.31% p.a., outperforming the benchmark AusBond Bank Bill Index (3.18% p.a.) by 13 basis points (+0.13%).

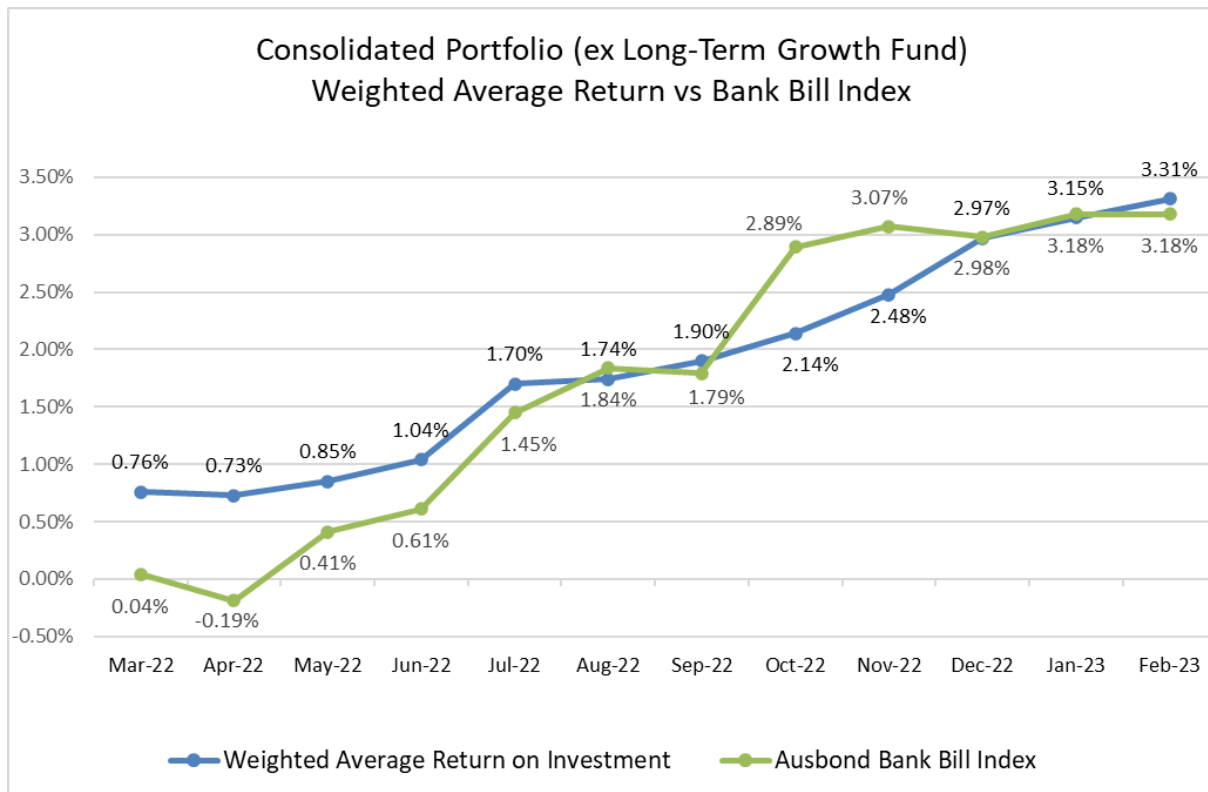
The overall portfolio (excluding cash) returned a positive 1.62% p.a. for the month of February 2023, underperforming the benchmark Ausbond Bank Bill Index return of +3.18% p.a.

The Reserve Bank has lifted the official cash rate by another 25 basis points on 7 March 2023 to the official interest rate of 3.60%. According to RBA’s governor, the Reserve Bank is closer to pausing its record series of interest rate rises. Possibly a final increase of 25 points will be expected in April. If some surplus funds are available, Council could obtain assurance by investing across 3-5 years thereby locking in rates closer to 5% p.a. It will provide some income protection if RBA decide to cut rates in future years.

Given the current changing investment market conditions, it is timely that Council receive a briefing from Imperium Markets in relation to its current investment strategy.

Investments (Excluding Long-Term Growth Fund)

The following graph shows the performance of Council’s Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling 12-month basis.



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Long-Term Growth Fund

Council’s investment in the Long-Term Growth Fund underperformed and returned a negative \$166,044 or -10.37% (annualised) for the month of February 2023.

It is important to note that TCorp has a target of 3.5% above inflation of 2.5%, therefore the long-term target is expected to return an average of 6.0% per annum (benchmark) over a seven-year cycle with positive months outweighing the negative months over the long-term.

Investment Interest Earned – February 2023

The following table shows the interest earned for the month of February 2023.

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	144,888	206,549	61,661
Water	88,679	127,758	39,078
Sewer	51,397	58,091	6,694
Total excluding Long-Term Growth Fund	284,965	392,398	107,433

The interest earned for the month of February, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$392,398 compared to the monthly revised budget of \$284,965.

Investment Interest Earned - Year to Date

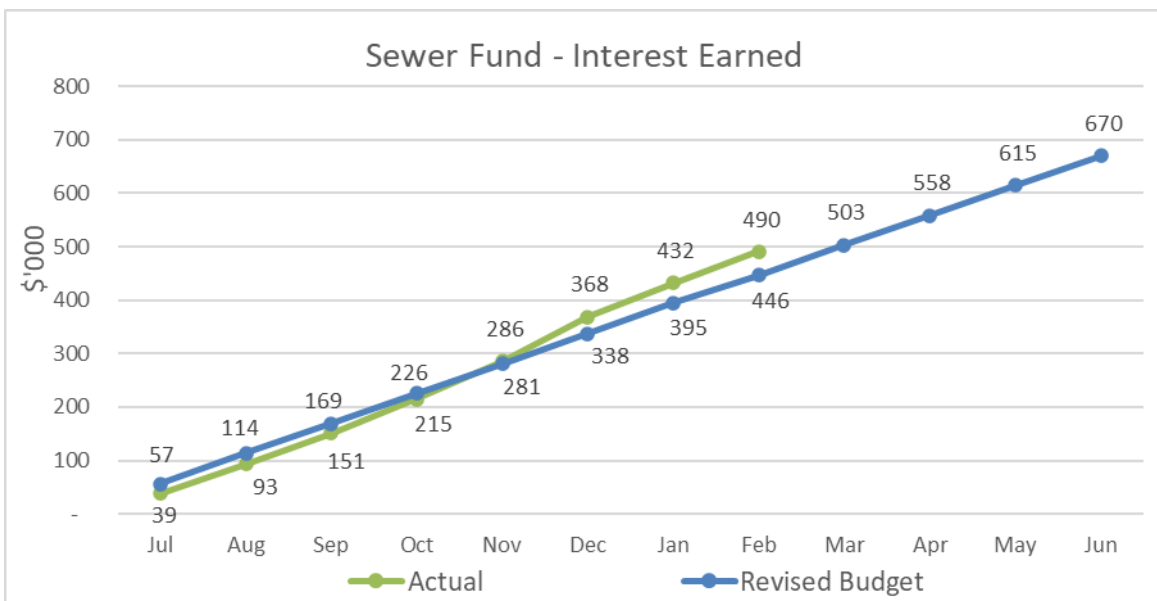
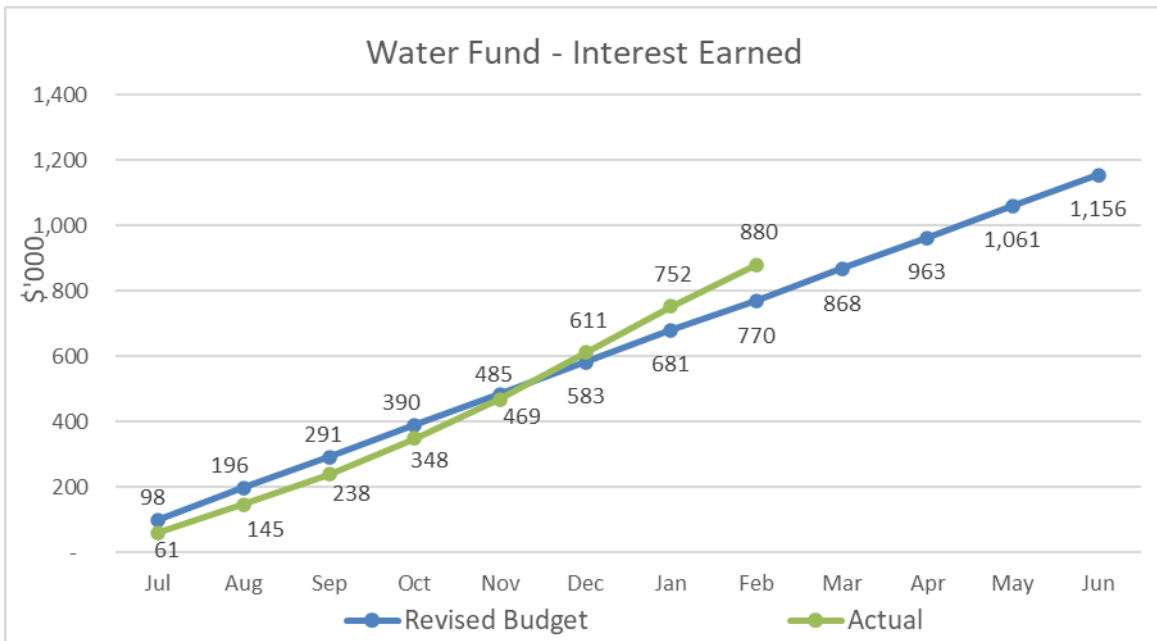
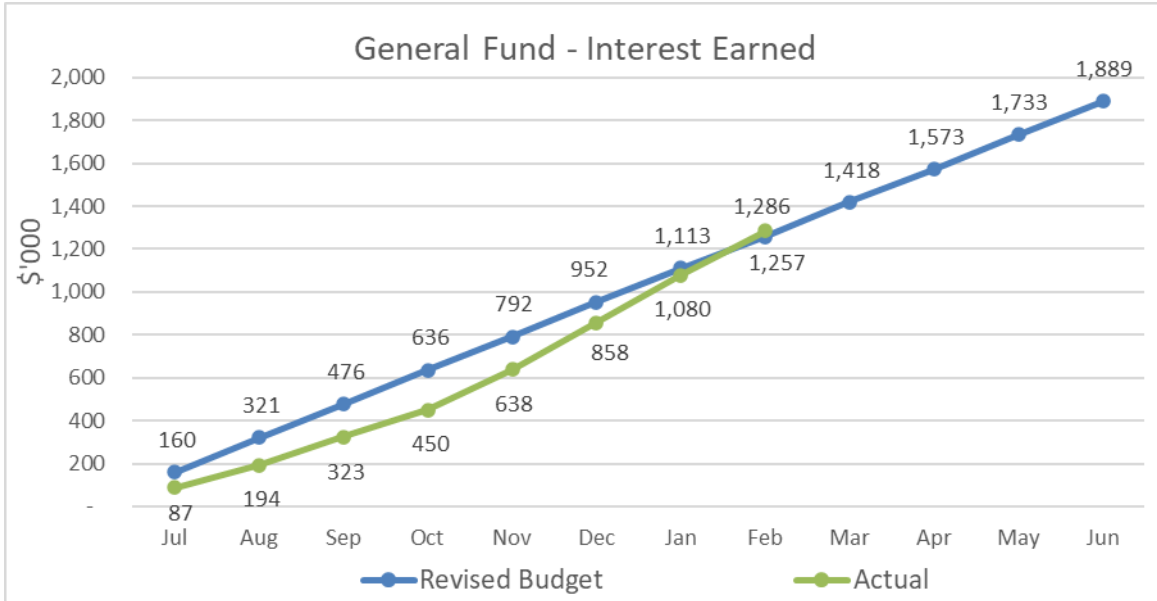
The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,888,724	1,286,107	68.09%
Water	1,156,000	880,093	76.13%
Sewer	670,000	490,438	73.20%
Total excluding Long-Term Growth Fund	3,714,724	2,656,638	71.52%

The cumulative interest earned for the year (July to February), excluding the change in fair value of TCorp Long-Term Growth Fund was \$2,656,638 which is 71.52% of the current full year revised budget.

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

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Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$	\$
	February 2023	January 2023
Cash and Investments Held		
Cash at Bank - Transactional Account	10,842,949	8,832,499
Cash on Hand	21,708	20,240
Other Cash and Investments	182,719,842	180,866,657
	193,584,500	189,719,396
Fair Value Adjustment	(45,442)	(127,278)
Bank Reconciliation	694,429	144,415
	648,987	17,137
Book Value of Cash and Investments	194,233,487	189,736,533
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	5,880,448	5,880,448
Critical Asset Compliance	404,610	405,459
Other Internal Reserves	2,490,692	2,466,744
Section 7.11 Matching Funds	115,425	115,566
Strategic Land Development Reserve	5,545,424	5,590,909
Plant Replacement	949,206	846,763
S7.11 Recoupment	497,187	516,599
Water Communication Towers	5,261,101	5,235,742
Commitment To Capital Works	1,231,954	1,324,982
Property Reserve	660,800	707,718
Total Internally Restricted	23,036,847	23,090,930
Loans - General Fund	33,091,244	33,838,883
Self-Insurance Liability	3,987,524	4,115,001
Grant reserve	16,175,024	12,660,188
Section 7.11	17,708,382	17,794,937
Special Rate Variation	3,763,545	3,089,238
Storm Water Levy	456,489	332,773
Trust - Mayors Relief Fund	109,484	109,187
Trust - General Trust	4,698,719	4,911,396
Waste Disposal	14,780,504	13,484,807
Sewer Fund	19,116,565	20,218,985
Sewer Plant Fund	5,021,552	4,915,529
Section 64 Water	19,986,271	19,827,398
Water Fund	26,039,516	25,423,298
Water Plant Fund	4,766,123	4,791,223
Total Externally Restricted	169,700,942	165,512,843
Total Restricted	192,737,789	188,603,773
Unrestricted Cash Balance - General Fund	1,495,698	1,132,760

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Restricted Asset Movements

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

Total Cash	4,496,955	February is a rate instalment month.
Loans - General Fund	(747,639)	Loan funded capital projects expenses.
Grant reserve	3,514,836	Regional & Local Road Repairs Program grant received (\$3.3M) and \$1.3M received for Ulladulla Harbour project.
Special Rate Variation	674,306	Rates payments received.
Waste Disposal	1,295,696	Payments for waste services increased the reserve balance.
Sewer Fund	(1,102,420)	Various capital projects.
Water Fund	616,217	Receipts from Ratepayers.

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Liquidity Indicators

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

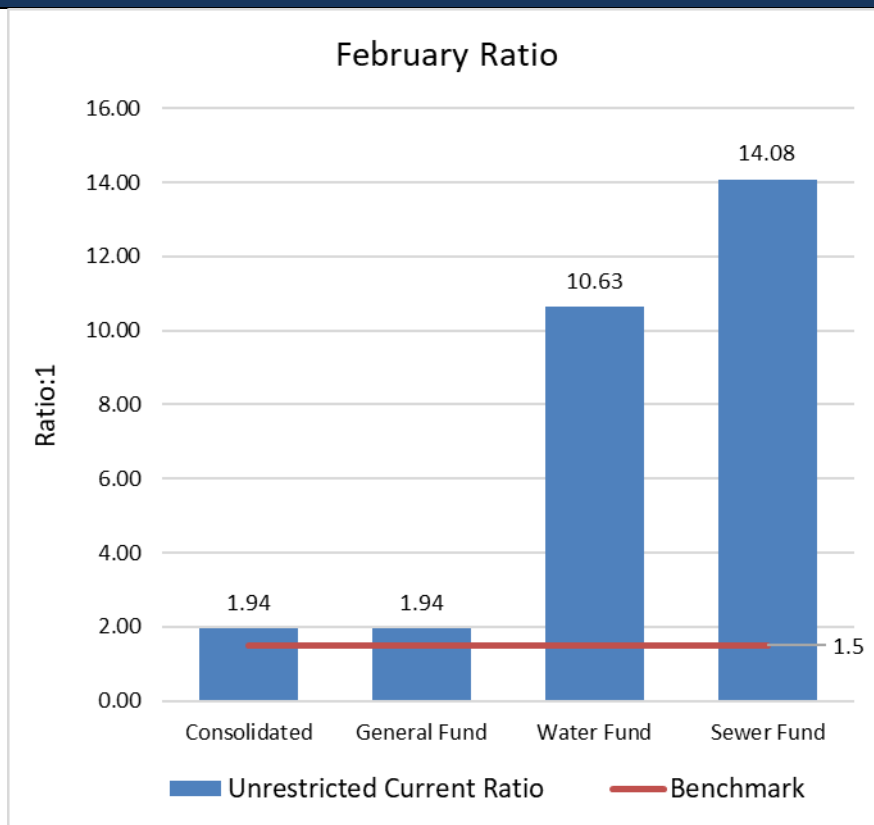
The unrestricted cash ratio has improved and is now above the benchmark.

All liquidity ratios are now above their respective benchmarks.

It is important to note that major capital works including natural disaster recovery projects are well underway which impacts Council’s cash flow. However, despite significant capital expenses, the liquidity ratios remain above the benchmark, and it is expected for the ratios to remain stable in subsequent months. Management closely monitors the financial position of the Council and as at the time of writing this report (21 March 2023), all liquidity ratios have slightly improved e.g. unrestricted cash ratio increased from 3.4% to 4.6%.

The Liquidity Contingency Plan outlines remedial actions, including increased monitoring and communication that will be applied in the circumstance that levels fall below benchmarks. This expanded commentary in the report is to assure Council that increased monitoring is occurring given the significant grants expenditure that continues to occur.

Unrestricted Current Ratio

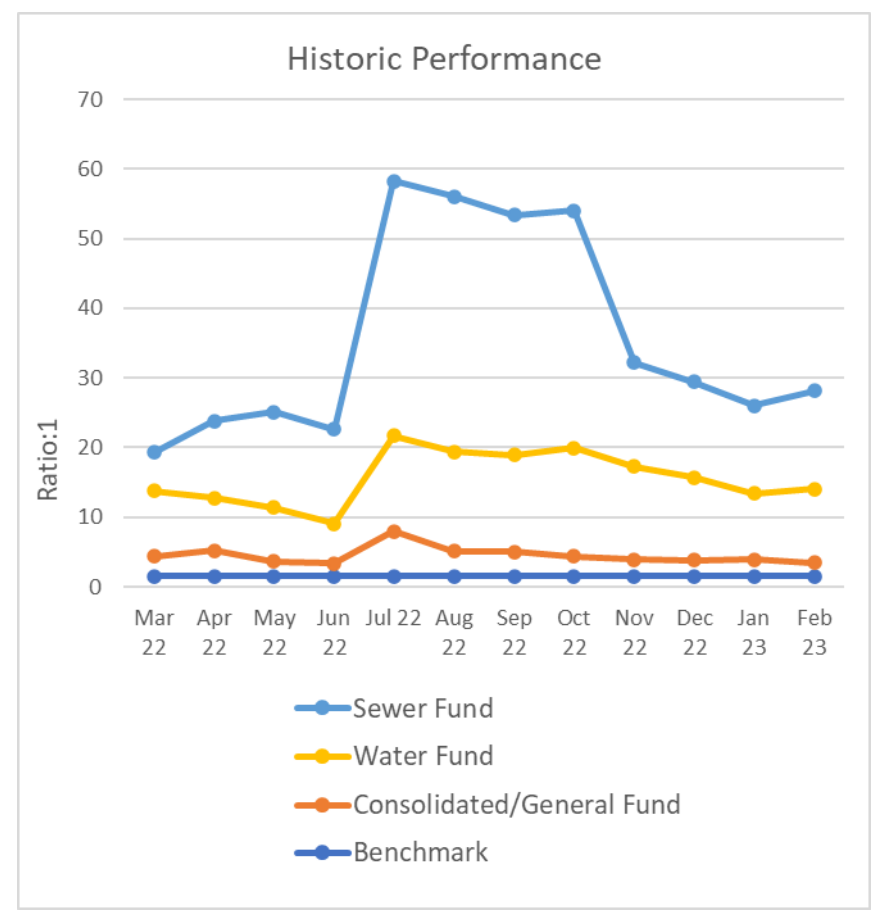


The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

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

The ratio remains above the benchmark for all funds.

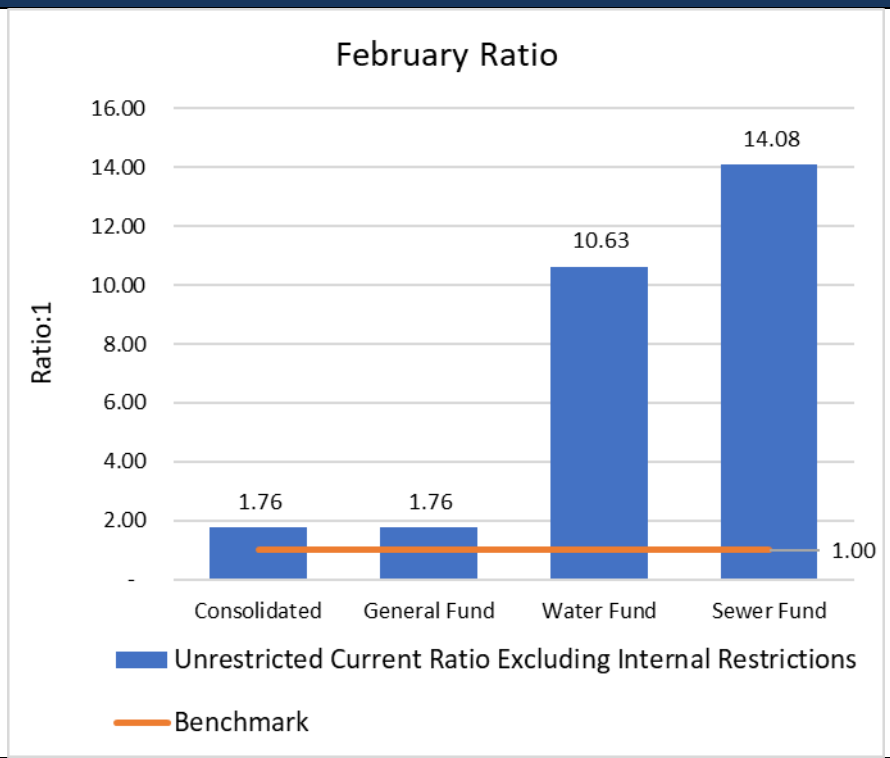
The first graph displays the February 2023 Unrestricted Current Ratio and, the second graph displays the previous rolling 12-months Unrestricted Current Ratio by fund.



It is important to note the steep decrease in the Sewer Fund from October to November 2022 corrects the steep increase June to July 2022. This was to account for the prior year Sewer fund adjustments processed late prior to finalising the 2021-22 financial statements.

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Unrestricted Current Ratio Excluding Internal Reserves



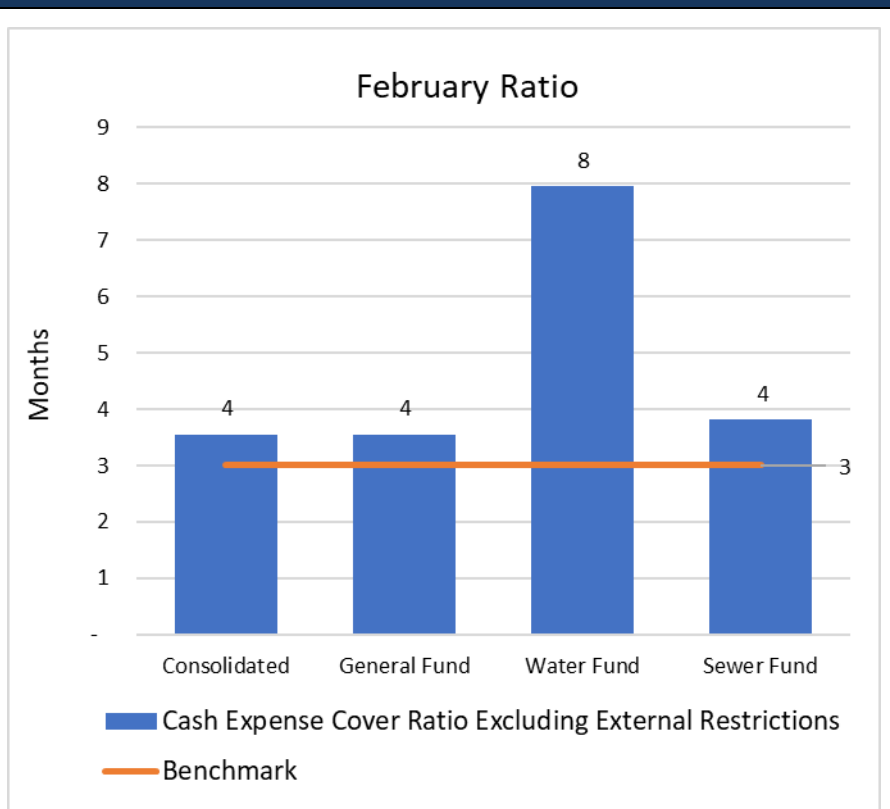
Unrestricted Current Ratio Excluding Internal Reserves is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

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

The ratio remains above the benchmark for all funds.

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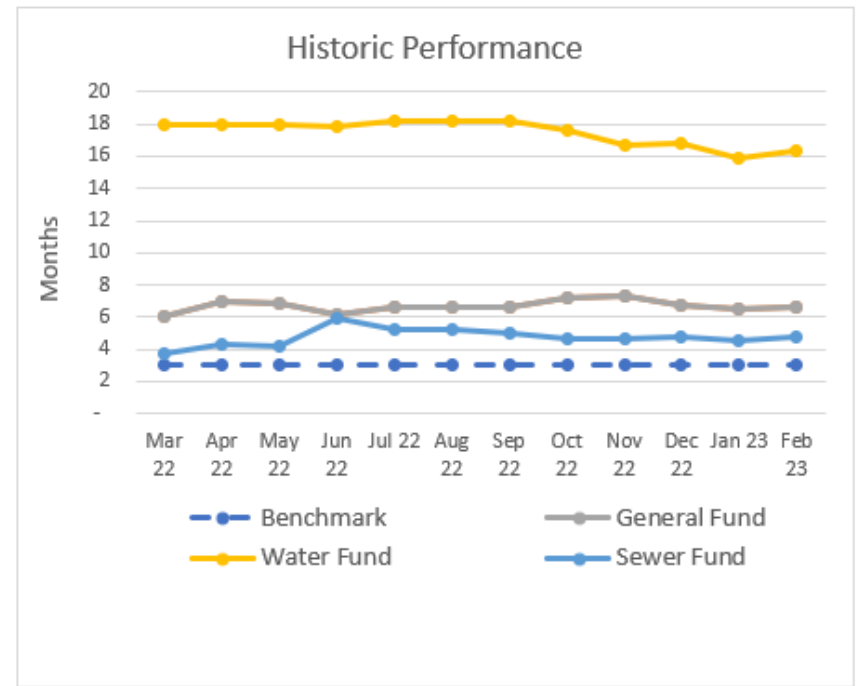
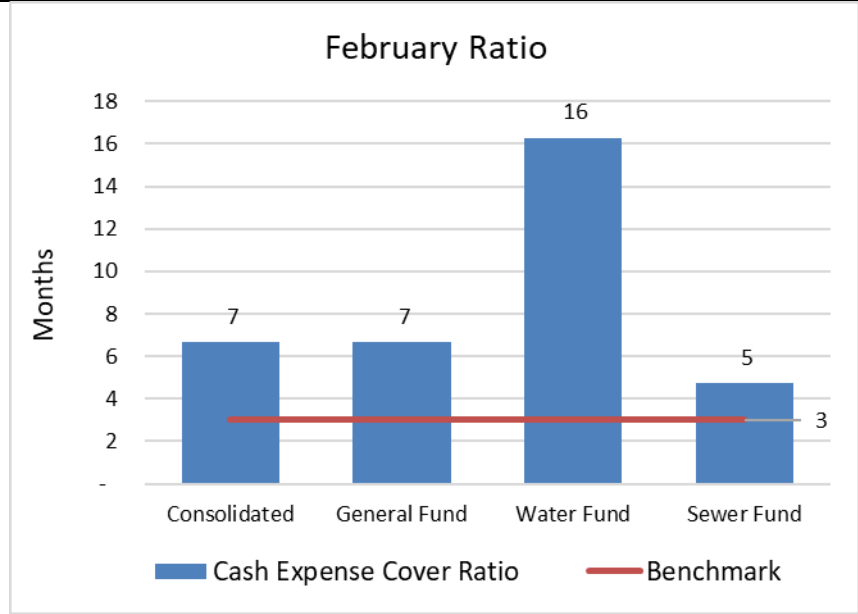
Cash Expense Cover Ratio Excluding External Restrictions



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

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

Cash Expense Cover Ratio



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

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

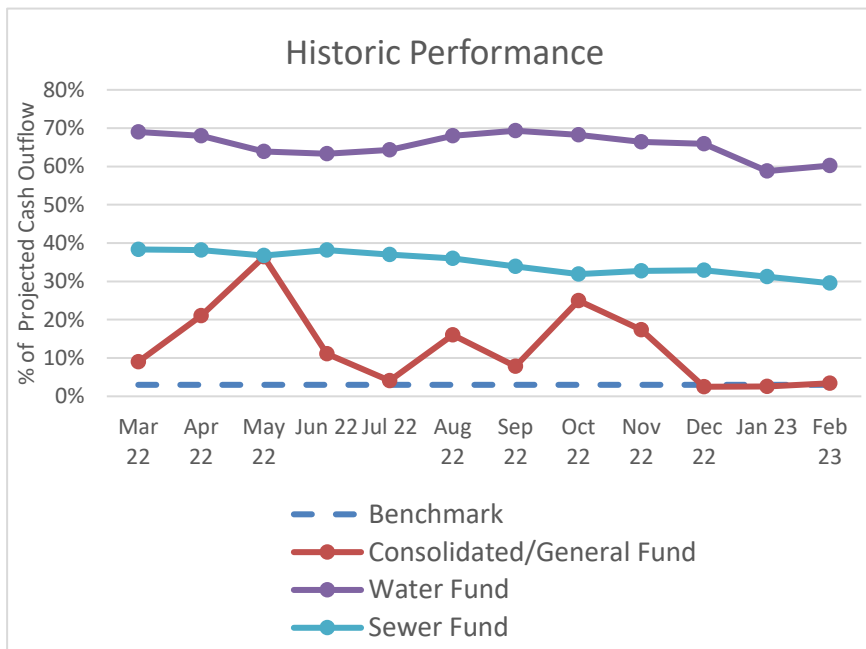
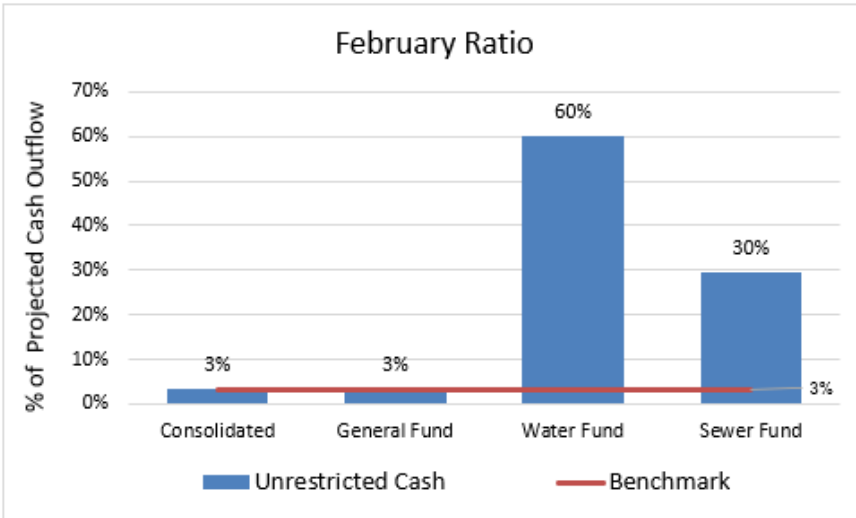
The ratio remains above the benchmark of 3 months as at the end of February 2023 for all funds.

The first graph displays the February 2023 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 12-months Cash Expenses Cover Ratio by fund.

The historical data in this graph has been corrected from February 2023. This is to account for the prior year Sewer fund adjustment for the 2021-22 financial statements processed in November 2022.

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Unrestricted Cash



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

The unrestricted cash balance remains above the benchmark as at the end of February for Sewer and Water funds and below the benchmark for General fund.

The General fund unrestricted cash has improved since December and January and is now slightly above the benchmark.

The benchmark is set at 3% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

The first graph displays the February 2023 Unrestricted Cash Ratio and, the second graph displays the previous rolling 12-months Unrestricted Cash Ratio by fund.

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Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council’s Investments Policy POL 22/78.

Olena Tulubinska

Date: 21 March 2023

CL23.90 Update - Notice of Motion - North Durras & Depot Beach – Shared Access Pathway

HPERM Ref: D22/391172

Department: Works & Services

Approver: Paul Keech, Director - City Services

Reason for Report

To provide Council with an update on the North Durras and Depot Beach shared access path resulting from the resolution of Council (MIN22.56) at the Ordinary Meeting on 7 February 2022.

Recommendation

That Council note that \$75,000 has been added to the 2023-2023 Draft Capital Budget List (for consideration in the 2023/2024 Budget Deliberations), for investigation and design of a Shared User Path from North Durras to Depot Beach.

Options

1. Resolve as recommended

Implications: The investigation and design can commence on the communities preferred route for the shared user path between the townships of North Durras and Depot Beach and the project will be shovel ready for grant opportunities when available.

2. Not proceed with allocation of funding

Implications: The project will not be shovel ready and consequently will not be considered for grant opportunities when available. The community's expectations for a shared user path connecting the townships of North Durras and Depot Beach will not be met.

Background

As a result of a Notice of Motion considered by Council on 7 February 2022, it was resolved as follows (MIN22.56):

That Council:

1. *Investigate with residents and stakeholders the construction of a shared pathway between North Durras and Depot Beach along the existing road and transmission lines easement.*
2. *Consider the funding of the pathway in the 2022/23 or 2023/24 budgets.*
3. *Arrange a meeting with local businesses of North Durras & Depot Beach to the address the issues with waste collection.*
4. *Receive a further report on this matter*

Update

In relation to item 1 of the Notice of Motion, Council staff met with North Durras residents on 26 September 2022, to investigate the construction of a shared user path between the localities of North Durras and Depot Beach. The preferred location, confirmed by those present at the meeting, was for the path route to be as follows:

- Off road path located on the southeast side of North Durras Road between Boyne Street and Depot Beach Road
- On road path on the southern side of Depot Beach Road. Consider elevated boardwalk construction at the creek in Depot Beach Road to minimise environmental impacts.



Figure 1 – Preferred path route following consultation

Locating the path within the National Park (NPWS) along the existing transmission line corridor was considered unfavourable given likely impediments associated with constructing within the park. Such as:

- a) the creation of an easement or right of way within National Park along the transmission line; and
- b) the cost of drainage works and earthworks required to mitigate environmental impacts are likely to be significantly higher than the North Durras Road route.

Council's current Pedestrian Access & Mobility Strategy includes an on-road path connecting North Durras to Depot Beach, having been previously identified by the community. An off-road path is now considered a safer alternative for the section between Boyne Street and Depot Beach Road.

Constraints associated with constructing a path along North Durras Road and Depot Beach Road include:

- a) The road reserve widths for part of North Durras Road adjacent to the National Park will need to be widened, or easement / rights of way created to accommodate the new path.

- b) An easement or right of way will be required to construct the off-road section of path and creek crossing within the National Park at the northern end, (Depot Beach Road).

Investigations will be required to determine the scope of works and environmental impacts required to construct an off-road path. The investigations will need to include survey and design, as well as property, utility, and environmental investigations. The costs associated with this work is \$75,000.

Council staff are recommending that \$75,000 be considered for inclusion in Council's 2023/24 capital works program. When the investigation and the detailed design is completed, the construction costs will be better understood. Council can then consider nominating this project in future grant funding applications, subject to other city-wide priorities.

In relation to item 3 of the Notice of Motion, Council staff met with business owners on 26 September to address issues with waste collection. The business owners believe the increase in Council waste charges, effective from July 2021, were excessive. Council's Waste staff have confirmed the waste charges issued were correct.

Community Engagement

Initial community engagement has occurred in September 2022, however if the recommendations are accepted by Council then further community engagement shall be undertaken as part of the development of the design.

Financial Implications

No funding for the design development has been provided in the 10-year capital listing and this project is a new consideration.

At this stage the construction costs are considered to be in the order of \$1.6M based on prices received for recent tenders. Detailed design of the 2200 metres of 2.5 metre wide pathway and a small bridge will allow this project to be refined with a greater degree of certainty if design funds are approved for the 23/24 financial year.

CL23.91 Exemption to Tendering - Stormwater Pipe Renewal - Scott Street Shoalhaven Heads

HPERM Ref: D23/101003

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To allow Council to consider an exemption to the Procurement Policy and enter into direct negotiations with the preferred contractor for the urgent repairs required to the failing stormwater pipe system causing ground subsidence and sink holes adjacent to properties fronting Scott Street, Discovery Place and Noakes Street, Shoalhaven Heads as a result of the severe weather natural disaster events experienced during the first half of 2022.

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 choose not to accept the recommendation and resolve to undertake a full open tender process.

Implications: This is not recommended as a full open tender process will be lengthy and likely result in either an equal or greater cost. Time lost exposes Council to significantly more risk of further damage to surrounding properties and assets.

Background

Following heavy rains from February through to July 2022, resulting in two Natural Disaster declarations, stormwater pipes in the vicinity of Scott St were affected by heavy and prolonged rain, resulting in settlement of some stormwater pipes, as well as opening up of pipe joints. Backfill sand is being drawn into the pipe and in some cases, sinkholes are appearing at the surface. Further project details are available at:

[Scott Street - Shoalhaven Heads remediation works](#)

The existing stormwater pipe system in the Noakes St / Scott St / Discovery PI location are "flush jointed" concrete pipes, 1050mm in diameter, installed around 1998. The pipes are located within a 3m wide easement adjacent to existing homes making access difficult.

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The stormwater pipe system was constructed 5 metres deep below the ground surface in soft sand, prone to collapse when excavated. In addition, a high ground water table adds to the likelihood of any deep excavation collapsing. The proximity to existing homes adds to the complexity, risk, cost and social impact of the work.

Following initial investigations, Council discovered several locations where the existing 1050mm stormwater pipe joints were severely displaced allowing the inflow of ground water and sand. In addition, most of the other pipe joints showed some form of movement allowing the inflow of groundwater and sand. CBK Constructions was engaged to undertake the pipe joint repairs before the pipeline was to be relined. However, the task of joint repair and reinforcement proved to be a slow, and costly task and not always effective. As a result, a decision was made to cease work on repairing the pipeline and instead replace the worst section of pipe with new concrete pipe.

Design plans have been completed for the replacement of the worst section of pipe i.e. Stage 1 work and new concrete pipes have been delivered ready for installation.

Policy Implications

Nil implications. The urgent nature of these works requires this procurement to be outside the scope of Council's Procurement Procedure and is seeking to document approval to not go to tender in accordance with Section 55(3)(i) of the Local Government Act 1993.

Financial Implications

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

Risk Implications

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

CL23.92 Membership - Northern Coastal Management Program Advisory Committee

HPERM Ref: D23/84283

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Reason for Report

To allow Council to formally appoint the new member for the Northern Coastal Management Program (CMP) Advisory Committee, following the completion of the Expression of Interest (EOI) process, and advise the unsuccessful applicants with an outcome letter. As per the Committee's Terms of Reference recommendations for appointments are submitted to Council for determination.

Recommendation

That Council:

1. Endorse the appointment of Alasdair Stratton as a Community Representative on the Northern CMP Advisory Committee.
2. Provide the unsuccessful applicants an outcome letter and thank them for their application.

Options

1. That Council appoints the nominated member to the Northern CMP Advisory Committee.

Implications: Nil.

2. Provide an alternative recommendation.

Implications: This will lead to delays associated with the replication of the EOI process for the Northern CMP Advisory Committee nominations and thus, the immediate continuation of this Committee through not attaining quorum.

Background

Following the resignation of Denise Belling from the Northern CMP Advisory Committee, an EOI process was conducted as per the adopted Terms of Reference (TOR) (CL22.339 MIN22.509), to enable the appointment of one (1) Community Representative, that meets the following criteria:

- A broad interest, knowledge and understanding of coastal management and the areas within the committee's jurisdiction.
- A commitment to coastal management in the nominated Council area; and
- Local resident or businessperson living or working in or near a coastal area.

Council completed the EOI process in February 2023. There were three (3) applications received. As such, the terms of reference specify that as a part of the EOI process,

'An assessment panel consisting of a Council staff member (Manager – Environmental Services), the Chairperson of the Committee and one (1) suitably qualified independent representative will assess the applications and make recommendations for appointments to

Council. Each member of the assessment panel will vote on recommendations with a majority ruling’.

The assessment panel met on 7 March 2023, and it was decided that Alasdair Stratton was the successful applicant. This was based on Alasdair’s comprehensive and multidisciplinary understanding of coastal and estuary management issues pertaining to the Lower Shoalhaven River CMP and the Open Coast CMP. These CMPs are pivotal in the committee’s jurisdiction, and the sustainable management of these areas was emphasised in Alasdair’s application. Alasdair also plays a key role in the community and will be able to strongly disseminate information originating from the Northern CMP Advisory Committee.

Appointments to the Northern CMP Advisory Committee will be for a three (3) year term with a set commencement and finish date. Vacancies which are filled during the committee’s term will have the same finish date.

External & Community Consultation

Nominations for Northern CMP Advisory Committee membership were advertised throughout the community via an EOI process. The vacancy was advertised locally via media and Council communication networks.

Policy Implications

The recommendation is in accordance with the Northern CMP Advisory Committee TOR adopted by Council on 12 September 2022.

Risk Implications

Providing an alternative recommendation may lead to delays associated with the EOI process for the Northern CMP Advisory Committee nominations, as well as the ability for the Committee to maintain a quorum.

CL23.93 Acceptance of Grant Funding - NSW Public Library Infrastructure Grants 2022/23 - Sanctuary Point Library Fit Out

HPERM Ref: D23/87642

Department: Library Services
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Media Release - Public Library Infrastructure Grants 2023 - Successful Applicants [↓](#)

Reason for Report

The reason for this report is to inform Council of a successful grant funding application under the NSW Public Library Infrastructure Grants 2022/23 and seek Council's acceptance of the funding for the new Sanctuary Point Library Fit Out.

Recommendation

That Council:

1. Accept the offer of funding for the successful grant application under the NSW Public Library Infrastructure Grants 2022/23 for the new Sanctuary Point Library Fit Out for the amount of \$450,000.
2. Make arrangements to forward a letter of thanks to the relevant NSW Minister once known after the State Election.

Options

1. Adopt the recommendation
Implications: In line with community expectations, this funding will assist in the delivery of a new Sanctuary Point Library for the central Shoalhaven.
2. Council adopts an alternative recommendation
Implications: Depending on the nature of the alternative recommendation, this may not meet community expectations and could impact the delivery of the project or result in Council declining to accept the funding.

Background

In October 2022, a grant application was submitted by Shoalhaven City Council requesting \$500,000 in funding under the NSW Public Libraries Infrastructure Grant Program for the new Sanctuary Point Library Fit Out.

In March 2023, Council was advised that the application for the new Sanctuary Point Library Fit Out had been successful with a grant of \$450,000 offered.

This money will be used to purchase furniture and equipment to fit out the new library building which is expected to begin construction later this year.

Council is now required to execute a funding deed with the Library Council of New South Wales to allow the money to be paid to Council.

Community Engagement

Extensive community consultation has been undertaken for the new Sanctuary Point Library project. Council has engaged with the local community through consultations, information sessions and public exhibitions of the design at various stages.

Letters of support were provided by local community members and library customers.

Financial Implications

The project is currently funded in Council's capital works program and long-term financial plan, along with \$7.5M from a pre-election pledge from Mrs Fiona Phillips MP, Member for Gilmore.

Staff are currently finalising a grant application to the Priority Community Infrastructure Program, which is an invitation only grant program for commitments made by the Australian Government during the 2022 election campaign. It commits to strengthening our regions and urban areas by delivering investments in community infrastructure that create jobs and opportunities across the nation.

CL23.94 Payment of Dividend from Shoalhaven Water 2021-2022

HPERM Ref: D23/92872

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. DPE Advice - Effective Evidence Based Strategic Planning [↓](#)

Reason for Report

The adoption of this report will enable Council's General Fund to receive a dividend from its Water and Sewer Funds' operating surplus. The dividend, which was declared in 2021-22 financial year will be paid in 2022-23 in accordance with the State Government's Best Practice Management of Water Supply and Sewerage Guidelines. The calculated dividend from the surplus including tax equivalents for the Water Fund is \$163,000, and the Sewer Fund is \$1,567,770.

Recommendation

That Council

1. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$163,000) will be paid from the Water Fund as declared in 2021-22.
2. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$1,567,770) will be paid from the Sewer Fund as declared in 2021-22

Options

1. Adopt the Recommendation.

Implications: The dividends declared will be payable to the General Fund.

2. Council could choose not to pay the full dividend from the Sewer or Water Funds.

Implications: Any unpaid amount of the proposed dividend would remain in the water and/or sewer Fund Reserves. The current budget for General Fund Revenue (2022-23) may require adjustment (be reduced) to reflect any unpaid dividend.

Background

Council has previously resolved to adopt the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* (Best Practice) as its guiding document for the management of the Shoalhaven Water business of Council. Since its adoption, Shoalhaven Water has consistently achieved substantial compliance with the requirements of Best Practice, therefore enabling dividends to be paid to General Fund when surpluses are achieved, along with access to State Government funding for certain capital projects.

This year will be the final year that *the Best Practice Management of Water Supply and Sewerage Guidelines (2007)* will apply when determining the payment of a Dividend to Council from the Water and Sewer Funds.

In July 2022, a new Regulatory and Assurance Framework for Water Utilities was introduced by the NSW Department of Planning and Environment for all NSW Local Water utilities. Shoalhaven Water Staff have worked with the Department’s staff to confirm the transition process between the previous Best Practice Guidelines and the new Regulatory and Assurance Framework regarding the process for council to declare the payment of dividends from the Water and Sewer Funds.

The Department has provided the attached email to advise *that Council’s Local Water Utility (Shoalhaven Water) has demonstrated best-practice management compliance for the purpose of paying a dividend under 409 of the Local Government Act 1993, in the last 2 years, as a result, as of 1 July 2022, your utility is also considered to have effective, evidence-based strategic planning in place under the new Regulatory and Assurance Framework.* Essentially this means Shoalhaven Water, due to its past performance, is “deemed to comply” with the new Framework during this interim period of change-over to the new Framework.

The changes to the regulatory framework now guide Council as a local Water utility in the operation of our water and sewerage business, specifically the new framework identifies 12 key strategic outcomes. Shoalhaven Water staff were strong advocates for change and therefore support this “outcomes based” approach to strategic planning as it gives more flexibility to a Water Utility to determine planning methodologies best suited to them. The old Best Practice approach was very prescriptive and did not necessarily suit all Utilities (or indeed support innovative approaches to planning).

Staff have commenced the planning and development of a Strategic Business Plan to meet the outcomes of this new regulatory framework. The Strategic Business Plan will support Council’s Delivery Program/Operational Plan and Councillors will be provided with updates through Briefings and correspondence, through which input can be provided.

Community Engagement

In accordance with Section 409 (7b) of the *Local Government Act 1993*, the Council must indicate in an open meeting that the Guidelines have been complied with, prior to paying the dividend. This Report serves that purpose and following Council’s adoption of the Report, Council will submit a “*Statement of Compliance*” and “*Statement of Dividend Payment*” to the Department of Planning and Environment to finalise this matter, prior to payment to the General Fund before the end of this financial year.

Financial Implications

The *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* defines the eligibility for a dividend in two parts, as follows:

- Dividend for Tax Equivalents (All LWU’s must pay this dividend)
- Dividend from Surplus (only payable if the annual capital expenditure does not exceed 3% of the current replacement cost)

Confirmation of Eligibility

Fund	Dividend for Tax Equivalents	Capital Expenditure (Capex) (2021/22)	3% of Current Replacement Cost (2021-22)
Water	\$163,000	\$8.259M	\$27.380M
Sewer	\$156,777	\$15.923M	\$31.245M

The dividend payable from each fund is the lower of the following three calculations:

1. 50% of the fund surplus (before dividends)
2. Number of Assessments x \$30, less the dividend for tax equivalents.
3. Cumulative surplus before dividends for the three years to June 2022, less the cumulative dividends for the two years to June 2021.

Based on the above 3 calculations the dividend payable for the Water Fund is option 1 - 50% of the fund surplus and this equates to \$Nil. The dividend payable from the Sewer Fund is option 2 - number of assessments multiplied by \$30 per assessment and this equates to \$1,410,993.

The calculated dividends are \$263,643 lower than the budgeted amount and relevant budget adjustment will be made in March Quarterly Budget Review. The table below compares actual dividends with 2022/23 adopted budget:

	2022/23 Adopted Budget (inc. tax equivalents)	Actual Calculation (Inc. tax equivalents)	Variance fav/(unfav)
Dividends from Water	\$458,000	\$163,000	(\$295,000)
Dividends from Sewer	\$1,536,413	\$1,567,770	\$31,357
Total:	\$1,994,413	\$1,730,770	(\$263,643)

Summary of the calculated total dividend

Fund	Tax Equivalent	Surplus Dividend	Total Dividend
Water	\$163,000	\$0	\$163,000
Sewer	\$156,777	\$1,410,993	\$1,567,770

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CL23.95 Rescission Motion - MM23.6 - Mayoral Minute - Support for Local Print Media: Reinstate New Bush Telegraph as a Service Provider for Council Information Dissemination

HPERM Ref: D23/95543

Submitted by: Cllr Paul Ell
Cllr Patricia White
Cllr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item MM23.6 Mayoral Minute - Support for Local Print Media: Reinstate New Bush Telegraph as a Service Provider for Council Information Dissemination of the Council Meeting held on Monday 13 March 2023.

Background

The following resolution was adopted at the Ordinary Meeting held Monday 13 March 2023 (MIN23.95).

That Council:

- 1. Affirms support for a free and independent press in the Shoalhaven and beyond and eschews any attempt at political interference with that principle.*
- 2. Affirms the policy that any decision about placement of advertising is an operational one and should be made by appropriate staff after due consideration of cost effectiveness and potential message penetration to the target audience.*
- 3. Receive a briefing in relation to media advertising (print & digital), including budget and sources used by Council.*

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CL23.96 Notice of Motion - MM23.6 - Mayoral Minute - Support for Local Print Media: Reinstate New Bush Telegraph as a Service Provider for Council Information Dissemination

HPERM Ref: D23/100118

Submitted by: Cllr Paul Ell
Cllr Patricia White
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 Council:

1. Affirms support for a free and independent press in the Shoalhaven and beyond and eschews any attempt at political interference with that principle.
2. Affirms the existing resolution of Council not to provide funding or advertising to the New Bush Telegraph.
3. Subject to part 2, affirms the policy that any decision about placement of advertising is an operational one and should be made by appropriate staff after due consideration of cost effectiveness and potential message penetration to the target audience.
4. Receive a briefing in relation to media advertising (print & digital), including budget and sources used by Council.

Note by the CEO

This Notice of Motion will be dealt with if the preceding Rescission Motion is carried.

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CL23.97 Notice of Motion - Proposed “Community Centre and Resilience Hub” for Kangaroo Valley

HPERM Ref: D23/96230

Submitted by: Cllr Tonia Gray

Attachments: 1. Supporting documents (under separate cover) [⇒](#)

Purpose / Summary

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

Recommendation

That Council:

1. Receive and note the detailed background information presented in support of the Notice of Motion.
2. Support in-principle the proposed Community Centre and Resilience Hub for Kangaroo Valley noting that Council has voted \$75,000 to prepare a Masterplan for the Kangaroo Valley Showground.
3. Include relevant Actions in the Draft 2023/24 Delivery Program & Operational Plan to enable resources to be allocated to:
 - a. Support the project stakeholders in coordinating wider community consultation and provide assistance in developing a business and governance plan for the facility.
 - b. Assist the stakeholders in developing a clear statement of purpose and functions of the facility that could lead to the development of a concept design and detailed design suitable for DA lodgement and subsequent grant applications.
4. Subject to the successful progression of the Actions noted in recommendation 3 above, include the Community Centre and Resilience Hub for Kangaroo Valley as a proposed grant funded project in Council’s 10-year Capital Works Programs for consideration in future budget deliberations.
5. Advise the Kangaroo Valley Community Groups of Council’s resolution on the Notice of Motion and thank them for their work in preparing the detailed background information.

Background to the proposed KV Community Centre and Resilience Hub (KVCCRH)

This proposal for a Community Centre and Resilience Hub has been developed in response to the Kangaroo Valley community’s wish to build greater economic, social, cultural and environmental activities. It is also a response to the community’s experience of the impact of the Currowan Bushfire of 2019/2020 and the facility is designed to increase community resilience and safety against the possibility of increased intensity and frequency of bushfires and other disasters and emergency events.

The nominated stakeholders represent a broad cross section of the KV community who have developed the vision for this project.

Community groups have expressed a desire for new facilities to be developed in Kangaroo Valley to accommodate new and existing initiatives and activities. These include: a newly proposed youth group, a men’s shed, gym and spaces supporting the arts through increased

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exhibition area and an acoustically designed performance space. These facilities would directly support events such as 'Sculpture in the Valley', farmers markets, Arts in the Valley, workshops, conference and youth activities.

The following groups have expressed interest to become stakeholders and assist in the current feasibility/concept design of the facility development of a future governance and business plan.

Arts in the Valley - Nick Minogue/Natalie Harker.

Thank you for sharing with me your high-level presentation on a potential KVCCRH in the Osborne Park showgrounds in Kangaroo Valley. Last year showed us that a fire refuge was no mere theoretical need for this community. I believe the community would be well served by a KVCCRH, built to the appropriate standard, which could act as a focal point of shelter during the emergency, and as a base for the longer duration community and wildlife support operations that are needed for months after such an event.

The opportunity may exist to make use of the site in other ways which would add to the resources available to the community for creative and recreational activities. If that were possible this would serve both the artistic/recreational inclinations of the community as well as having a positive economic impact. Artistic activities in the village draw people to the area to stay and have a longer-term positive impact on the village's reputation and brand.

Kangaroo Valley Community Bushfire Committee

On 10 March 2021 you briefed the Kangaroo Valley Community Bushfire Committee on the concept of having a KVCCRH constructed behind the swimming pool in the Osborne Park complex.

Given the present lack of a suitably approved structure as a place of last resort, and the paucity of roads in and out of the Valley (all of which could become impassable in a bushfire emergency) the Committee supports the construction of such a building. Significant planning and collaboration around access to the refuge, most notably during fire emergencies, would need to be undertaken to ensure that such a refuge provides suitable protection and does not create any unforeseen risks.

The Kangaroo Valley Community Bushfire Committee therefore supports this proposal in principle.

Simon Harrington, Paul Cooper

Youth Centre Initiative -- Kirsty Hambrook

The Kangaroo Valley Lion's Club Inc. Youth Project supports establishing a new community centre and resilience hub in Kangaroo Valley. We recognise the importance of community self-sufficiency and social solidarity in the face of increasing environmental and social challenges. As our focus is on the youth community, we are particularly sensitive to our adolescents' specific social and developmental needs.

A space for teenage social and cultural engagement is essential in a small community lacking the organised sporting opportunities, social clubs, youth amenities, and educational facilities of larger towns. A new centre would provide a much-needed space for young people to engage in safe, age-appropriate, focused activities that promote social cohesion and positive mental health and well-being. Such a space could foster stronger peer relationships, personal confidence, skill development, and a sense of community belonging. It could also offer access to resources that help our youth navigate a range of adolescent issues.

Men's Shed Group - Matthew Southworth

The development of Kangaroo Valley Men's Shed Inc. (KVMS) commenced in June 2022 and is now proceeding with two phases of development, short term and long term, with the latter being a dedicated fit for purpose facility housing relevant machinery and associated resources.

The former, short term represents an opportunity for KVMS to participate as an active stakeholder, in as much or as little involvement as agreed, to assist in the planning, development and construction of KV Community Centre & Resilience Hub. This provides KVMS members to work together and with the broader community stakeholders which in turn will improve the mental wellbeing of the men of Kangaroo Valley, which is a primary objective of Men's Shed.

Young Farmers Association -- Greg Mumm

The Young Farmers Group supports the development of a Kangaroo Valley Community Centre and Resilience Hub as a place for community, knowledge sharing and education, but also as a place of last resort for farmers who often remain on farm during natural disasters to look after land and animals.

Many of the young farmers in the Valley are first generation farmers, and as such a community centre which is modern and well designed and fitted out, allows opportunities to hold seminars, invite experts and run workshops in Kangaroo Valley to support all agricultural pursuits. It also holds the possibility of a space to bring existing, new and future farmers together to build community, share knowledge and start conversations about maintaining farming as a key industry and drawcard to the Valley.

KV Show Committee

In principle support has been provided and a committee member will be nominated to make the deputation to council.

Osborne Park Committee -- Natalie Harker/David Kent

In principle support has been provided and a committee member will be nominated to make the deputation to council.

Bushfire and Disaster Resilience

Following the Black Summer Bushfires of 2019/2020, a multi-disciplinary research team from the University of Wollongong (UOW) undertook an in-depth study of the Kangaroo Valley community preparations and responses to the Currowan Bushfire¹. The final report and other resources from the study have provided valuable insights into why the provision of a Community Centre and Resilience is so important for communities such as Kangaroo Valley that are at high risk of bushfires and other natural disasters.

A clear finding from the UOW study was that the KV Bushfire Recovery Drop In Centre, that was established immediately after the Currowan Fire impacted Kangaroo Valley and resulted in approximately 50 homes being destroyed. This community initiative was vitally important to the recovery process for households and the community generally. Volunteers were able to set up a network of local support far more quickly than government and other agencies. The Drop-in Centre assisted many residents to access appropriate financial, psychological and services support in the immediate aftermath of the fire. Challenges for residents whose home and possessions had been destroyed included difficulties with lack of identity documents, etc. Drop-In Centre staff played a key role in advocating for deeply affected/traumatised residents when dealing with insurance companies, banks and agencies, for example.

¹ Building Community Resilience to Bushfires: A Case Study of Kangaroo Valley
<https://www.uow.edu.au/global-challenges/building-resilient-communities/building-community-resilience-to-bushfires/> University of Wollongong

However, in the event of another major bushfire, and given that there are no suitable bushfire resilient public buildings in Kangaroo Valley, it is quite possible in the aftermath of a future catastrophic bushfire there will be no suitable buildings left standing, or are available, in KV Village in which to set up a Recovery Centre or provide long term community support.

It is also important to note that in the final report of the 2020 NSW Bushfire Inquiry², in Section 3.9.8 Community Fire Safe Zones, it is stated as a 'key point' that "There is a need to ensure remote bush fire-prone areas have an indoor Neighbourhood Safer Place, so people can take shelter when open spaces are too dangerous due to fire conditions". The proposed Community Centre and Resilience Hub would fulfil this gap and provide an indoor safer place in the same precinct as the existing Osborne Park Neighbourhood Safer Place.

Heatwaves, and associated power outages, will increase in frequency and intensity in the coming years as a result of Climate Change. These emergency events will particularly impact vulnerable people. The KV Community Centre and Resilience Hub will be designed with stand-alone power and telecommunications facilities and serve as a 'cool refuge' for vulnerable community members.

The new Community Centre would also be a resource centre and a physical home for community bushfire and disaster resilience initiatives. This includes the well-established community wide KV Bushfire Ready Neighbourhood Groups network and the newly formed Resilient KV association.

Disaster Resilient Building Design Approach

The KV Community Centre and Resilience Hub will be designed in accordance with the Australian Building Codes Board (ABCB) guideline entitled "Design and Construction of Community Bushfire Refuges"³ and the National Construction Code requirements for Class 9 Buildings, as a dedicated place of public assembly. These two building types share many commonalities including need for large internal assembly areas, disabled access and suitable amenities (toilets, change rooms and showers), etc.

The design and construction of the facility will incorporate the latest architectural and technological approaches to resilience to bushfires and other disasters. The design will also be informed by other initiatives in the Shoalhaven, including the involvement of SCC in the bushfire resilient Fortis House project led by the Building Bushfire Council of Australia (BBCA).

High levels of bushfire and disaster resilience of the building will be achieved primarily through passive design principles and will include an external fire and ember proof shell (to Flame Zone bushfire attack level (BAL) capability), and an inner skin with outdoor veranda spaces and operable doors and windows.

Active bushfire/disaster resilient technologies will also be employed to ensure that the building can operate efficiently in the event of loss of power and will be resilient to extreme heat waves. In addition, a bespoke external bushfire sprinkler system and indoor sprinklers will be provided with on-site water storage. The design and operation of the facility will also align with the NSW RFS Neighbourhood Safer Places guidelines⁴.

The proposed KV Community Centre and Resilience Hub will also house the KV "Local Information Hub" developed and installed by SCC where community members can access important emergency information. Currently this hub is not housed on a bushfire resilient structure, and therefore this vital communications infrastructure is in danger of being destroyed in a major bushfire, just when it is most needed.

² NSW Government (2020). Final Report of th NSW Bushfire Inquiry

³ Australian Building Code Board Design and Construction of Community Bushfire Refuges <https://www.abcb.gov.au/sites/default/files/resources/2020//Handbook-Community-Bushfire-Refuges-2014.pdf>

⁴ Neighbourhood Safer Places: Guidelines for the Identification and Inspection of Neighbourhood Safter Places in NSW

Community consultation and support

An initial consultation meeting was held on the 9 March 2021 with attendees from Council, Rural Fire Service, Greg Mumm (KV community); Kate Harris (Consultant); Wesley Hindmarch (Architect). The meeting participants generally provided in principle support but required overall general community support. On this advice a stakeholder group has subsequently been developed.

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CL23.98 Notice of Motion - Proposed Nowra Museum Extension – Shoalhaven Historical Society

HPERM Ref: D23/104664

Submitted by: Clr Serena Copley
Clr Paul Ell
Clr Patricia White

Attachments: 1. North West Plan [↓](#)
2. South West Plan [↓](#)
3. Floor Plan [↓](#)

Purpose / Summary

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

Recommendation

That Council:

1. Continue to provide in principle support to Shoalhaven Historical Society in the proposed Nowra Museum Extensions.
2. Work with the Executive Committee of the Shoalhaven Historical Society to:
 - a. Obtain landowners consent as a matter of urgency for the Development Application and boundary survey.
 - b. Progress the completion of the boundary survey and adjustment works for the lot where the museum is located.
3. On lodgement of the required Development Application waive the application fees (except for advertising costs)
4. Provide further reports back to Council as required.

Background

The society identified a need for the expansion of collection storage facilities over a decade ago.

In 2018 the society engaged with Council as the custodians of the building and the local indigenous land council to apply for the extinguishment of any native title claims over the allotments on which the museum building sits.

As the museum sits on Crown lands this was an important first step in completing the administrative requirements needed to be able to successfully lodge a development application. The extinguishment of native title was granted in 2019.

In 2019 the society engaged local heritage architect Nicholas Powell to design an extension to the museum that would meet the identified needs whilst respecting the heritage of the existing building. A preliminary design was completed late 2020.

In 2020 the society contacted the crown lands department and asked that survey works be undertaken to facilitate the official changes to the boundaries as agreed.

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After further representation to council in 2021, an agreement was reached in which council would undertake the survey work as custodians of the building on behalf of crown lands. Allen Price & Scarratts Pty Ltd were engaged by Council to undertake the survey works. In undertaking the works the society was advised that the originally agreed to boundary changes would not be optimal for the proposed design of the museum extension and may trigger a requirement for upgrade works on the modern police station.

Another round of submissions and proposals was worked through with Council and the Police Department and in September 2022 all parties agreed to the new boundary proposal. The resulting changes were noted as:

..the proposed boundary adjustment / subdivision plan has changed from the attached original proposal drafted by the Nowra Historical Society to provide a larger boundary separation to the Police Station building (avoiding increased fire rating requirements associated with a zero boundary), avoid path / tree management issues, allow for future museum expansion and to minimise the land requirements for the Nowra Museum.

In September 2022 council was advised by Allen Price & Scarratts that it needed to organise the signing of an owner consent form before they could lodge a development application with council that would then allow them to complete the boundary adjustment works. Despite follow up by the society and Allen Price & Scarratts in January this year they have not received any further advise from council on the signing of the owner consent form nor the submission of the DA or the conclusion of the boundary survey work.

In 2021 the society engaged a quantity surveyor to provide anticipated costing for the building of the museum extension based on the agreed design work undertaken by the heritage architect. The resultant building costs were identified as approximately \$860,000. We would anticipate that these costs have risen over the last 18 months due to the resource and material constraints currently being felt in the broader building industry.

The society is unable to progress with any initiatives in securing funding for the extensions to the museum until such time as it is able to lodge a development application with council. This cannot happen until the boundary adjustment works are completed by council.

In the meantime, the Historical Society is missing potential funding opportunities and the storage of the museum's collection continues to be compromised.

Additionally, the Society has received a draft Preservation Needs Assessment report which they commissioned from a professional preservation and conservation assessor in December. This work was undertaken through funding secured through the Community Heritage grant program at the National Library of Australia. The report makes a number of recommendation including:

Storage improvements

- New storage facility is urgently needed
- More storage enclosures are highly recommended
- Improvements recommended for storage of the Elyards
- Short term reconfiguration of space to gain more storage within the store.

Attached is documentation which gives a draft concept of the design of the proposed extension.

We seek full support from all Councillors

CL23.99 Notice of Motion - Myola Active Transport Improvement Project

HPERM Ref: D23/106572

Submitted by: Cllr Patricia White
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. Note that the Federal Government's advice that it is unable to extend the grant funding past the end of April 2023.
2. Write to the grant body requesting a mutual termination of the grant deed.
3. Quarantine the remaining unspent Council contribution budget of \$355K in the 2022/23 for the Myola Active Transport Improvement Project.
4. Revote into the 2023/24 budget the funds of \$355K for the Myola Active Transport Improvement Project.
5. Continue to seek grant opportunities as a high priority in order to complete the project as soon as practicable.

Background

All Councillors should be aware, there has been significant support from the community for the MATIP project since 2018, with over 500 volunteer hours dedicated to supporting its implementation. In addition, countless hours have been spent on correspondence with the Council and other stakeholders to ensure that this project becomes a reality.

This Project has been designed to improve connectivity and safety for pedestrians and cyclists, and to provide a more attractive and sustainable transport option for the community and tourists alike. The pathway along the roadside would also improve safety for people with children, the aged etc and connect to the boarding/ landing point for the busy ferry service to Huskisson. Thus, the investment in this project would have greatly benefitted the community, providing them with greater access to local attractions, businesses, and services.

Council has previously recognised the importance of this project as indicated in the minutes from various Council meetings along with the additional grant submission. The total funding for this project, was \$925,000, however, due to the effluxion of time and inflationary pressures, the cost of this project has increased.

This is an important and urgent issue for Myola, Callala Beach and Callala Bay communities and we seek support for this Notice of Motion to ensure the project is delivered for the community.

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Note by the CEO

This relates to the following resolutions from Council’s 13 March Ordinary Meeting.

CCL23.7 Tenders – Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola	HPERM Ref: D23/63811
RESOLVED	MIN23.144C
That Council:	
<ol style="list-style-type: none"> 1. In accordance with Section 178(1)(b) of the regulations decline to accept any Tender for Design and Construction of Amenities Block - Active Transport Improvement at Catherine St, Myola as there is only one tender submission and the tenderer’s financial health is deemed unacceptable; and 2. Refer the matter of the Building Better Regions Grant and remaining Council funds to a Confidential Briefing of Councillors and if required, a further report be provided to Council. 	
CARRIED	

CCL23.8 Tenders – Shared User Path and Carpark - Active Transport Improvement at Catherine St, Myola	HPERM Ref: D23/67553
Note: A Deputation was received on this item and in conjunction with CL23.75 during open session.	
RESOLVED	MIN23.145C
That Council:	
<ol style="list-style-type: none"> 1. In accordance with Section 178(1)(b) of the regulations Council decline to accept any tender for Shared User Path and Carpark Active Transport Improvement at Catherine St, Myola as there are insufficient funds to cover the tender amount including other project costs. 2. Refer the matter of the Building Better Regions Grant and remaining Council funds to a Confidential Briefing of Councillors and if required, a further report be provided to Council. 	

CL23.99

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.