

## Ordinary Meeting

**Meeting Date:** Monday, 24 April, 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 - 3 April 2023
6. **Declaration of Interests**
7. **Presentation of Petitions**

**8. Mayoral Minute**

Mayoral Minute

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<u>Notices of Motion / Questions on Notice</u>		
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<u>Reports</u>		
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CCL23.11	Tenders - Supply & Deliver Landfill Compactor <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any</i>	

*person's legitimate business, commercial, professional or financial interests.*

- CCL23.12 Tenders - Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point

*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.*

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- CCL23.13 Tenders - O'Keefes Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd Numbaa

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- CCL23.14 Tenders - Danjera Dam Camping Ground and Recreational Area Construction 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.*

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- CCL23.15 Shoalhaven Water Depot Extension Update

*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.*

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## **MM23.11 Mayoral Minute - Condolence Motion - Paul Keith Ulladulla Aboriginal Lands Council**

**HPERM Ref:** D23/116840

### **Recommendation**

That Shoalhaven City Council notes the passing of Uncle Paul Keith of Ulladulla. We acknowledge his significant contribution to the Ulladulla Local Aboriginal Land Council (Ulladulla LALC) and extend our condolences to his wife Laurece and family.

### **Details**

Uncle Paul Keith was a well known and loved member of the Shoalhaven community, a respected Aboriginal Elder and prominent member of the Ulladulla LALC.

Uncle Paul was very community focused, he dedicated 14 years to serving the community as a member of the Ulladulla LALC during which time he held the position of Chairperson for 8 years (two terms).

A very thoughtful and kind man, as a member of the Ulladulla Community Resources Committee for some years Uncle Paul was actively involved in and supportive of the participants in their men's programs.

We recognise the Sorry Business in the Aboriginal community and acknowledge the passing of Uncle Paul has had a profound impact on the community.

On behalf of Shoalhaven City Council CEO, Councillors and staff I offer my sincerest condolences to his family, friends and colleagues at the Ulladulla LALC.

**MM23.11**

## **MM23.12 Mayoral Minute - Congratulations to the Elected 2023 State Members**

**HPERM Ref:** D23/116797

### **Recommendation**

That Council congratulates Liza Butler MP on her election as Member for South Coast and Gareth Ward MP for his re-election as Member for Kiama.

### **Details**

Shoalhaven City Council is looking forward to working with the State Members on key advocacy issues over the next term of Government.

The people of the Shoalhaven, like so many have experienced significant change and loss over the past three years. The cumulative impact of the 2019/2020 Bushfires and floods, the COVID pandemic and the most recent natural disaster of the 2022 floods have had a devastating and long-lasting impact on our entire community, particularly to our small business and tourism sectors. As a result, social and affordable housing and homelessness are issues high on our list of needs, with ever growing demand for emergency and short-term accommodation as well as affordable housing options.

State Government collaboration and commitment in serving the community in our beautiful area is greatly appreciated and Council is looking forward to continuing to work with our State Members on progressing all the wonderful projects announced as part of the election campaign.

**MM23.12**

## **CL23.109 Report of the Shoalhaven Heads Estuary Taskforce - 21 March 2023**

HPERM Ref: D23/118920

**SH23.3 Shoalhaven Heads River Entrance Management Plan Review**

**HPERM Ref:  
D23/27345**

### **Recommendation**

That Council schedule a meeting with the Shoalhaven Heads Estuary Taskforce to discuss concerns regarding the review of the Shoalhaven Heads River Entrance Management Plan (2006) and its inclusion in the Coastal Management Program.

**CL23.109**

## **CL23.110 Report of the Shoalhaven Sports Board - 22 March 2023**

**HPERM Ref:** D23/123232

**Attachments:** 1. SB23.4 - Report to Shoalhaven Sports Board (under separate cover) [⇒](#)

**SB23.4 Sports Grants Program 2022 / 23 - Recommendation  
for Unallocated Funding**

**HPERM Ref:  
D23/92498**

### **Recommendation**

That Council approve remaining Unallocated 2022/23 Sports Grants Program Balance of \$97,908.53 to be transferred to Shoalhaven Swim Sport Fitness to support the Minor Improvement Program Budget expansion by extending the Shoalhaven Sportsground Seasonal Maintenance Programs, as detailed in the report, totalling \$97,908.53 as recommended by the Shoalhaven Sports Board.

CL23.110



## CL23.111 Report of the Nowra CBD Revitalisation Strategy Committee - 4 April 2023

HPERM Ref: D23/141287

Attachments: 1. CBD Budget Update - March 2023 [↓](#)

**CBD23.13 Standing Report - Budget Update - March 2023**

**HPERM Ref:  
D23/102479**

### **Recommendation**

That Council receives for information the revised budget and expenditure plan D23/106963 as adopted by the Nowra CBD Revitalisation Strategy Committee and notes the following for information:

1. That \$37,830 has been spent since the last meeting of the Nowra CBD Revitalisation Strategy Committee budget update.
2. The total year-to-date spend for the 2022/2023 financial year is \$428,275 of the available budget of \$1,898,594.
3. A summary of the budget is provided in the Attachment to this report (D23/106963)

### **Note by the CEO:**

This report is provided to Council as required by clause 2.8 of the Nowra CBD Revitalisation Strategy Committee Terms of Reference, which states the following: *‘Provide a report to Council (resolved at a Committee Meeting) each quarter outlining the year-to-date expenditure on projects funded by the Nowra CBD Revitalisation Budget’.*

CL23.111

Nowra CBD Revitalisation Strategy Committee 3 Year Spending Plan

March 2023 Review

	Actual Expenditure 2022-2023	Original Budget 2022-2023	Revised March Budget 2022-2023	Proposed Budget 2023-2024*	Proposed Budget 2024-2025*
<b>Incoming Funds</b>					
Carry Fwd	\$	1,339,244	\$ 1,339,244	\$ 1,266,178	\$ 1,058,128
CBD Levy Allocation	\$	559,350	\$ 559,350	\$ 559,350	\$ 559,350
<del>CBD Promotions and Activation</del>	\$	54,891			
<b>Total Incoming Funds</b>	<b>\$</b>	<b>1,953,485</b>	<b>\$ 1,898,594</b>	<b>\$ 1,825,528</b>	<b>\$ 1,617,478</b>
<b>Outgoing Funds</b>					
Finance ID					
102948 Nowra CBD Renewal					
103898 Berry Street Footpath Upgrade					
102949 Nowra CBD City Walks					
102947 Shopfront Façade		\$ 5,000			
102512 CBD Promotions	\$ 54,891	\$ 52,400	\$ 54,891	\$ 52,400	\$ 52,400
Disabled Access		\$ 10,000			
106232 Place Making Project	\$ 63,490	\$ 320,000	\$ 188,290	\$ 715,000	\$ 430,000
A1 Endorse the Action Plan					
A2 2020-21 Preparation Work					
Contingency	power upgrade	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
A3 Place Manager for Nowra CBD	\$ 24,700	\$ 100,000	\$ 50,000	\$ 100,000	\$ 100,000
A4 Surprise Saturday Program	\$ 500	\$ 75,000	\$ 40,000	\$ 75,000	\$ 75,000
A5 Social Media and Graphics Support		\$ 20,000		\$ 20,000	\$ 20,000
A6 Junction Court Revitalisation Project (via DPIE grant)				\$ 15,000	
A7 Branding and Marketing Strategy		\$ 40,000	\$ 25,000		
A8 Monthly Cleaning and Maintenance Program				\$ 50,000	\$ 25,000
A9 Annual Christmas Wonderland	\$ 38,290	\$ 50,000	\$ 38,290		
A10 Action Plan Impact Review				\$ 40,000	\$ 20,000
A11 Parklet Program				\$ 85,000	\$ 15,000
A12 "Try Local" Campaign				\$ 20,000	\$ 15,000
A13 Monthly Fresh Food Markets	\$ 15,000	\$ 15,000	\$ 15,000	\$ 35,000	\$ 20,000
A14 Major Activation Feasibility Study + Project Implementation				\$ 40,000	\$ 100,000
A15 Art and Light Project				\$ 175,000	
A16 Greening Nowra				\$ 40,000	\$ 20,000
<b>Other Place Making Projects</b>					
Shop Front Wraps		\$ 31,000	\$ 6,000		
Monthly Fresh Food Markets		\$ 25,000	\$ 6,000		
<b>Shovel Ready Designs</b>					
Smart Poles Investigations	\$ 37,087	\$ 160,537	\$ 55,537	\$ -	\$ -
Smart Pole Design		\$ 2,900	\$ 2,900		
Smart Pole Installation		\$ 75,000			
North St Strategic Masterplan	\$ 37,087	\$ 52,637	\$ 52,637		
Design and Costing - Pedestrian Crossing - Junction Street		\$ 5,000			
Construction Pedestrian Crossing - Junction Street		\$ 25,000			
CBD Mural Project	\$ 27,698	\$ 31,800	\$ 27,698		
Weekly Maintenance	\$ 300,000	\$ 300,000	\$ 300,000		
<b>Total Outgoing Funds</b>	<b>\$ 428,275</b>	<b>\$ 910,737</b>	<b>\$ 632,416</b>	<b>\$ 767,400</b>	<b>\$ 482,400</b>
<b>Carry forward to Next Financial Year</b>					
		<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>	<b>Budgeted</b>
		<b>\$ 1,042,748</b>	<b>\$ 1,266,178</b>	<b>\$ 1,058,128</b>	<b>\$ 1,135,078</b>

\*Assuming a continuation of the current funding agreement with Council

## CL23.112 Ongoing Register of Pecuniary Interest Returns - March 2023

**HPERM Ref:** D23/96222

**Department:** Business Assurance & Risk

**Approver:** Carey McIntyre, Acting Director - City Performance

### Reason for Report

The reason for this report is to provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 March to 31 March 2023 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 March to 31 March 2023 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 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	Ian Reynolds (Casual)	13/02/2023	15/03/2023
City Development	Soolmaz Yeganeh	06/02/2023	17/03/2023
City Services	Simon Holt	06/02/2023	21/03/2023
City Development	Jonathan Wright	15/03/2023	22/03/2023
Nowra CBD Revitalisation Strategy Committee	Carlo Di Giulio	13/02/2023	28/03/2023
City Development	Stephen Pitt	27/03/2023	31/03/2023

CL23.112

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.

CL23.112

## **CL23.113 Investment Report - March 2023**

**HPERM Ref:** D23/137171

**Department:** Finance

**Approver:** Carey McIntyre, Acting Director - City Performance

**Attachments:** 1. Shoalhaven Monthly Investment Report - March 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 31 March 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 3.57% per annum for the month of March 2023, outperforming the benchmark AusBond Bank Bill Index (3.39% pa) by 18 basis points (+0.18%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

### **Options**

1. The report on the Record of Investments for the period to 31 March 2023 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 March 2023 be requested.

Implications: Nil

3. The report of the record of Investments for the period to 31 March 2023 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 April 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 3.57% p.a., outperforming the benchmark AusBond Bank Bill Index (3.39% p.a.) by 18 basis points (+0.18%).

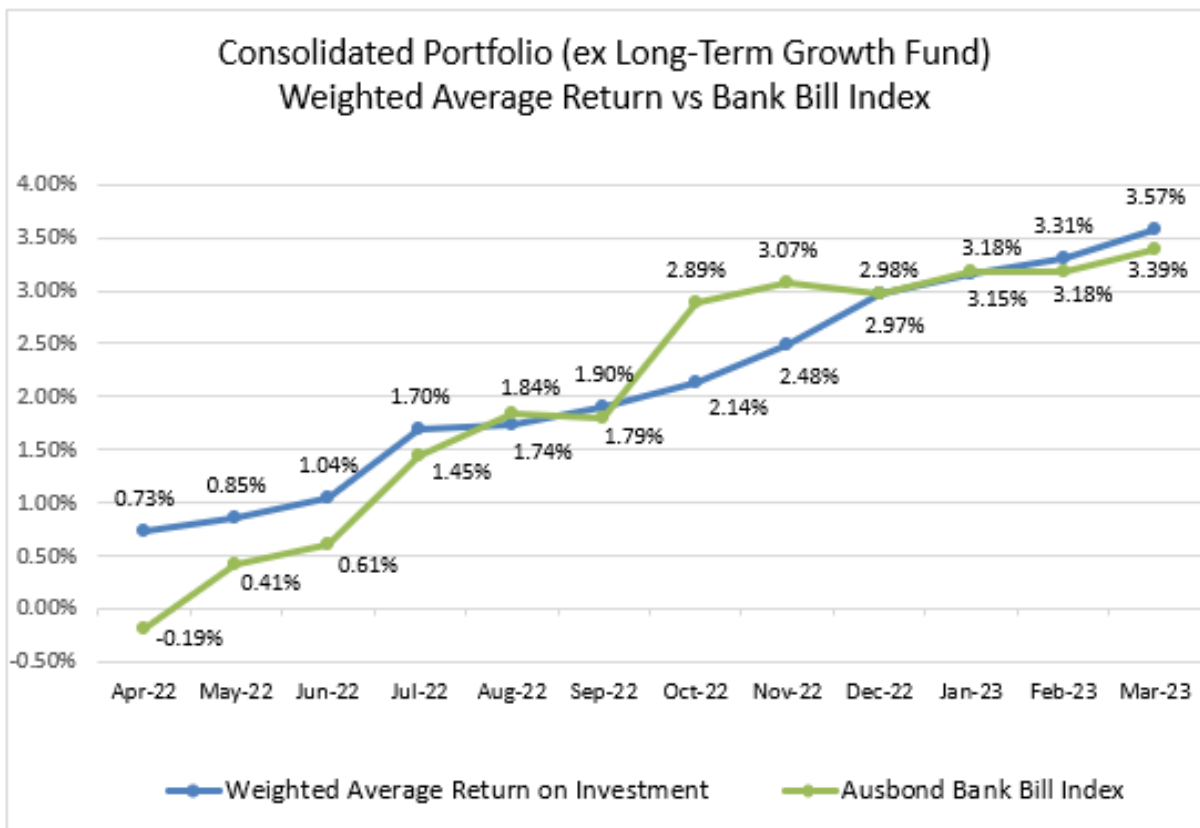
CL23.113

The overall portfolio (excluding cash) returned a positive 5.22% p.a. for the month of March 2023, outperforming the benchmark Ausbond Bank Bill Index return of +3.39% p.a.

The Reserve Bank of Australia Board has paused the interest rate to take time to assess the impact of 10 consecutive cash rate hikes on the businesses and households. The RBA Governor has asserted that the pause will continue so long as they are able to tame unemployment and bring down the inflation rate. If surplus funds are available, Council could potentially capitalise on higher rates 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.

**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.



CL23.113

**Long-Term Growth Fund**

Council’s investment in the Long-Term Growth Fund outperformed and returned a positive \$281,993 or +18.24% (annualised) for the month of March 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 – March 2023**

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

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	160,412	278,408	117,996
Water	98,181	165,572	67,391
Sewer	56,904	71,301	14,397
<b>Total excluding Long-Term Growth Fund</b>	<b>315,497</b>	<b>515,281</b>	<b>199,784</b>

The interest earned for the month of March, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$515,281 compared to the monthly revised budget of \$315,497.

**Investment Interest Earned - Year to Date**

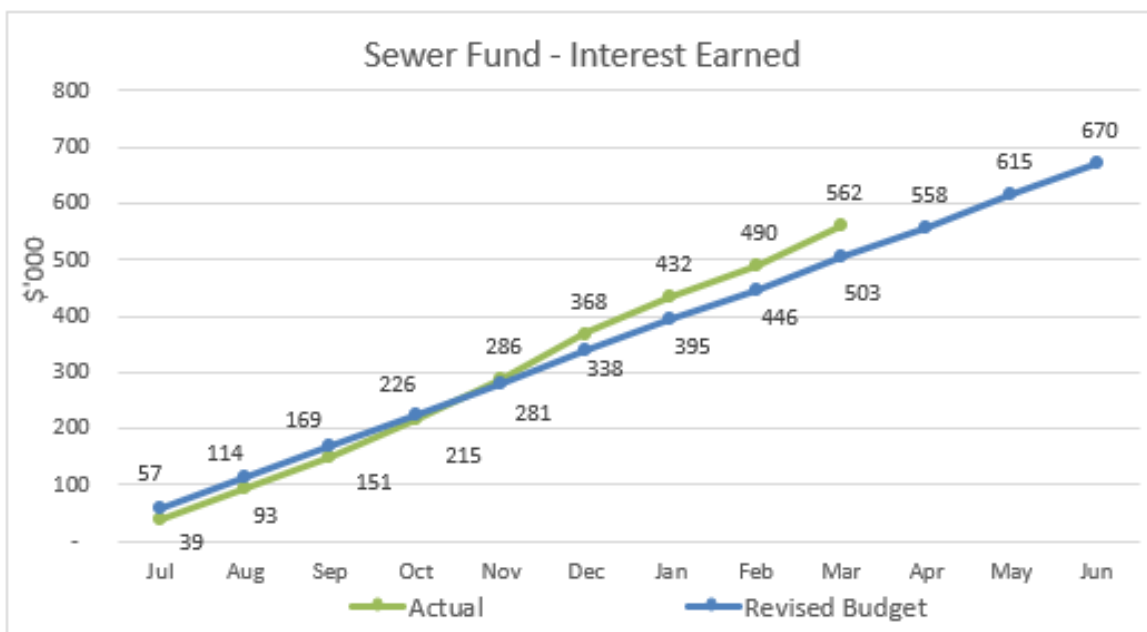
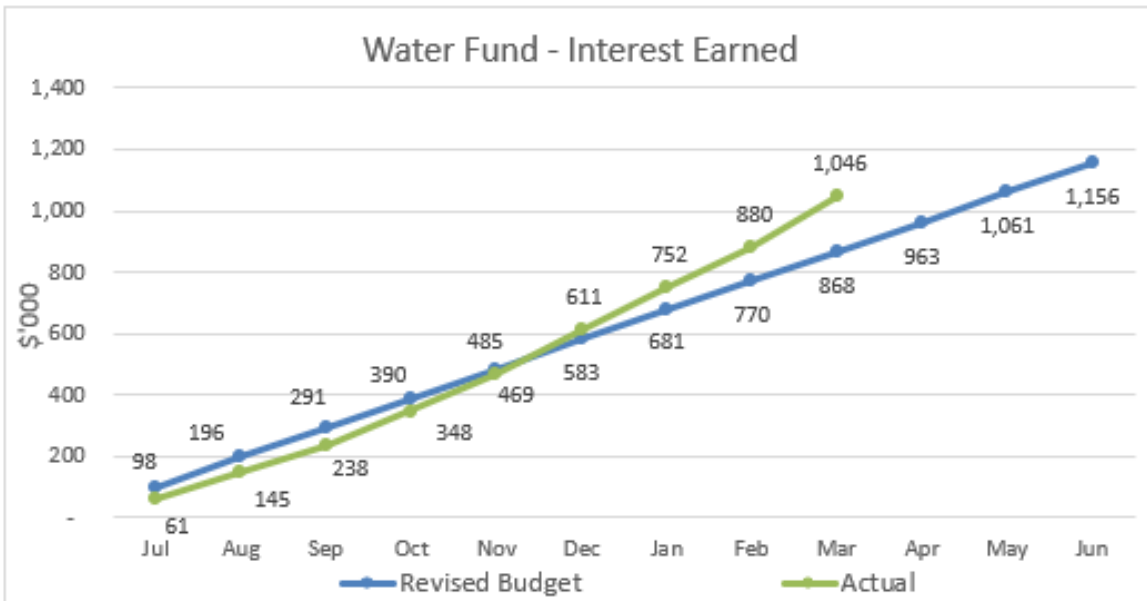
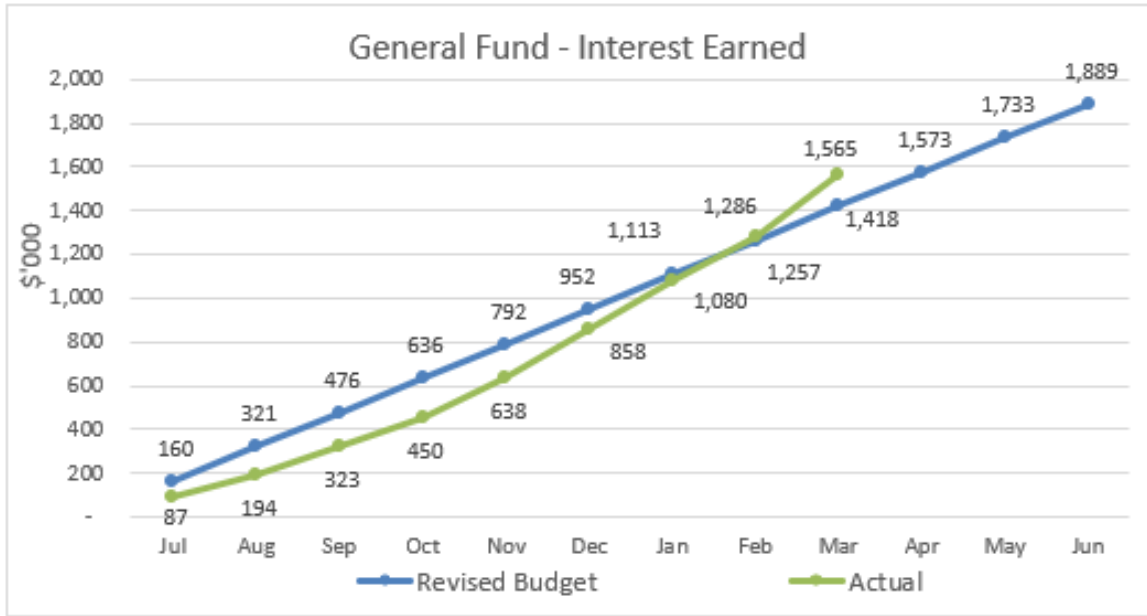
The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,888,724	1,564,515	82.83%
Water	1,156,000	1,045,665	90.46%
Sewer	670,000	561,738	83.84%
<b>Total excluding Long-Term Growth Fund</b>	<b>3,714,724</b>	<b>3,171,918</b>	<b>85.39%</b>

The cumulative interest earned for the year (July to March), excluding the change in fair value of TCorp Long-Term Growth Fund was \$3,171,918 which is 85.39% of the current full year revised budget.

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

CL23.113



CL23.113



**Cash and Restricted Assets**

Record Of Investments		
Cash and Investment Balances		
	\$ March 2023	\$ February 2023
<b>Cash and Investments Held</b>		
Cash at Bank - Transactional Account	5,140,891	10,842,949
Cash on Hand	21,708	21,708
Other Cash and Investments	170,520,996	182,719,842
	<b>175,683,595</b>	<b>193,584,500</b>
Fair Value Adjustment	(99,932)	(45,442)
Bank Reconciliation	106,951	694,429
	7,019	648,987
<b>Book Value of Cash and Investments</b>	<b>175,690,614</b>	<b>194,233,487</b>
<b>Less Cash &amp; Investments Held in Relation to Restricted Assets</b>		
Employee Leave Entitlements	5,880,448	5,880,448
Critical Asset Compliance	404,610	404,610
Other Internal Reserves	2,266,705	2,490,692
Section 7.11 Matching Funds	61,828	115,425
Strategic Land Development Reserve	5,347,382	5,545,424
Plant Replacement	135,329	949,206
S7.11 Recoupment	521,054	497,187
Water Communication Towers	4,821,606	5,261,101
Commitment To Capital Works	1,139,782	1,231,954
Property Reserve	629,285	660,800
<b>Total Internally Restricted</b>	<b>21,208,029</b>	<b>23,036,847</b>
Loans - General Fund	29,579,306	33,091,244
Self-Insurance Liability	3,774,722	3,987,524
Grant reserve	10,046,432	16,175,024
Section 7.11	17,291,916	17,708,382
Special Rate Variation	2,239,614	3,763,545
Storm Water Levy	447,715	456,489
Trust - Mayors Relief Fund	110,040	109,484
Trust - General Trust	4,678,110	4,698,719
Waste Disposal	13,335,214	14,780,504
Sewer Fund	18,778,500	19,116,565
Sewer Plant Fund	5,125,110	5,021,552
Section 64 Water	19,569,866	19,986,271
Water Fund	24,389,858	26,039,516
Water Plant Fund	4,339,337	4,766,123
<b>Total Externally Restricted</b>	<b>153,705,740</b>	<b>169,700,942</b>
<b>Total Restricted</b>	<b>174,913,769</b>	<b>192,737,789</b>
<b>Unrestricted Cash Balance - General Fund</b>	<b>776,845</b>	<b>1,495,698</b>

CL23.113

### Restricted Asset Movements

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

Total Cash	(18,542,874)	March is not a rate instalment month. Expenditure on various capital projects
Plant Replacement	(813,877)	Fleet Vehicle & Plant Purchases
Loans - General Fund	(3,511,938)	Material Recovery Facility (1.3), Park Road Netball Court (0.8), Artie Smith (0.7) & various other projects
Grant Reserve	(6,128,592)	Special Local Roads Improvement (2.4), Far North Collector Road D & C (1.0), Reconstruct Wheelbarrow Rd (0.81), Stage 2 Road Reserve Clearing (0.63), Bushfire Green Waste Clean-up (0.25), SSF Milton Showground (0.25) & various other projects
Special Rate Variation	(1,523,931)	Various projects including South LRRP
Waste Disposal	(1,445,289)	Tipping Fee Receipts & Domestic Waste Recycling Contracts for Red & Yellow Bins
Water Fund	(1,649,657)	Various Capital Projects

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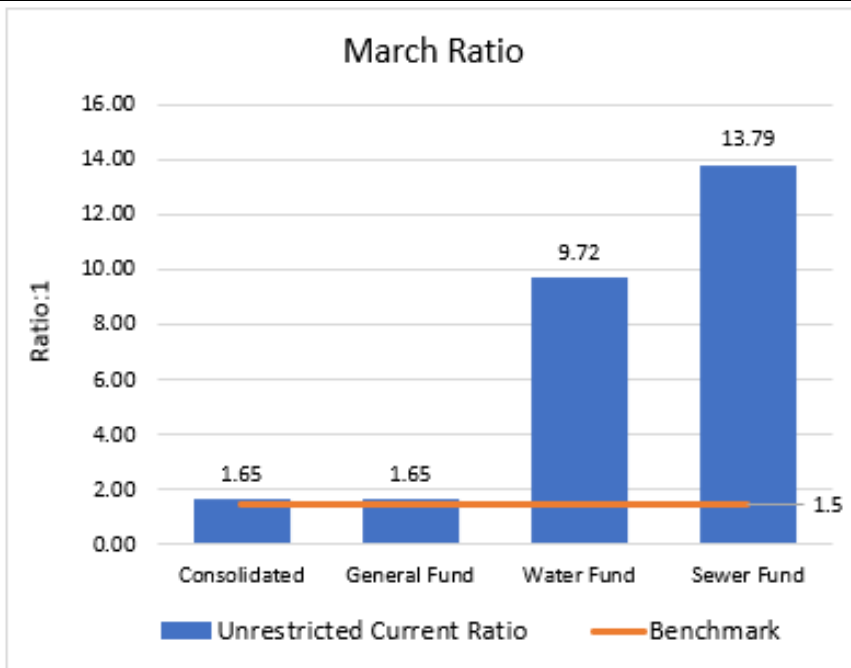
### Liquidity Indicators

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 above the benchmark.

All liquidity ratios are now above their respective benchmarks.

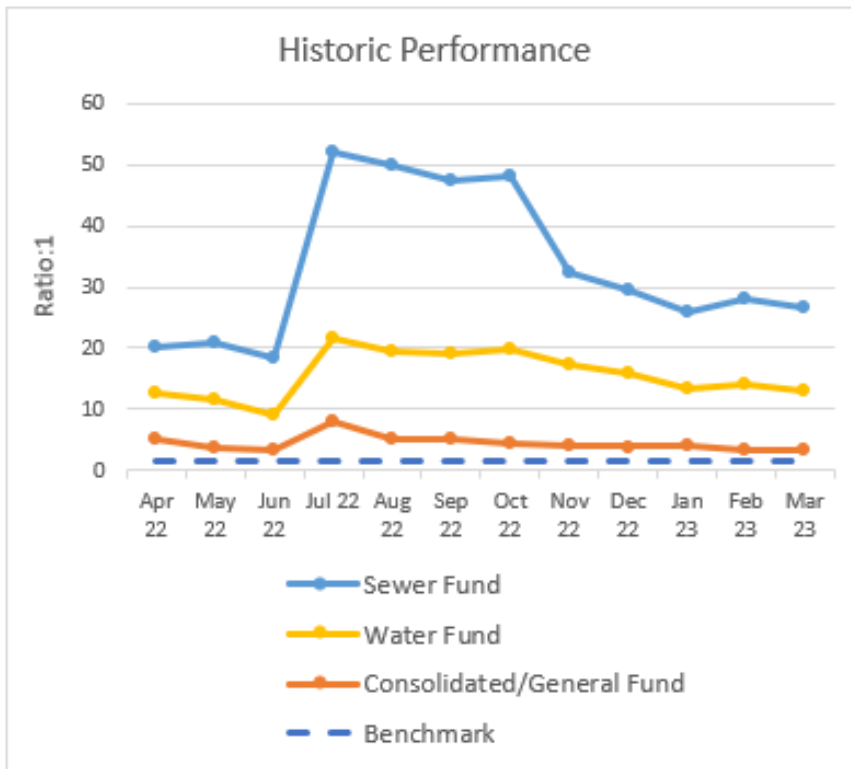
Unrestricted Current Ratio



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)

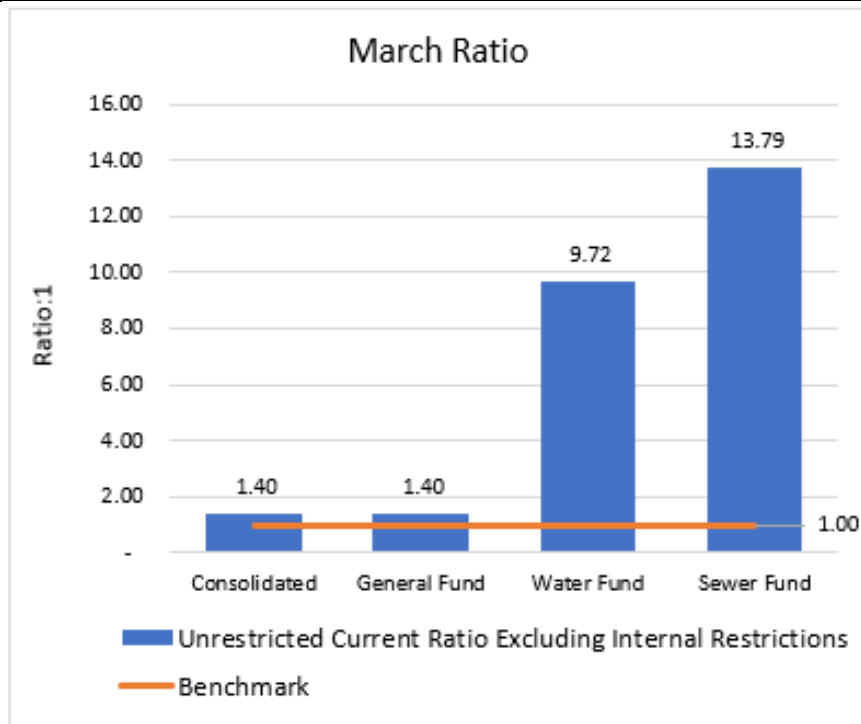
The ratio remains above the benchmark for all funds.



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

CL23.113

**Unrestricted Current Ratio Excluding Internal Reserves**



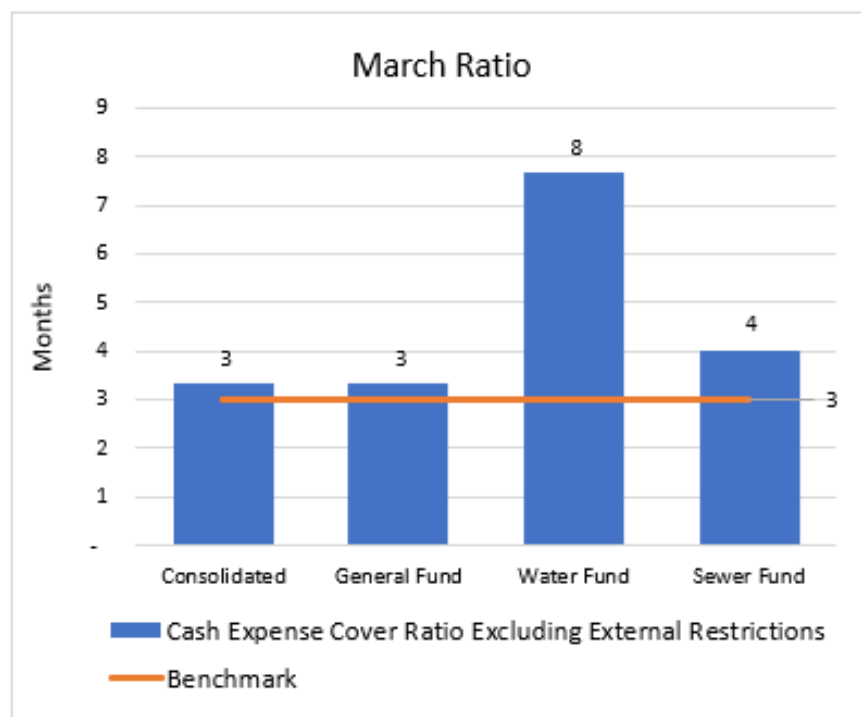
**Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

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

The ratio remains above the benchmark for all funds.

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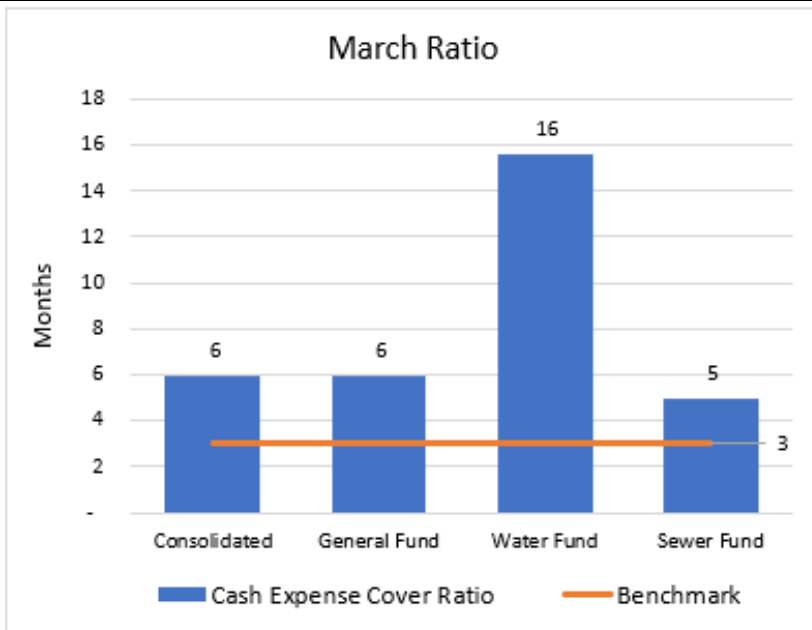
**Cash Expense Cover Ratio Excluding External Restrictions**



**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 March for all funds.

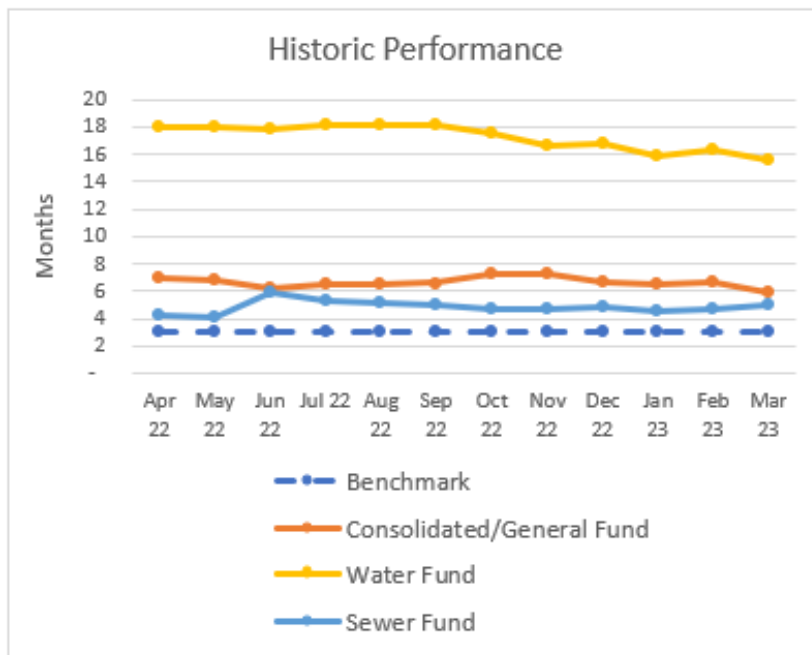
Cash Expense Cover Ratio



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

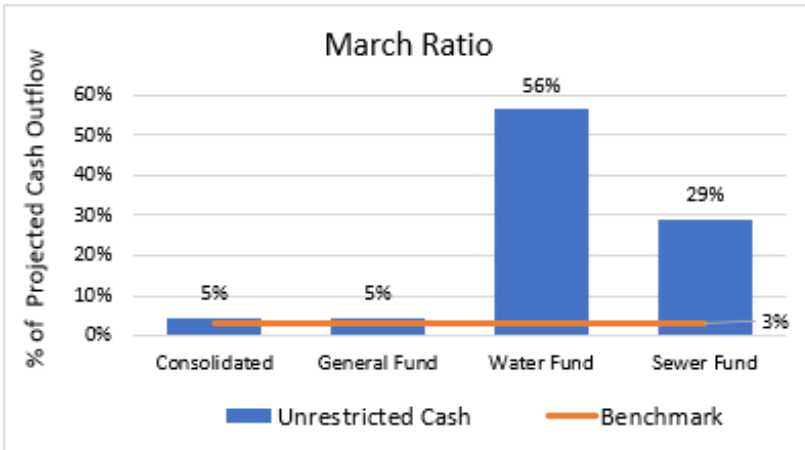
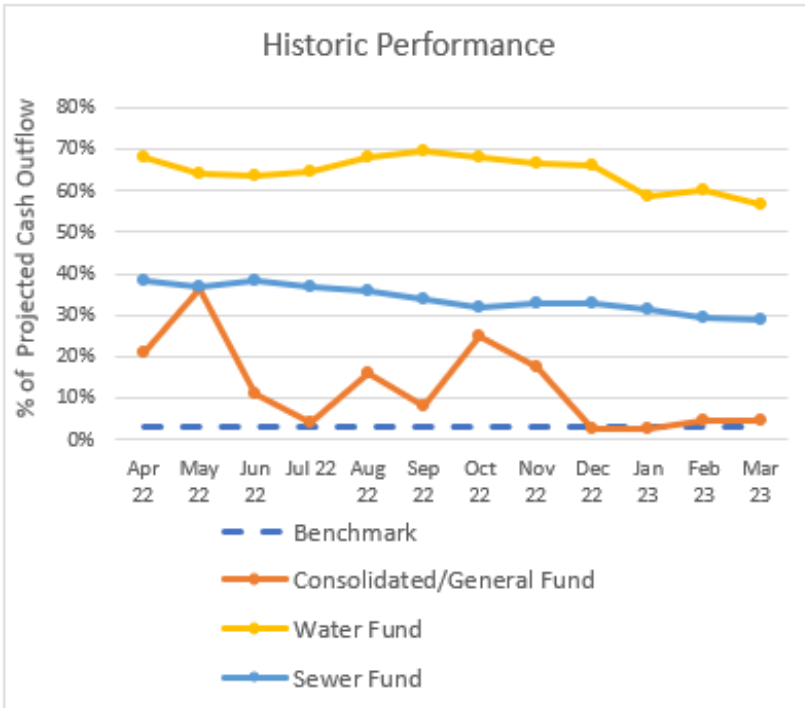
The ratio remains above the benchmark of 3 months as at the end of March 2023 for all funds.



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

CL23.113

**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 March for all funds.

The General fund unrestricted cash continues to improve and is 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 March 2023 Unrestricted Cash Ratio and, the second graph displays the previous rolling 12-months Unrestricted Cash Ratio by fund.

CL23.113

**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.

Debra Webb

Date: 17 April 2023

## CL23.114 General Revaluation of Land as at Base Date 1 July 2022

**HPERM Ref:** D23/148356

**Department:** Finance

**Approver:** Stephen Dunshea, Chief Executive Officer

**Attachments:** 1. Valuation NSW - Report - NSW Land Values - 1 July 2022 (under separate cover) [⇒](#)  
2. Walsh and Monaghan - Final Report 2022 (under separate cover) [⇒](#)

### Reason for Report

To provide the Council with an overview of the General Revaluation of Land within the Shoalhaven Local Government Area received from Valuation NSW.

### Recommendation

That Council:

1. Receive and note the report on the General Revaluation of Land across the Shoalhaven Local Government Area as at 1 July 2022 (base date) that will be used to set Council's rating structure for 2023/24.
2. Note that the revaluations will not impact on Council's total rates income for 2023/24 but will result in changes in the rates levied on individual properties depending on their respective increase or decrease in land value.

### Options

1. Note the movement in land valuation.

Implications: N/A

### Background

The Valuer General issues new land values to councils to use in setting rates at least every three years. Council recently received the land valuations to be used for levying rates for the 2023/24 rating year. The land valuation aims to reflect the market value of the land only, as if sold on 1 July 2022 (the base date).

It is important to note that the increase in land values as outlined in this report will not change Council's total rates income but will result in changes in the rates levied on individual properties depending on their respective increase or decrease in land value.

### Notices of Valuation

Valuation NSW have advised that the mailing of the new Notices of Valuations are scheduled to commence on 28 April 2023. Property owners have 60 days from the issue date of their notice to lodge an objection to their valuation with the Valuer General.

By way of background Valuation NSW have provided two reports:

- Valuation NSW - Report on NSW Land Values at 1 July 2022 (Attachment 1) and
- Walsh & Monaghan - Shoalhaven Final Report 2022 (Attachment 2).

**Overall Movement in Land Value**

This recent revaluation of all land in the Shoalhaven LGA was done with a base date of 1 July 2022 and saw land values across the Shoalhaven rise by an average of 105.94% compared to the last revaluation in 2019. The base date of 1 July 2022 is the same for all land valuations made in this current three-year valuation cycle.

**Shoalhaven LGA Overview**

<b>Rateable Value Percentage Increase</b>				
<b>Rating Category</b>	<b>Properties</b>	<b>1 July 2019</b>	<b>1 July 2022</b>	<b>Increase</b>
Business - Commercial/Industrial	1,814	\$1,050,726,740	\$1,801,758,690	71.48%
Business - General	151	\$2,243,810	\$4,802,100	114.02%
Business - Nowra	365	\$229,190,900	\$278,208,500	21.39%
Farmland	632	\$871,690,200	\$1,786,778,000	104.98%
Farmland - Dairy Farmers	146	\$257,771,000	\$421,435,000	63.49%
Non Rateable	3,166	\$771,611,978	\$1,321,164,090	71.22%
Residential	55,701	\$20,491,455,925	\$43,137,146,181	110.51%
Residential Non-Urban	939	\$35,515,200	\$78,182,660	120.14%
<b>Grand Total</b>	<b>62,914</b>	<b>\$23,710,205,753</b>	<b>\$48,829,475,221</b>	<b>105.94%</b>
			<b>\$25,119,269,468</b>	<b>Increase</b>

**Residential Properties**

The Residential land values across the Shoalhaven rose by an average of 110.51% compared to the last revaluation in 2019.

The effect that this rise in land values will have on the amount of rates paid by individual ratepayers, will vary depending on how much their individual land valuation increased as a percentage compared to the average percentage increase for the residential category.

Approximately 62% of the residential properties in the Shoalhaven had a below average percentage increase in their land value. This means that the rates for these properties will not increase as much as those properties that have had an above average percentage increase in their land value. Approximately 38% of the residential properties had an above average percentage increase.

While the overall increase in Residential land values was 110.51% there is a wide range of increases and decreases within this category. Please find below a summary of the percentage movements.

**Residential Properties - Summary of Land Valuations Percentage Movement**

<b>Percentage Movement</b>	<b>Number of Properties</b>	<b>Percentage</b>
< 0%	8	0.01%
0% - 25%	233	0.42%
25% - 50%	1,030	1.85%
50% - 75%	7,005	12.58%
75% - 110.50%	26,542	47.65%
= 110.51%	2	0.00%
110.52% - 125%	8,812	15.82%
125% - 150%	6,526	11.72%
150% - 175%	3,465	6.22%
175% - 200%	878	1.58%
> 200%	1,200	2.15%
	<b>55,701</b>	<b>100.00%</b>

CL23.114



As shown above approximately 62% (34,820) of the 55,701 residential properties have had an increase/decrease of less than the average increase percentage while approximately 38% had increased by more than the average.

Within the Residential category there are different land value increases between Council's three Wards.

**Land Value - Residential**

<b><u>Percentage Increase by Ward</u></b>			
<b>Ward</b>	<b>1 July 2019</b>	<b>1 July 2022</b>	<b>% Increase</b>
1	\$5,396,792,070	\$10,969,243,550	103.25%
2	\$7,639,907,760	\$15,939,157,100	108.63%
3	\$7,454,756,095	\$16,228,745,531	117.70%
<b>Grand Total</b>	<b>\$20,491,455,925</b>	<b>\$43,137,146,181</b>	<b>110.51%</b>

***Impact on the 2023/24 Residential Rates***

To most equitably levy residential rates across a wide range of land values in the LGA, Council has for many years had a rating structure where 50% (the maximum permitted) of the total rates income is levied using a base amount and the remaining 50% is levied based on land value (ad-valorem).

As with previous revaluations, retaining the 50% base rate structure for the 2023/24 rating year will moderate the impact of the changes in land values.

The impact of the land revaluation, when using the current year rates structure as a baseline is a decrease in rates for 28% of residential properties and an increase in rates for 72% of properties.

The results of further sensitivity analysis performed is presented below to demonstrate the cumulative impact of the land revaluation in conjunction with the 4.6% Rate Peg.

**Residential Rates – Sensitivity Analysis**

<b>Dollar Movement</b>	<b>4.6% Rate Peg</b>	
	<b>Number of Properties</b>	<b>Percentage</b>
< \$0	15,754	28.28%
\$0 to \$100	26,430	47.45%
\$100 to \$250	8,412	15.10%
\$250 to \$500	3,588	6.44%
>= \$500	1,517	2.72%
	<b>55,701</b>	<b>100.00%</b>

As shown in the table above, if rates were to increase by the 4.6% Rate Peg, approximately 47.45% (26,430) of the residential ratepayers would have a total increase per property of \$100 or less. A further 15.10% (8,412) would have a total increase per property of between \$100 to \$250 and approximately 28.28% would receive a decrease. The average increase for Residential properties is \$66.

***Business Properties***

The Business land values across the Shoalhaven rose by an average of 62.60% compared to the last revaluation in 2019.

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The effect that this rise in land values will have on the value of rates paid by individual ratepayers, will vary depending on how much their land valuation increased as a percentage compared to the average percentage increase for their business category.

The percentage increases for the Business properties are shown below.

**Business Properties - Summary of Percentage Movement**

<b>Rateable Value Percentage Increase</b>				
<b>Rating Category</b>	<b>Properties</b>	<b>1 July 2019</b>	<b>1 July 2022</b>	<b>Increase</b>
Business - Commercial/Industrial	1,814	\$1,050,726,740	\$1,801,758,690	71.48%
Business - General	151	\$2,243,810	\$4,802,100	114.02%
Business - Nowra	365	\$229,190,900	\$278,208,500	21.39%
<b>Grand Total</b>	<b>2,330</b>	<b>\$1,282,161,450</b>	<b>\$2,084,769,290</b>	<b>62.60%</b>
			<b>\$802,607,840</b>	<b>Increase</b>

As per the above table the **Business – Commercial/Industrial** and **Business – Nowra** increases are well below the overall average increase.

To mitigate some of the resultant volatility in the land value increases for some business properties, consideration is being given to creating two new business sub-categories: Business - Major Retail Centre – Nowra; and Business - Major Retail Centre – Vincentia. Creating these would allow Council to ensure that these properties will have a rate increase equal to the 4.6% rate peg. This option will be considered further in consultation with Councillors ahead of the consideration of the proposed Revenue Policy for inclusion in the Draft 2023/24 Delivery Program & Operational Plan.

***Impact on the 2023/24 Business Rates***

Further sensitivity analysis was performed below to demonstrate the cumulative impact of land revaluation in conjunction with 4.6% rates increase.

**Business Rates – Sensitivity Analysis**

<b>Rating Category</b>	<b>2022/23 Average</b>	<b>2023/24 Average</b>	<b>Average Increase</b>
Business - Commercial/Industrial	\$2,283	\$2,389	\$106
Business - General	\$58	\$61	\$3
Business - Nowra	\$4,402	\$4,608	\$206

***Farmland Properties***

The Farmland land values across the Shoalhaven rose by an average of 95.51% compared to the last revaluation in 2019.

The effect that this rise in land values will have on the value of rates paid by individual ratepayers will vary depending on how much their land valuation increased as a percentage compared to the average percentage increase for their farmland category.

The percentage increases for the Farmland properties are shown below.

CL23.114

**Farmland Properties - Summary of Percentage Movement**

<b>Rateable Value Percentage Increase</b>				
<b>Rating Category</b>	<b>Properties</b>	<b>1 July 2019</b>	<b>1 July 2022</b>	<b>Increase</b>
Farmland	632	\$871,690,200	\$1,786,778,000	104.98%
Farmland - Dairy Farmers	146	\$257,771,000	\$421,435,000	63.49%
<b>Grand Total</b>	<b>778</b>	<b>\$1,129,461,200</b>	<b>\$2,208,213,000</b>	<b>95.51%</b>
			<b>\$1,078,751,800</b>	<b>Increase</b>

***Impact on the 2023/24 Farmland Rates***

Further sensitivity analysis was performed below to demonstrate the cumulative impact of land revaluation in conjunction with 4.6% rates increase.

**Farmland Rates – Sensitivity Analysis**

<b>Rating Category</b>	<b>2022/23 Average</b>	<b>2023/24 Average</b>	<b>Average Increase</b>
Farmland	\$2,862	\$2,986	\$124
Farmland - Dairy Farmers	\$2,108	\$2,205	\$97

**Financial Implications**

The Independent Pricing and Regulatory Tribunal (IPART) sets limits to the total amount of revenue a council can raise each year.

A land revaluation does not change Council’s total rates income but results in changes in the rates levied on individual properties depending on their respective increase or decrease in land value.

While a change in land values does not impact the rates income of the Council, it is used by the Council as a way to distribute rates across the local government area.

A change in land value does not lead to a similar change in rates for individual properties because Council has a rating structure where a 50% Base Rate (the maximum permitted) of rates are levied using a base amount and the remaining 50% Ad-valorem is levied based on land value. It is considered that this structure provides the most equitable way to levy residential rates across a wide range of land values in the LGA.

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## **CL23.115 Report Back - Council Representations - Manyana Beach Estate (Lot 172 DP755923 & Lot 823 DP247285) - Possible Special Conservation Reserve**

**HPERM Ref:** D23/111656

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

**Attachments:** 1. Mayoral Minute, Sept 2022 - Manyana Special Conservation Area [↓](#)

### **Reason for Report**

Provide a report back on the outcomes of Council's representations arising from the resolution of 26 September 2022 (MIN22.661) in this regard and to determine any next steps.

### **Recommendation**

That Council write to the new NSW Premier, Deputy Premier, Treasurer and other relevant Government Ministers requesting that the NSW State Government take the necessary steps to acquire Lot 172 DP755923 and Lot 823 DP247285, known as the Manyana Beach Estate, for conservation purposes.

### **Options**

1. Receive the report for information.

Implications: Will mean that no further representations will be made in regard to the subject land and its possible acquisition by the NSW Government.

2. Make further representations to the new NSW Government take the necessary steps to acquire the subject land for conservation and create the requested Manyana Special Conservation Reserve.

Implications: At present the most recent advice from the NSW Government is that they will not look at acquiring the subject land without a financial contribution from Council.

This position has previously been considered by Council and it was resolved not to contribute to an acquisition. However noting the recent change in Government, it may be worthwhile contacting the new government and request that they acquire the subject land.

3. Reconsider whether Council is prepared to make a financial contribution to any joint acquisition of the subject land.

Implications: This would require separate consideration by Council following the provision of a report detailing the possible financial implications.

## Background

The attached Mayoral Minute (**Attachment 1**) was considered on 26 September 2022 and it was resolved that Council:

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

This report back is provided in accordance with Part 6 of the resolution. It details the outcome of Council's representations in this regard and also enables any next steps to be considered/determined.

## Overview - Representations

In early October 2022 letters were sent to those listed in Part 5 of the resolution, noting as a conclusion:

*Council respectfully requests that the NSW Government now take the necessary steps to acquire the land known as the Manyana Beach Estate for conservation and offsetting the future impacts created by Transport for NSW) and create the requested Manyana Special Conservation Reserve.*

*Council is very willing to be involved in any discussions necessary to achieve this outcome..*

The Manyana Matters group were also advised of the resolution and any responses received. Council staff have also endeavoured to keep them updated through till now.

The following is a summary of the responses that have been received, noting that since they were received there has been a changed in government in NSW.

- Office of Jamie Parker MP, then Member for Balmain – October 2022 acknowledgement email. No further response received.

- Paul Scully MP, then Shadow Minister for Planning – October 2022 response letter, noted Council's resolution and also that the then Member for South Coast had arranged for Manyana Matters to meet the then Minister for the Environment in late September 2022 to discuss the matter. Concluded with the following statement: *I look forward to Council's advice that the NSW Liberal and Nationals Government and the Member for South Coast have delivered on its commitment as noted in part 3 of the of the Council resolution.*
- James Griffin MP, then Minister for Environment and Heritage – February 2023 letter, noting that the NSW National Parks & Wildlife Services (NPWS) only acquires land from willing vendors by voluntary agreement at fair market value and understand that the land is not currently available for purchase. If it was, it is unlikely to be prioritised above other properties that are currently being considered due to its relatively small size and high market value. NPWS is however willing to accept it for protection should it be acquired from alternative sources.

The biodiversity offset value of the land has not been formally assessed, however based on a desktop analysis the estimated offset value is well below the likely market value of the land.

- NSW Department of Planning & Environment (DPE) – February 2023 letter on behalf of the then NSW Minister for Planning & Homes. Apologised for delay whilst matter was considered by several State Government Departments. DPE previously considered buy back options for the site and it was noted that this was not possible without a contribution from Council. Should Council be willing to contribute to the acquisition, DPE would be open to continuing the discussions.

Also advised that Transport for NSW (TfNSW) had purchase another site as an offset for construction works and would not consider purchasing the land. Also acknowledged that NPWS are willing to accept it for protection should it be acquired from alternative sources, noting that a desktop assessment of the biodiversity offset value of the land estimated its offset value is well below the likely market value of the land.

- Other Responses – No further responses have been received to Councils representations.

Note: the responses summarised above were received prior to the recent NSW Government Election.

## Discussion

Council has made a number of resolutions in recent years regarding the acquisition or purchase of the subject land for conservation purposes. The most recent one in September 2022 requested the NSW Government to acquire the land for addition to the National Park estate and possibly as an offset TfNSW works being considered in the broader area. Limited responses were received to the most recent representations and the responses from the then NSW Government representatives indicated:

- Not likely to be acquired by NPWS, but they would accept it if acquired from alternative sources.
- Desktop biodiversity offset value analysis indicates it estimated offset value is well below the likely market value of the land.
- TfNSW) has purchase another site as an offset for construction works and would not consider purchasing the land
- Previously considered buy back options for the site and noted this was not possible without a contribution from Council. Should Council be willing to contribute to the acquisition, DPE would be open to continuing the discussions.

As such the possibility of some form of joint acquisition (e.g. NSW Government and Council) of the subject land is identified as the only possible option arising from the feedback received. This would mean Council committing funding to a possible acquisition.

Council previous resolutions have focussed on requesting the NSW Government to fully acquire the land and do not necessarily include the possibility of Council participating in or contributing to an acquisition of the subject land: Some relevant resolutions include:

25 August 2020 (MIN20.597)

*Given the subsequent EPBC Act decision noted in the report, Council defer any further consideration regarding the land acquisition options until the outcome of that process is clearer and advise the NSW Minister for Planning & Public Spaces, Rob Stokes MP, and the NSW Department of Planning, Industry and Environment (DPIE) accordingly.*

24 November 2020 (MIN20.881C)

*That Council write to the Department of Planning Industry & Environment advising that Shoalhaven City Council has no funds to contribute to the Manyana Residential Subdivision acquisition.*

8 December 2020 (MIN20.897)

*Reaffirm the resolution of the Ordinary Meeting of Tuesday 24 November 2020: That Council write to the Department of Planning Industry & Environment advising that Shoalhaven City Council has no funds to contribute to the Manyana Residential Subdivision acquisition.*

*Request of the NSW Government, upon any compulsory acquisition, gazettal or detrimental rezoning of the Manyana subdivision, that the ratepayers of the Shoalhaven receive full compensation for any head works, associated and other infrastructure costs already incurred in respect of the land.*

27 April 2021 (MIN21.227)

*Write to the State Minister for Planning and Public Spaces, Mr Rob Stokes, to once again affirm that this Council has no objection to the State Government purchasing any private land at Manyana that it deems necessary for inclusion as part of an adjacent National Park. Further, Shoalhaven City Council affirms that when a previous State Government re-zones land for residential purposes and then a future State Government expresses an intention to de-zone same land for environmental purposes, then the incumbent State Government acknowledges its responsibility in wholly financing the acquisition, as well as compensating Council for infrastructure monies expended in all good faith as a direct result of the original re-zoning.*

26 September 2022 (MIN22.661)

Detailed above and the subject of this report back.

Given the above and the feedback received to the most recent representations in this regard, Council now needs to consider whether (and if so how) to pursue this matter further and whether it is prepared to contribute any funding to a possible joint or shared acquisition of the subject land.

Also given that there is now a new NSW Government, it may also be worthwhile confirming their position on the subject land, for example are they prepared acquire the subject land without the requirement for Council to contribute.

### **Community Engagement**

No formal community engagement has been undertaken, but there has ongoing community representation regarding the possible public acquisition of the subject land.

### **Policy Implications**

The subdivision of the subject land was declared a 'controlled action' under the Federal Environment Protection and Biodiversity Conservation (EPBC) Act in August 2020.

Given the EPBC Act decision, Council previously resolved to defer any further consideration regarding the land acquisition options until the outcome of that process is clearer.

### **Financial Implications**

This will depend on whether Council decides to ultimately contribute any funding to assist with the acquisition of the subject land and this would require consideration in the context of Councils overall budget.

The confidential report that led up to the 24 November 2020 resolution (MIN20.881C) related to contributing financially to a possible acquisition.



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

**HPERM Ref:** D22/345508

### **Recommendation**

That Council:

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

### **Details**

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

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

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

## **CL23.116 Flinders Industrial Estate Stage 10 - EOI Outcome**

**HPERM Ref:** D23/125076

**Department:** Strategic Property

**Approver:** Coralie Bell, Acting Director - City Futures

### **Reason for Report**

To provide the Council with the opportunity to consider a confidential report on the outcome of the EOI process for the Flinders Industrial Estate – Stage 10 (Norfolk Avenue, South Nowra).

Further information is provided in a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 – *Commercial information of a confidential nature that would, if disclosed would prejudice the commercial position of the person who supplied it.*

### **Recommendation**

That Council, in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, consider a separate confidential report in relation to the EOI outcome for the Flinders Industrial Estate – Stage 10 (Norfolk Ave, South Nowra).

### **Options**

1. Accept the Recommendation

Implications: Consider a separate confidential report on the matter.

2. Not accept the Recommendation

### **Background**

Council has developed the properties with the primary aim of assisting the development of an industrial activity upon the property.

Council at its Ordinary Meeting of 28 February 2017 resolved (MIN17.123) to sell the properties for the minimum valuations and authorised the General Manager to negotiate sales and sign Contracts for Sale of industrial land at South Nowra, Huskisson and Yerrilyong and that the Transfers to complete Contracts for Sale in accordance with this resolution be executed under the Seal of Council.

Based on the above resolution Council advertised via an Expression of Interest (EOI) in all local newspapers including the Illawarra Mercury for the eight allotments within the Flinders Industrial Estate – Stage 10 (Norfolk Avenue, South Nowra), (proposed subdivision plan below).



**EOI Process**

The EOI submission period closed 21 February 2023 at 4:00pm with eighteen EOI submissions being received, as summarised in **Table 1** below.

**Table 1 - Expression of Interest Received for the Flinders Industrial Estate - Stage 10**

	<b>Proponent</b>
1	Market Kafe
2	RTH Industries T/A Adda Flagpoles
3	Jas Wearne Building Services Pty Ltd
4	Nowra Scaffolding
5	Mac Realtors Pty Ltd (Sanokil)
6	Minelle Pty Ltd
7	EMS Electrics
8	IEC Solutions Pty Ltd
9	Rapid Aluminium Investments ATF Rapid Aluminium Unit Trust
10	DT Madge Pty Ltd
11	Torch Holdings Pty Ltd
12	David Kolenberg / Powercountry Pty Ltd
13	JRL 1 Pty Ltd
14	YoungCo Constructions Pty Ltd
15	Hisway Properties Pty Ltd
16	Avesta Group Trust
17	First Choice Freight Services Pty Ltd
18	Douglas Transport Pty Ltd

Details relating to the evaluation of the EOI submissions are contained in the confidential report.

**Financial Implications**

The proactive development of industrial land provides many financial benefits to the Shoalhaven community and economy through direct business and employment growth opportunities. While Council derives revenue through rental and sales of land, financial gain is not the main objective, as keeping these employment lands relatively affordable and development costs are offset by land sales.

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## CL23.117 Excellence in Innovation Award

**HPERM Ref:** D23/97647

**Department:** Commercial Services  
**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Waste 2023 Awards Nomination - Outstanding Council Project - Shoalhaven Glass Recycling Facility [↓](#)

### Reason for Report

Waste Services is in the shortlist of three to win the “Excellence in Innovation Award” to be announced at the Coffs Harbour Waste Conference in May 2023. The prize is an all-expenses paid registration to the WasteMINZ conference in New Zealand which will take place from 22 to 26 May 2023. This report is in preparation so that if Waste Services does win the award a Council Officer can be sent to the New Zealand Conference.

### Recommendation

That Council:

1. Authorise one staff member to attend the WASTMINZ conference in New Zealand, fully funded by the prize for Excellence in Innovation at the Waste.
2. Authorise the staff member inspect the Materials Recovery Facility (MRF) in Christchurch during the visit to provide input into the equipment selection for Council’s MRF.

### Options

1. Resolve as recommended.

Implications: If the prize is awarded this will provide authority for Peter Windley to attend the Waste MINZ conference and the MRF in Christchurch

2. Resolve not to send anyone to WasteMINZ even if the prize is awarded to Council

Implications: Not recommended, as this is an opportunity to get exposure for Council internationally and to be able to inspect the Christchurch MRF

### Background

Waste Services made a submission for the *Excellence in Innovation Award* in the *Outstanding Council Project* category at the annual Coffs Harbour Waste Conference to be held in from 9 to 11 May 2023 (attached). The prize is an all-expenses paid registration to the WasteMINZ conference in New Zealand which will take place from 22 to 26 May 2023.

The conference organisers provided the following email:

*“Congratulations on being a finalist in the Outstanding Council Project category of the Excellence in Innovation Awards.*

*The prize for this award includes a conference registration to attend the 2023 WasteMINZ Conference in New Zealand, as a well as return flights and accommodation. The*

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WasteMINZ conference is held from **22-26 May 2023**. This is less than 2 weeks after the award winners are announced at Waste 2023 in Coffs Harbour.

*As you have a 1 in 3 chance of winning this award, we encourage you to make arrangements within your Council now, to avoid missing out because of this tight time frame.”*

The other 2 Councils that are finalists are Canterbury Bankstown and City of Sydney.

#### The submission

The submission is attached and provides context around the need to install a glass sand recycling plant, the customised and consultative design process, and the work done to get the plant operational. It describes the end markets and the use of the glass plant as a catalyst for many other recycling opportunities for the glass, such as green ceramic tiles in collaboration with the UNSW at the newly installed MicroFactorie.

#### The Proposal

Peter Windley, Council's Waste Operations Coordinator, was instrumental in working on the design and implementation of the plant. Peter is also currently project managing the construction of Council's own Materials Recovery Facility (MRF) at West Nowra. The equipment supplier, Australian Bale Press, has advised that they have recently completed a MRF installation in Christchurch and that they are achieving greater than 99.5% purity in their fibre line (cardboard and paper) while utilising less staff. Peter has become a well-recognised entity in the Waste industry and the attendance at the WasteMINZ conference will provide some valuable connections outside of Australia.

It is proposed that, if Council wins the award, Peter is sent to the WasteMINZ conference fully funded by the prize, and that he follows up with a day visit to Christchurch to confirm the supplier claims about the MRF performance. He will meet with the Christchurch Council representatives rather than the contractor. This will provide valuable information for tweaking the final design of Council's MRF and potentially reduce ongoing operational costs.

#### **Financial Implications**

The main trip is covered by the prize, while the inspection of the MRF in Christchurch will require a one day return airfare of no more than \$500.

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## Waste 2023 Excellence in Innovation Awards Nomination Category 1: Outstanding Council Project

### *Shoalhaven Glass Recycling Facility*

This award will recognise a Local Council from Australia who has developed and implemented an outstanding waste management project during the 2020 - 2022 calendar years.

#### **Applicant information**

**Applicant name:** Peter Windley

**Applicant position:** *Coordinator Waste Operations*

**Applicant organisation:** Shoalhaven City Council

**Applicant email address:** peter.windley@shoalhaven.nsw.gov.au

**Applicant phone number:** 0427367597

**Applicant mobile number:** 0427367597

#### **1: Provide an overview of the Council, their objectives and any reference/extract from the Council's Waste Strategy that supports this project**

The Shoalhaven is a regional Council with land area of 4,567km<sup>2</sup> and 110,000 residents. Ten recycling and waste depots and one landfill support the entire LGA.

Councils Waste Vision is "*Reduce and Reuse – A world without waste*". The objective stated in the "Waste Reduction Management Strategy 2022-2027" is to "*Reduce waste generation, maximise recovery and minimise disposal*". Central to meeting this objective is the adoption of the circular economy model.

Council identified a legacy glass cullet resource within MRF fines (floor sweepings) which is traditionally landfilled but could be recovered in a custom designed glass processing plant.

#### **2: Provide an overview of key staff involved in this project and their roles within the project**

Project and financial approvals came through the Group Director and Waste Manager and were supported by the Councillors.

Council's Waste Operations Coordinator implemented the project and developed a design in close collaboration with a MRF designer. The customised design processes both dirty glass sweepings and clean bottles/cullet to a high-quality output specification.

During installation and commissioning the Operations Supervisor, Waste Operators and Attendants were consulted around the practicalities of the layout to make the design workable. As a unique custom designed plant, a number of performance improvement tweaks were needed during commissioning.



**3: Briefly describe the project and explain what the key issues/challenges/opportunities that this project targets?**

Council was concerned that a significant amount of glass collected in the kerbside recycling system was being lost. The reject glass fines stream found in comingled MRFs, containing high amounts of contamination, was becoming a high-volume problem ending up in landfill.

Council seized the opportunity to design a system to recover this “legacy” glass. In January 2020 the slab for an in-house designed glass processing plant was laid and in May 2021 the plant was commissioned.

The high purity washed glass sand has attracted interest from multiple customers for varied uses with over 10,000 tonnes returned to the circular economy.

**4: How does this project support/benefit the community?**

The product generated through the glass plant is a high-quality clean glass sand which is in high demand for a number of applications. It is produced locally and used locally, avoiding the need for either quarrying virgin sand within the Shoalhaven or importing sand from outside of the area.

The glass sand is not contractually tied to any company and is available for anyone (individual or company) to use at a very competitive price. A number of local builders have used it as a bedding material.

**5: What are the key environmental outcomes of this project?**

This project has benefited over 8,000 tonnes of dirty glass scrap from a stockpile originally intended for landfill. The glass has been used as a sand replacement for asphaltting local roads such as the Albion Park bypass and the Nowra bridge duplication.

A closed-loop water treatment system that complements our current reticulation and clean-up system has been installed in November 2022. This will ensure our entire glass recycling process is completely sustainable.

Transport for NSW guidelines for the use of glass sand in asphalt utilised the output parameters from this plant in their testing and specifications.

**6: How has this project demonstrated new, innovative ideas or concepts?**

While glass has been crushed and used at many sites and applications across Australia, washing the glass and being able to produce sand and aggregate products to the customers specification is revolutionary. Producing such a high-quality washed glass sand has been a catalyst for myriads of alternative uses.

Examples include the UNSW SMaRT centre being able to use the glass in their innovative green ceramic tile MICROfactorie without further cleaning and the University of Western Sydney being able to mix various fractions of the glass to produce a glass concrete that is 90% glass and has a strength of 43 MPa



**7: How do you hope to improve/maintain the project into the future?**

Input streams are diverse but many, including kerbside glass, depot drop offs, CDS glass, industrial and plate glass.

Many different output streams create a financially sustainable project, including:

- Asphalt sand and aggregate replacement –State Asphalts has modified their South Nowra asphalt plant specifically for use of our products.
- Using glass superfine fraction as cement replacement developed through University of Western Sydney
- Incorporating glass sand into green ceramic tiles at the Microfactorie adjacent to the glass plant at West Nowra.

Experience shows that demand exceeds supply and there are many uses that still need to be explored.

**8: Please identify the key stakeholders involved in the project and provide a testimonial or referee to support this (if available)**

Collaborated with numerous stakeholders to explore further opportunities. These include:

- Transport NSW (TfNSW) – specifications and testing for glass in roadworks.
- UNSW Centre for Sustainable Materials Research and Technology – partnering to install a MicroFactorie™ to produce Green Ceramics using clean glass sand mixed with waste textiles from mattresses. <https://wastemanagementreview.com.au/a-recycling-revolution/#more-34854>
- State Asphalts – asphalt mix designs. <https://www.roadsonline.com.au/circularity-through-collaboration-state-asphalts-nsw/>
- Eziway Concrete – produced several trial concrete mixes that we have used on site for kerb and guttering.
- Fulton Hogan – Asphalt for construction of the Albion Park Bypass and Nowra Bridge Duplication Projects. <https://media.caapp.com.au/embed/u605ba?autoplay=1>
- Manco Engineering - Recycled Glass for Portland Cement Replacement project.

**9: Do you have any other comments or information you would like to share to support your nomination?**

The high-quality glass sand produced in the plant has attracted interest from diverse sources and has been the catalyst for many further recycling opportunities.

The facility will soon be powered by renewable energy from landfill gas electricity generation and additional solar generation system, to ensure we remain completely energy neutral and sustainable in the future.

<https://wastemanagementreview.com.au/shoalhaven-glass-recycling-plant-tackles-legacy-issue/#more-37581>

Through collaboration with UNSW SMaRT centre, Council continues to explore opportunities to use glass in green ceramics, with waste textiles including mattresses and lounges, to provide further circular economy opportunities. Refer to green ceramics video at [Green Ceramic Microfactorie V4 - YouTube](#)





**You will have the option to upload ONE photo and ONE URL to support your nomination. These must be uploaded at the time of submission, so ensure you have them readily available.**



CL23.117 - Attachment 1



## CL23.118 Murramarang Road Shared User Path

**HPERM Ref:** D22/383606

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

- Attachments:**
1. Grant Application - Bloomberg Initiative for Cycling Infrastructure Submission (under separate cover) [⇒](#)
  2. Environmental Impact Assessment - All Sections 1-3 - Murramarang Road Shared User Path - Bawley Point to Kioloa (under separate cover) [⇒](#)
  3. Final Design - Sections 1 & 2 - Murramarang Road Shared User Path - Bawley Point to Kioloa (under separate cover) [⇒](#)
  4. Preliminary Design - All Sections 1-3 - Murramarang Road Shared User Path - Bawley Point to Kioloa (under separate cover) [⇒](#)

### Reason for Report

To provide Council with an update on the Murramarang Road Shared User Path resulting from the resolution of Council (MIN22.745) at the Ordinary Meeting 10 October 2022.

### Recommendation

That Council:

1. Receive and note the update outlined in this report on the Murramarang Road Shared User Pathway.
2. Note that \$60,000 has been listed in the DRAFT 2023/24 Capital Works Budget to match the Bawley Point, Kioloa & Termeil Community Association's funds of \$60,000 to support the construction of an additional \$120,000 of Murramarang Road Shared User Path.
3. Note that a grant opportunity, for construction of Stages 2 and 3 of the project, has been applied for through the Bloomberg Initiative for Cycling Infrastructure grant program.

### Options

1. Allocate \$60,000 in the 2023/24 Capital Works Budget to match the total amount (\$60,000) of funds currently held by the Bawley Kioloa Sport & Rec and the Bawley Point, Kioloa & Termeil Community Association to assist in the construction of \$120,000 value of pathway.

Implications: This will fulfill MIN22.745 at the Ordinary Meeting on 10 October 2022 where it was resolved that Council consider matching the total amount of funds currently held by the Bawley Kioloa Sport & Rec and the Bawley Point, Kioloa & Termeil Community Association for the construction of 120 metres of the pathway.

2. Council contribute more than \$60,000 of matching funds

Implications: This will exceed the matching funds requested in MIN22.745 at the Ordinary Meeting on 10 October 2022 and will deliver more length of the path, however will impact on other pathway projects to be considered as part of the draft 23/24 budget.

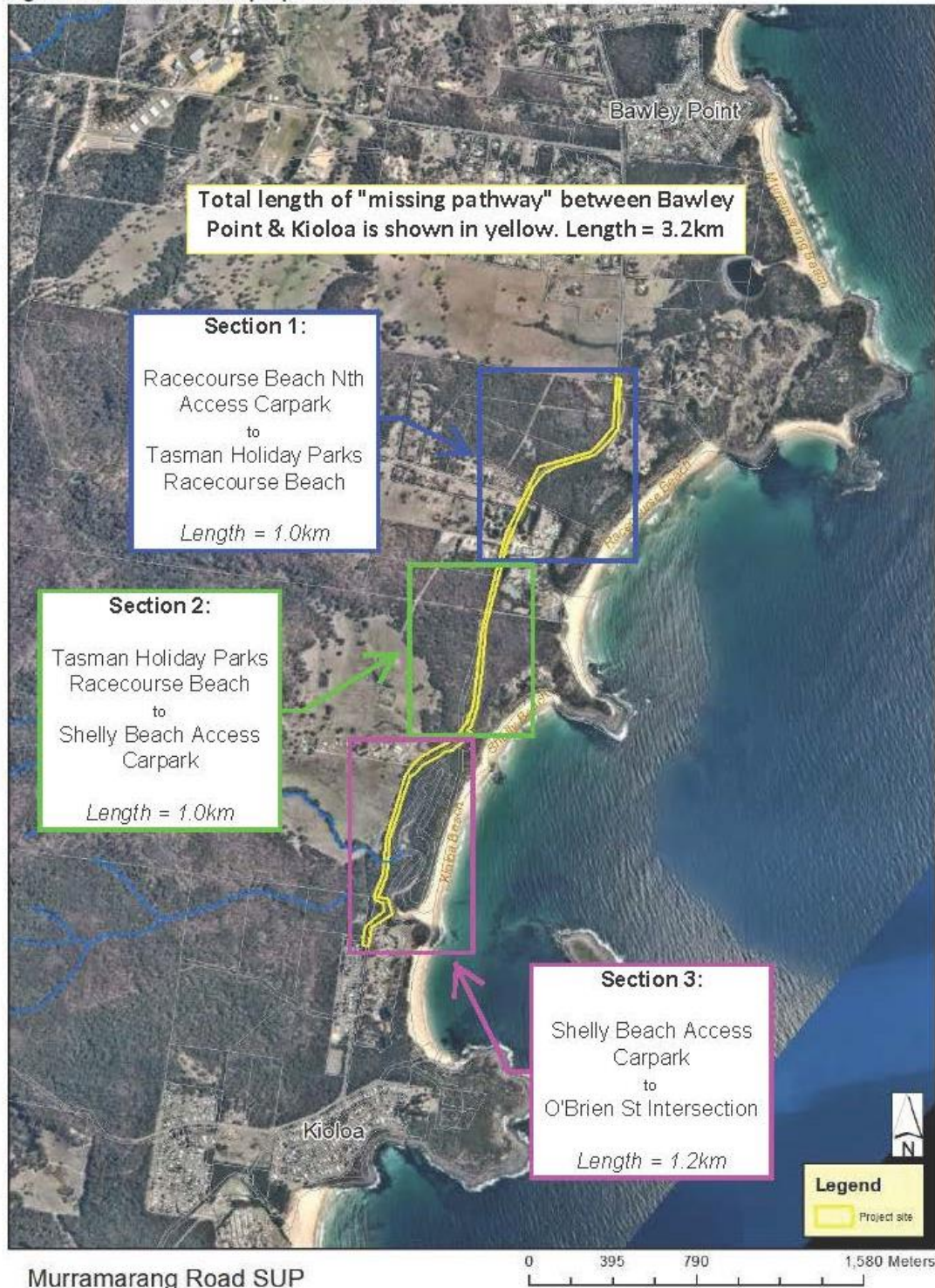
3. Council not consider a matching contribution and allocate to other priority projects

Implications: This option will not meet the community expectations of an additional \$120,000 value of pathway.

### **Background**

The Community Connect Pathway Project was established by the Bawley Point and Kioloa communities to link the two communities via a shared user path along Murramarang Road. To date the pathway has been largely constructed through volunteers of these communities. The existing shared concrete pathway runs from Tingira Drive along the eastern side of Murramarang road to the Racecourse Beach (Sandmines) carpark for nearly 3kms and also from Scerri Drive in Kioloa to Kioloa Caravan Park being close to 1km. The 'missing link' between these two sections of path is approximately 2.2 kilometres as shown in **Figure 1**. This has been split into three sections as described below.

Figure 1. Location of the proposed works



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This project will link the two communities of Bawley Point and Kioloa providing local residents and tourists with a safe walking/cycling route for exercise, access to the village shops, access to the beaches and access to the holiday and caravan parks.

1. Section 1 – Racecourse Beach Nth Access Carpark to Tasman Holiday Parks Racecourse Beach

This section involved construction of a 2.0m wide Shared User Path (SUP) extending the existing shared user path (which terminated at the Racecourse Beach access carpark) for 1.0km to the Tasman Holiday Parks Racecourse Beach.

This stage reached Practical Completion on 1 November 2022 and the new asset is now being used by the community.

The one kilometre of this stage of the pathway was funded through the Australian Government's Community Development Grants program (\$300,000) and a contribution to the project by Council of \$369,576.

2. Section 2 – Tasman Holiday Parks Racecourse Beach to Shelly Beach Access Carpark

This section will take the path from the Tasman Holiday Parks Racecourse Beach to the Shelly Beach Access Carpark.

Estimated cost of this section of pathway, based on the most recent tendered rates for the construction of the Stage 1 path is \$680,000.

Council is currently seeking grant funding opportunities for this section.

3. Section 3 - Shelly Beach Access Carpark to O'Brien St Intersection

This section will take the path from the Shelly Beach Access Carpark for approximately 1.2km to join up with the existing path at the O'Brien St intersection, Kioloa.

The preliminary design for this portion of the pathway is shown in Attachment 4 and is estimated to cost \$800,000, based on the most recent tendered rates for the construction of the Stage 1 path.

Council is currently seeking grant funding opportunities for design finalisation and construction of this section.

**Recent Grant Application**

Council is always advocating for additional funding for infrastructure and Council staff submitted two grant applications through the Bloomfield Initiative for Cycling Infrastructure for \$400,000 USD (approximately \$580,000 AUD) and \$1M USD (approximately \$1.45M AUD) on 3 February 2023 (currency conversion figures are based on the exchange rate at the time of writing this report).

A copy of the grant application is attached (Attachment 1). Notification of the outcome of the grant is expected to be in November 2023.

**Recent representation from the community**

They would like to construct approximately 100m length of path which would extend from the Kioloa end of the project.

In early February 2023, the Bawley Point, Kioloa & Termeil Community Association have advised Council staff that they have a builder that is willing to oversee the works and they have \$60,000 of funds that they can put towards the project. This is a reconfirmation of the \$60,000 available when the Mayor tabled her Minute on 10 October 2022. The intent of the community is to construct approximately 100m length of path which would extend from the Kioloa end of the project.

**Community Engagement**

Discussions have been held with the Bawley Point, Kioloa & Termeil Community Association.

**Financial Implications**

An allocation of \$60,000 from General Funds under the Pathways Program would be required in the 2023/24 Capital Works Budget to match the Bawley Point, Kioloa & Termeil

Community Association's funds of \$60,000 to support the construction of an additional \$120,000 of Murramarang Road Shared User Path.

If the Bloomberg Initiative for Cycling Infrastructure grant application for \$1.45M was successful, both Stages 2 and 3 could be completed with minimal funds required by Council.



## **CL23.119 Mollymook Beach North – Carparking & Pedestrian Access / Safety**

**HPERM Ref:** D23/29365

**Department:** Technical Services

**Approver:** Paul Keech, Director - City Services

**Attachments:**

1. Mollymook Beach North - Pedestrian & Carparking Masterplan (under separate cover) [⇒](#)
2. Results of Community Consultation - Mollymook Beach North Pedestrian & Carparking Masterplan (under separate cover) [⇒](#)

Reason for Report To provide Council with an update on the North Mollymook Parking and Pedestrian Masterplan and the results of the recently completed community consultation.

### **Recommendation**

That Council:

1. Endorse the Mollymook Beach North - Pedestrian & Carparking Masterplan (D22/276084) including the preferred options being Beach Road – Option 2, Mitchell Parade Parking and Path Improvements – Option 2 and Mitchell Parade Off Street Carpark Formalisation – Option 1.
2. Prioritise further development of the projects as follows:
  1. Beach Road – Parking and Path Improvements – Option 2
  2. Mitchell Parade – Parking and Path Improvements – Option 2
  3. Mitchell Parade – Off Street Carpark Formalisation – Option 1
  4. Carrol Avenue – Parking and Path Improvements
  5. Intersection of Tallwood Avenue and Carroll Avenue – Roundabout
  6. Pedestrian Link – Carrol Avenue to Mitchell Parade
3. Considers the projects listed in the Mollymook Beach North - Pedestrian & Carparking Masterplan in the development of the 10-year Capital Works Plan.
4. Apply for grant funding opportunities as and when these projects meet the requirements of grant funding criteria.

### **Options**

1. As recommended.

Implications: The completion of an updated Masterplan will ensure that the feedback received from the community has been taken into consideration and Council staff have clear direction for the long term traffic and carping improvements for North Mollymook Area.

2. Council could change the prioritisation of the projects.

Implications: The priorities would not reflect the feedback based on the community consultation undertaken.

3. Council could allocate further project development funding to selected projects.

Implications: Project development of the selected project could be undertaken. It should be noted that Council has a rigorous budget process that considers priorities city wide. A source of funds (or removing an already committed project) would need to be identified to fund any of these projects.

### Background

A report was previously submitted to Council's Strategy & Assets Committee on 18 May 2021 (SA21.89 – North Mollymook Beach - Car Parking & Pedestrian Access / Safety). The purpose of this report was to discuss potential options to improve pedestrian and parking issues that were observed within the North Mollymook area.

From this, the following recommendation was adopted at Council's Ordinary Meeting on 25 May 2021 (MIN21.320):

*That:*

1. *Council allocate \$40,000 (2021/2022) towards the preparation of a Masterplan (including consultation) which will enable better management of pedestrians and carparking at the North end of Mollymook beach, to improve safety and amenity for all – noting the following:*
  - a. *The plan will integrate with any strategic planning for coastal zone management/ coastal planning that may be under consideration for the Northern End of Mollymook Beach which appears to need some attention in regard to dune stabilisation alongside of Beach Rd.*
  - b. *Include an investigation on how best to manage pedestrian and carparking at Mitchell Parade in the vicinity of the beach access stairway.*
  - c. *Plan for the formalisation of the dirt carpark on the North Eastern Side of Mollymook Farm Creek and NOT pursue the opening up of the western side that would involve any vegetation clearing.*
  - d. *Pursue a conversation with the Bill Andriske Management Committee in regard to how upgraded car park facilities can be used on non-match days.*
  - e. *Include investigation on how best to manage pedestrian and carparking around the corner at the North Mollymook Tallwood Ave Shops.*
2. *The draft Masterplan be further considered at a future meeting of Council with a view to adopt and allocate funds to prepare plans to a 'shovel ready' state for future grant and internal funding considerations.*

Following the resolution, Council staff undertook the preparation of a Draft Masterplan, which captured the above deliverables as well as additional parking and pedestrian improvements. Key Council staff as well as the Bill Andriske Oval Management Committee were also consulted in the preliminary stages of the Draft Masterplan's development for their input and endorsement prior to broader community consultation.

The Draft Masterplan was finalised internally, in early September 2022, and was itemised into six colour-coded stages, some of which had additional options listed for broader community consideration. These included the following:

- *Orange Stage: Beach Road*
- *Yellow Stage: Mitchell Parade*
- *Black Stage: Intersection of Tallwood Avenue and Carroll Avenue*
- *Green Stage: Carroll Avenue*



- *Blue Stage: Pedestrian Link from Carroll Avenue to Mitchell Parade through Bill Andriske Oval*
- *Pink Stage: Off-Street Parking for Mitchell Parade*

### **Community Engagement**

The objective of the community consultation was to seek the community's preference where more than one option was available as well as establish priorities to help guide future budget allocations for the North Mollymook area.

The Draft Masterplan was placed on public exhibition via Council's Get Involved page between 25 October to 23 November 2022. Local residents and businesses were also notified by a letter drop along the key areas in the Masterplan.

Following input from the community, an extension to 7 December 2022 was provided for additional feedback. The Get Involved page aimed to obtain feedback from the community on each of the proposed stages and to determine a ranking of priority between them.

Council staff presented the Masterplan to the Inclusion and Access Advisory Committee on 21 November 2022, the Ulladulla Districts and Districts Community Forum on 5 December 2022 and the Aboriginal Advisory Committee on 6 December 2022. Furthermore, Council staff liaised with representatives from the Ulladulla Aboriginal Land Council to discuss the Masterplan and its impacts.

As a result of the consultation, Council received a total of 72 submissions. This included submissions through the Get Involved page, independent submissions to Council, and letters of support from the above community groups and forums. Council staff then reviewed the submissions, the number of votes in favour and against each proposed stage and detailed some of the key suggestions / additions to the Masterplan from the community. The results of this consultation are summarised in Attachment 2.

Priorities based on feedback from the community are:

1. Beach Road – Parking and Path Improvements – Option 2
2. Mitchell Parade – Parking and Path Improvements – Option 2
3. Mitchell Parade – Off Street Carpark Formalisation – Option 1
4. Carroll Avenue – Parking and Path Improvements
5. Intersection of Tallwood Avenue and Carroll Avenue – Roundabout
6. Pedestrian Link – Carroll Avenue to Mitchell Parade

### **Financial Implications**

The design consultant has provided cost estimates to proceed with developing detailed designs and environmental approvals for each of the proposed stages in the Masterplan. These indexed cost estimates will be used for future project bids into the 10-year capital works plan. Construction cost estimates will be developed at such a time when the detailed design of the various stages is undertaken.

## CL23.120 Currowan Creek Causeway Upgrade - NSW Department of Primary Industries (Fisheries) - Funding Agreement

**HPERM Ref:** D23/65932

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Causeway Upgrade Funding Agreement - Western Distributor Road over Currowan Creek (under separate cover)

### Reason for Report

To report on the funding by NSW Department of Primary Industries – Fisheries (DPI) for the upgrade of an existing causeway on Western Distributor Rd, crossing Currowan Creek, with a new bridge under the Marine Estate Management Strategy – Reconnecting Fish Habitat Programme.

### Recommendation

That Council

1. Accept the funding arrangement offered by NSW Department of Primary Industries - Fisheries (DPI) for the upgrade of an existing causeway on Western Distributor Road, over Currowan Creek by:
  - a. Endorsing the DPI funding agreement of \$500,000 for construction of the upgrade works.
  - b. Council contributes works-in-kind of \$50,000 to provide for:
    - i. Principal and technical project leadership;
    - ii. Environmental assessments;
    - iii. Permits & approvals from State Authorities;
    - iv. Project management work; and,
    - v. Site Surveillance work.
2. Authorise the CEO (Director City Services) to execute the funding agreement and any other associated documents on behalf of the Council in accordance with *Local Government (General) Regulation 2021 (section 165)*.
3. Note that a General Fund contribution of \$50,000 has been listed in the DRAFT 23/24 Draft budget for Councils works in kind component of the project.

### Options

1. Accept the funding arrangement between DPI and Shoalhaven City Council.

Implications: This will lessen Council's future financial burden, as Council will not need to replace this causeway with General Funds in the future.

2. Not accept the funding arrangement between DPI and Shoalhaven City Council.

Implications: This causeway has no known historical records and may have originally been a makeshift crossing which has been successively improved on multiple occasions. It currently has high usage by heavy vehicles for Forestry trucks and it is expected that the existing structures asset life will occur in the near future.

Should Council not take this opportunity to replace the causeway, it is very likely within the future (less than 10 years) Council may need to replace this structure with general funds.

## Background

DPI have identified a causeway on the Western Distributor Road as a velocity barrier for migratory fish species in Currowan Creek, a tributary of the Clyde River System.

DPI has offered to financially fund a project to replace the causeway with a bridge in order to allow fish passage within the creek under the Marine Estate Management Strategy – Reconnecting Fish Habitat Programme. DPI has sought Council assistance in undertaking this project. That is, taking principal & technical lead, managing the works, and providing works in kind contribution to the project. Those works in kind may include use of Council Staff to undertake environmental assessments; permits & approvals from State Authorities; project and contractor management; and site surveillance work. These works in kind will be provided by Council staff where staffing resources are available.

Council staff have confirmed that this causeway is owned by Council, and as such is the main beneficiary of this project. This has been confirmed in conjunction with third party stakeholders including Eurobodalla Shire Council and State Forestry Corporation.

Upgrade of this causeway to a bridge will directly improve access to ten individual properties within the Shoalhaven LGA and several more properties in Currowan who uses this causeway to access Kings Highway. Additionally, this route is a key route for the Forestry Corporation and is also one of the main routes for tourism and local hikers for accessing “The Castle” and “Cooyoyo and Monolith Valley” trails. Therefore, the funding offer by DPI is timely which will greatly benefit Council and will provide overdue improvements to the local amenity.

## Community Engagement

Staff have not commenced any consultation with the local residents. However, since the Currowan bushfire, local residents have contacted Council about the subject causeway and have requested a high level of crossing at Currowan Creek.

## Policy Implications

Our current Asset Management Plan outlines the need to plan ahead for causeway replacements on an annual basis. The majority of Bridge/Culvert/Causeway capital expenditure has been absorbed by timber bridge replacement program due to their criticality to the road network and associated risk relating to timber structures. The only causeway replacement in recent times was due to grant funding opportunities like the subject of this grant offer.

## Financial Implications

If Council endorses the acceptance of the \$500,000 grant, a General Fund contribution of \$50,000 will be required in the 23/24 Draft budget for Council’s works in kind component of the project. The works in kind components include principal and technical project leadership; environmental assessments; permits & approvals from State Authorities; project management work; and site surveillance work.

**Risk Implications**

There are risks that there could be a cost overrun above the gifted amount of \$500,000. This would require Council to either seek further funding and or bear the cost from Council General funds.

CL23.120

## CL23.121 Stormwater Pipe Materials - restricted use of Fibre Reinforced Concrete Pipes and Plastic Pipes

**HPERM Ref:** D22/359656

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

**Attachments:** 1. Fibre Reinforced Concrete Pipes - zone of influence diagram [↓](#)

### Reason for Report

This report is being presented to Council to consider restricting the use of Fibre Reinforced Concrete Pipes and Plastic Pipes within the LGA from 1 July 2023 onwards in accordance with the recommendations within this report.

### Recommendation

That Council allows the use of Fibre Reinforced Concrete Pipes (FRCP) or Plastic Pipes (PP) within the Shoalhaven LGA for the purpose of stormwater drainage from 1 July 2023 in accordance with the following:

1. Any Fibre Reinforced Concrete Pipes or Plastic Pipes must not be used for Stormwater Drainage in the zone of influence of the trafficable roads load and given the importance of compacted backfilling, be subject to a rigorous inspection and testing plan, as shown in attachment 1 (D23/144591).

### Options

1. Council adopts the recommendation above, to restrict the use of both FRCP and PP pipes from 1 July 2023.

#### Implications:

- Based on the last three years knowledge and performance of FRCP and PP recently installed, Council's future maintenance and capital renewal costs will be reduced due to limiting of both FRCP and PP pipes.

2. Council does not adopt the recommendation above and continues to permit use of both FRCP and PP pipes.

#### Implications:

Based on the last three years knowledge and performance of FRCP and PP there will be an increase in Council's future maintenance and capital renewal costs, as these pipes have demonstrated known performance issues which need to be rectified by Council.

### Background

As a result of Covid-19 the development / construction industry has suffered from supply issues of steel reinforced concrete pipes which has caused long delays in delivery. Development and subdivision works have been readily using FRCP and PP pipes within the Shoalhaven LGA over the last three years, which is allowed under Council's current Engineering Design Specification.

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This is causing significant concerns among Council's staff. Council has recorded numerous performance issues with the durability of FRCP or PP pipes. These materials have not provided Council with longevity typical of steel reinforced concrete pipes.

Council's experience with FRCP and PP show that they do not perform as well as steel reinforced concrete pipes. FRCP pipes are exhibiting defects early in their asset life, longevity of typical concrete pipes is 80 years, however these defects are observed within less than 10 years into asset life. Moreover, due to more fragile nature of the pipe material, defects during construction and installation of FRC pipes are also numerous.

Images below shows the sample of unsuitable nature of FRCP and PP.



Pictures examples of defects in FRCP pipes; Durability and longevity of pipes are not meeting expectation of Council.

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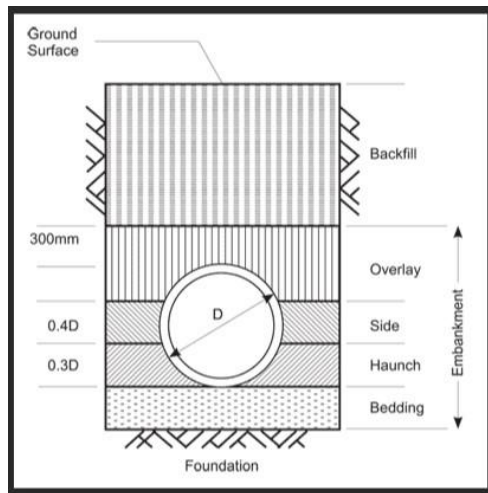


**Policy Implications**

Currently Council permits the use of FRCP in accordance with Council’s Engineering Design Specification. City Services in conjunction with Development Services is in the process of revising the specification, however this is not expected to be finalised until 2024.

The revised specification will limit specific uses of FRCP and PP within the LGA. Adopting the recommendation within this report will restrict the use of FRCP and PP as follows until Council’s Engineering Design Standard is formally reviewed in 2024.

	<b>Compaction Testing</b>	<b>Council Inspection Required</b>	<b>CCTV Footage Required</b>
Bedding Zone FSL	95% STD	No	No
Haunch Zone FSL	Not applicable	Yes	No
Overlay Zone FSL	95% STD	Yes	No
Finished Surface	As per surface requirements	Yes	Yes



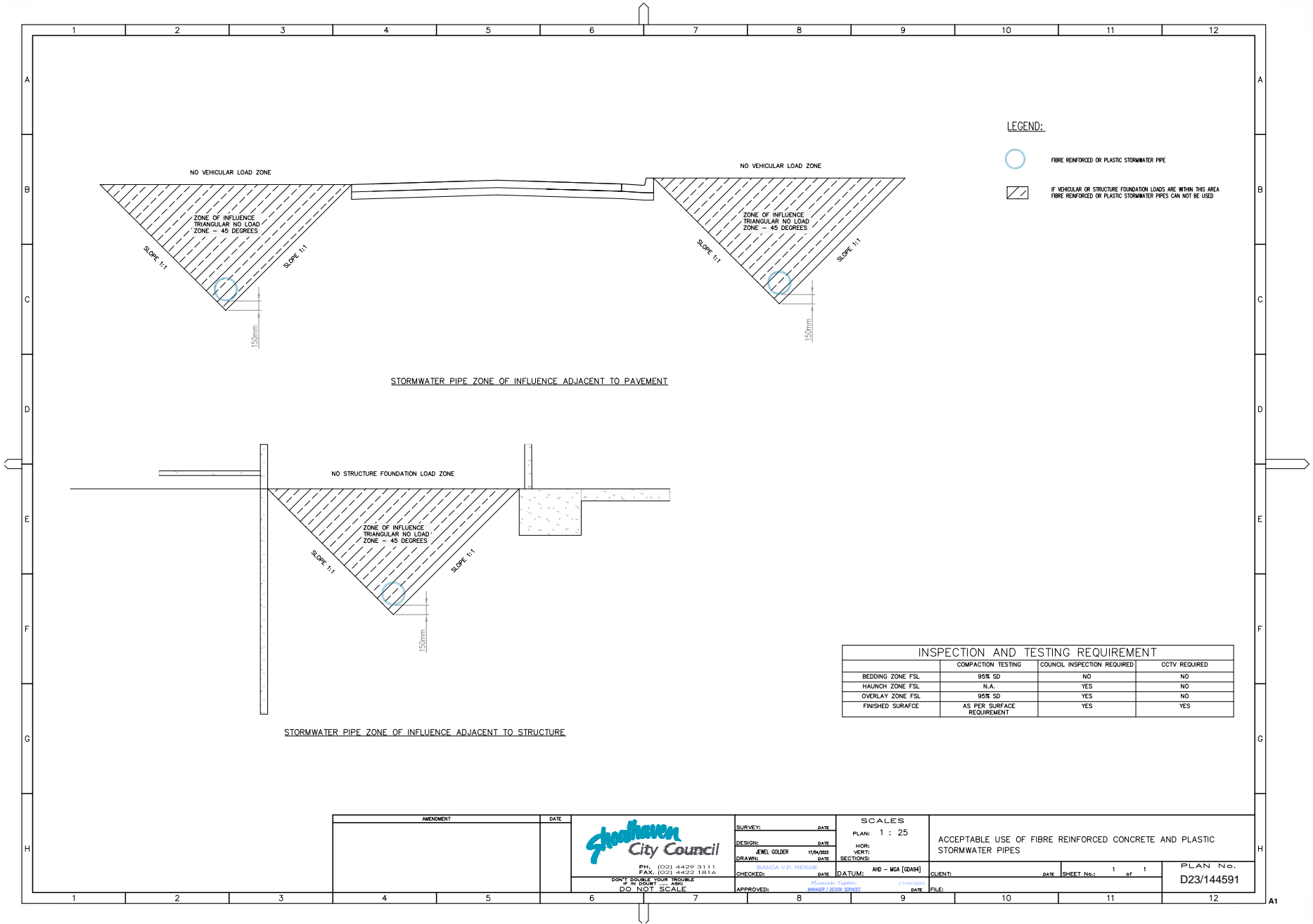
It should be noted that Council currently does not permit the use of plastic pipe (PP or HDPE) with a few exceptions. These exceptions are provided where concrete pipe is not suitable, nor feasible and not practical to use.

The recommendation in this report reverses this stance implemented by Council’s current Engineering Design Specification.

**Financial Implications**

No significant financial implication to Council is anticipated.

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CL23.121 - Attachment 1



## **CL23.122 Shoalhaven Heads Viewing Platform - Proposed Scope and Budget Adjustment**

**HPERM Ref:** D23/87127

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### **Reason for Report**

To inform Council of changes to the Scope and Budget for the Shoalhaven Heads Viewing platform adjacent to the Shoalhaven Heads Surf Life Saving Club and seek Council's acceptance of these changes.

### **Recommendation**

That Council accept a change in scope and construction budget for the Shoalhaven Heads Viewing Platform project adjacent to the Shoalhaven Heads Surf Life Saving Club by adjusting:

1. the scope of the works from the 'design and construction of a new consolidated viewing platform' to 'refurbishment of the existing viewing platforms and surrounding amenities'.
2. the construction budget from a co-contribution of both the Lions Club of Shoalhaven Heads and Council to a sole contribution of \$137,000 by the Lions Club of Shoalhaven Heads.

### **Options**

1. Refurbishment of the existing viewing platforms and surrounding amenities.

Implications: Increased amenity from refurbished viewing platforms and amenities. Removal of \$125,000 cost contribution by Council enabling re-allocation of funds.

2. Abandon the project due to cost.

Implications: Lost opportunity for utilisation of Lions Club of Shoalhaven Heads grant funding, increasing maintenance requirements from operational budgets as viewing platform ages and loss of community confidence.

3. Seek additional funding to build the consolidated viewing platform to the required standards.

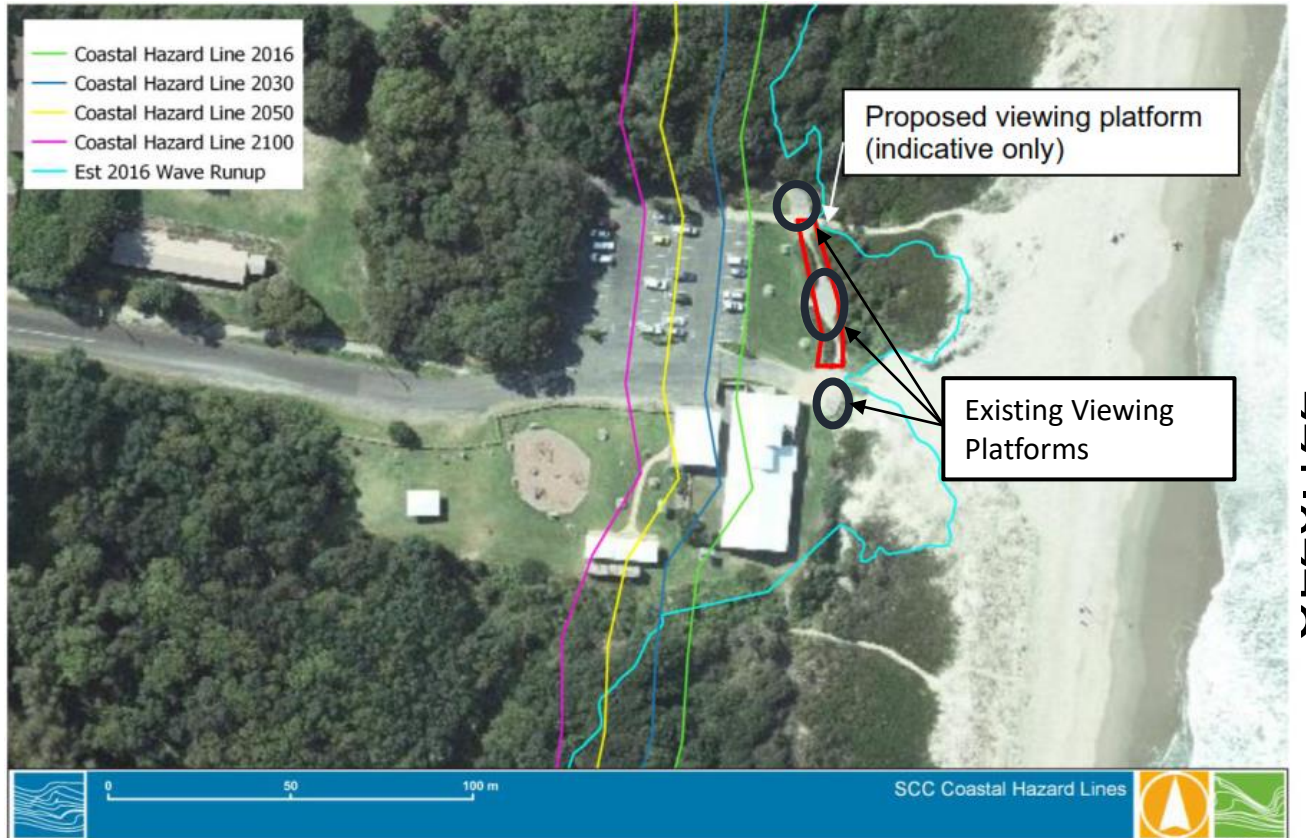
Implications: Over capitalisation with an estimated \$213,744 additional funds required above the current project budget and increased amenity of new structure when compared to existing structure.

### **Background**

A grant of \$137,000 was received by the Lions Club of Shoalhaven Heads Incorporated through the NSW Governments Infrastructure Grants Program for the construction of a coastal viewing platform at Shoalhaven Heads as advised by letter dated 11 December 2020.

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Council commissioned a report from Water Technology Pty Ltd, delivered in September 2021, as a preliminary high-level review of the proposed design and coastal engineering impacts. This report indicated that the proposed viewing platform's location would be exposed to increased coastal erosion due to future sea level rises as Shown in Figure 1 below.



**Figure 1 – Overview of Project area including Coastal Hazard Lines**

A Design and Construct tender was published for the works in September 2021, and the lowest tender received was \$229,680 (ex GST). Due to the tender price exceeding the project budget, the works were delayed until further funds could be secured.

Council subsequently allocated \$125,000 in the 2022/23 budget to meet the funding shortfall and complete the project. Council approved these funds in June 2022. The contribution from Council increased the project budget to \$262,000.

As the initial Design and Construct tender had lapsed before approval of Council's Contribution, the works were retendered with procurement separated into two phases (i) Design and Supply Contract for the materials for the viewing platform, and (ii) Construct only Contract for the build of the platform.

On 8 November 2022, the Design and Supply Contract was awarded for \$127,580. During the detailed design process, the requirement for substantial footings was identified due to the anticipated severe scouring of the area. This resulted in a \$90,550 variation request being raised by the contractor for changes to the design and increase in supply requirements.

In addition to the extra supply costs of \$90,550, Council staff assessed an increase in the footing construction cost of \$147,664. As a result of the design changes for the footings, the project cost increased from \$262,000 to \$475,744 (an 82% increase).

Once these costs were understood, Council staff met with the Lions Club of Shoalhaven Heads Incorporated representatives to discuss potential alternative uses of the grant funding, as the proposed project scope for works was now considered cost prohibitive. At this

meeting, it was agreed that the grant funds would be more effectively used to refurbish the existing structures and potential improvements to the adjacent amenities.

**Community Engagement**

The Lions Club of Shoalhaven Heads Incorporated has been a key stakeholder in developing the alternative scope of works (Option 1) and associated budget adjustments that supports the changes.

Feedback from the community is that continuing to build the consolidated platform to standards (Option 3) is not an appropriate use of funds and that they support the refurbishment of the existing structures and the potential use of excess funds to improve associate amenities.

Further to the above, the provider of the grant funds (the Office of Responsible Gambling), have provided written confirmation for the change in scope from Option 3 to Option 1.

**Financial Implications**

Current Project Budget

Lions Club of Shoalhaven Heads Incorporated	\$137,000
Shoalhaven City Council Contribution 2022/23 Cap EX	\$125,000
<b>Total</b>	<b>\$262,000</b>

Estimated Project Cost for Option 3 - build the consolidated viewing platform to standards (not recommended)

Lions Club of Shoalhaven Heads Incorporated	\$137,000
Shoalhaven City Council Contribution 2022/23 Cap EX	\$125,000
Estimated increase in funds*	\$213,744
<b>Total</b>	<b>\$475,744</b>

\*Additional funds are required to cover design implications because the structure is located within the Coastal Hazard Zone. This includes a \$90,550 increase in design and supply costs and an estimated \$147,664 for piling works not considered in the concept design phase.

Proposed Adjusted Budget for Option 1 - Refurbishment of the existing viewing platforms and surrounding amenities (**Recommended Option**)

Lions Club of Shoalhaven Heads Inc	\$137,000
<b>Total</b>	<b>\$137,000</b>

The recommended adjusted budget (Option 1) solely relies on grant funds, with the final scope of works being defined as works that can be completed with the grant funding budget with the priority of works set as follows:

1. Council recovery of expenses to date
2. Refurbishment of existing viewing platforms, and
3. Refurbishment/ adjustment of surrounding amenities, including a new beach shower facility and replacement of worn seating

This will release \$125,000 from the 2022/23 Capital budget enabling re-allocation of funds.

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**Risk Implications**

The proposed refurbished viewing platforms and associated amenities are located within the Coastal Hazard Zone, meaning that it is expected that during storm events, the structures could be damaged.

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## **CL23.123 Upgrade Options - Martinvale Lane Causeway – Jaspers Brush**

**HPERM Ref:** D23/134997

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

- Attachments:**
1. Plan for Option 1 (under separate cover) [↗](#)
  2. Plan for Option 2 (under separate cover) [↗](#)
  3. Plan for Option 3 (under separate cover) [↗](#)
  4. Net Present Value Assessment of Options [↓](#)

### **Reason for Report**

To provide Council with the outcomes of the detailed assessment and preferred option for upgrading the causeway on Martinvale Lane, Jaspers Brush, in response to MIN21.506 resolved at the Strategy and Assets Committee Meeting on 20 July 2021.

### **Recommendation**

That Council:

1. Note the detailed options presented for consideration and the community consultation undertaken since 2021 for the Martinvale Lane causeway upgrade.
2. Endorse Option 3 – Do Nothing (Preferred Option) for the upgrade of the Martinvale Lane causeway, noting a \$575,000 upgrade is currently being implemented as part of the Natural Disaster Rehabilitation works.

### **Options**

1. Replace the existing causeway with a creek-level crossing (Attachment 1)

Implications:

- Reduces flood immunity,
- Reduces major maintenance requirements
- Increased minor maintenance due to ongoing flood debris removal after minor rail fall events.
- Moderate capital cost \$285,000 in addition to the \$575,000 Natural Disaster Funded works

2. Increase the height of the existing causeway using box culverts (Attachment 2)

Implications:

- High capital costs (\$2,230,000) in addition to the \$575,000 Natural Disaster Funded works,
- Increases flood immunity in line with the roads approaching the causeway.
- Reduces maintenance, loss of access and causeway damage from rain events.

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3. Do Nothing

Implications:

- No immediate capital expenditure after the \$575,000 Natural Disaster Funded works
- No improvement in flood immunity,
- Reduced maintenance, loss of access and damage following rain events. Note: this is due to the implementation of an Interim Solutions scheduled to commence construction in April 2023 (see Attachment 3)
- replacement of existing causeway structure expected in the short term (Potentially within 1–2 years)

**Background**

As a result of a report presented to Council at the Strategy and Assets Committee meeting on 20 July 2020, it was resolved *that*:

1. *Council approves to undertake detailed assessment and design, at a cost of \$85,000 to upgrade the causeway on Martinvale Lane in Jaspers Brush.*
2. *The investigation and design costs of \$85,000 be funded from savings in the 2021/22 bridge / major culvert program.*
3. *That Council receive a future report on the outcomes of the detailed assessment and the preferred option. The report will be detailed enough for Council to:*
  - a. *Agree on the preferred option for the elevation of the causeway.*
  - b. *Obtain Fisheries approval and undertake necessary channel realignment and embankment protection works.*
  - c. *Seek funding from State Government for construction.*

Martinvale Lane is a rural road situated in Jaspers Brush that services the following properties:

- Lot 5 DP 738163
- Lot 104 DP 873863
- Lot 104 DP 814663 (other roads also service this property)

This road has a causeway approximately 160 metres from the Strongs Road intersection. Extreme and ongoing rain events beginning in 2020 have resulted in the realignment of the associated creek. This has caused pronounced and continued erosion of the southern embankment on the western (upstream) side of the crossing, leading to wash-out of the southern causeway approach of Martinvale Lane, resulting in loss of access and high maintenance costs.

Since 2020, the temporarily repaired approach to Martinvale Lane has been damaged, resulting in no vehicular or pedestrian access to properties approximately eight times (up to a week to carry out work to restore access once the creek flow subsides). The estimated average cost of temporary emergency repairs is \$10,000 to \$15,000 per event. To date, these emergency works have been funded under the Natural Disaster Fund and or Maintenance Budgets.

In accordance with Council's MIN21.506, Council investigated the design of an upgraded crossing that would stabilise and protect the road and creek embankments and assist flows along this section of the creek.

The initial options assessment considered the construction of a single-span bridge at the same level as the approaching roads. However, this option was not progressed as the

thickness of a bridge structure would restrict water passing under the bridge and would not facilitate the passage of large boulders anticipated in high rainfall events. If a bridge were to be utilised, it would need to be raised above the approach road levels to achieve the required clearances. This would require increasing the number of spans which is considered cost prohibitive.

During the assessment of upgrade options, an interim solution was developed to reduce ongoing wash-outs and maintenance concerns until a funded final solution could be implemented. The interim solution design has been completed, and funding has been secured from the Natural Disaster Relief Fund and Local Government Recovery Grants. These works are scheduled to commence in April 2023 and include the following:

- Realigning the creek to its original alignment causing water to pass over the exiting causeway;
- Stabilisation of the creek embankments to prevent the creek from realigning itself and scouring out adjacent areas;
- Extending the existing causeway to prevent wash-out of the southern approach; and
- Shaping and sealing a section of the southern approach road to alleviate water flowing along Martinvale Lane to prevent the road from washing out.

All options presented in this report assume the interim solution has been completed. The cost of the interim solution is \$575,000, which is funded entirely by Natural Disaster Funding.

### Consideration

The design process produced three outcomes as follows:

**Option 1** - Replace the existing causeway with a creek-level crossing (see Attachment 1). Estimated Capital Cost is \$285,000

*This option involves:*

- Removal of the existing causeway (excluding works carried out for the Interim Solution)
- A sheet pile cut-off wall along the upstream side of the new causeway
- Construction of a new reinforced concrete causeway at the creek bed level
- Installation of an armour rock apron on the downstream edge of the new causeway
- Installation of a minor new stormwater line
- Regrading existing drainage channels
- Regarding a section of the adjacent private resident driveway

*Advantages:*

- Defined asset life of 50 years.
- Formalised stormwater connection of the northern approach to the creek
- Reduced causeway damage in significant rain events.

*Disadvantages:*

- Reduced flood immunity due to reduced level of the Finished Surface Level of the causeway.
- Increased frequency of minor maintenance due to cleaning the causeway after rain events, with some significant cleaning required following large rain events. Significant cleans may result in loss of access due to the size of material washed onto the causeway. Annual costs are estimated at \$15,000 per year

**Option 2** - Increase the height of the existing causeway using box culverts (see Attachment 2). Estimated Capital Cost \$2,230,000

*This option involves:*

- Removal of the existing causeway (excluding works carried out for the Interim Solution)
- Installation of seven 2.1m wide by 2.1m high box culverts
- Construction of a 200mm Kerb on top of the culverts
- Realignment and sealing of the existing roadway.
- Extending the existing grassed drainage channel with a retaining wall system
- Modification and armouring of the creek bed

*Advantages:*

- Increases flood immunity in line with the roads approaching the causeway.
- Reduced Maintenance and causeway damage caused by significant rain events. Annual costs are estimated to be reduced to \$3,000 per year
- Reduced loss of access during and after rain events
- Defined asset life of 50 years

*Disadvantages:*

- High Capital expenditure with a low-cost benefit noting only three properties require the causeway for access, one of which has alternative access.

**Option 3** – Do Nothing. Estimated Capital Cost \$0

*This option involves*

- No further works beyond the Interim Solution, which is already funded and scheduled to commence in April 2023. The background and scope of these works are outlined in the Background section of this report.

*Advantages:*

- Reduced Maintenance and causeway damage caused by significant rain events. Annual costs are estimated to be reduced from \$15,000 to \$3,000
- Reduced loss of access during and after rain events
- Interim Solution works are fully funded through a combination of Natural Disaster Relief Funds and Local Government Recovery Grants
- 50 design life for Interim Solution components

*Disadvantages:*

- No improvement in flood immunity.
- Undefined asset life of existing causeway components not modified by the Interim Solution. An allowance of \$60,000 is recommended for future renewal of the existing causeway component to ensure a 50-year life of the causeway.

### **Preferred Option**

**Option 3** – Do Nothing is the preferred option because it reduces maintenance and damage to the causeway and approach roads during significant rain events and loss of access



following minor to large rain events. In addition, this option requires no immediate capital expenditure, with future capital requirements estimated to be \$60,000, which would increase the asset's life to align with the other available options.

This option is also considered in line with the limited number of properties utilising the causeway.

**Community Engagement**

A site meeting was held on 5 January 2023 with the owner of Lot 104 DP 814663 to discuss the preferred solution (**Option 3**). All residents have been emailed and provided copies of the preferred solution, and multiple ad hoc discussions have occurred with residents regarding the preferred solution. Community consultation for upgrade **Options 1 and 2** has yet to be undertaken.

**Financial Implications**

Causeway Upgrade (**Option 1 and 2**)

At the time of this report, capital funds have yet to be allocated to implement the causeway upgrade. The estimated Capital, ongoing maintenance costs and the Net Present Value (NPV) of the asset over 50 years are detailed in the below table

Option	Estimated Capital	Estimated Annual Maintenance	NPV over 50 years* (i = 6%) see Attachment D
Option 1	\$284,059	\$15,000	\$520,487
Option 2	\$2,229,018	\$3,000	\$2,276,304
Option 3	\$0	\$3,000	\$98,015

Shoalhaven City Council’s Natural Disaster Restoration Team have applied for funding for **Option 2** (Increase the height of the existing causeway using box culverts) through the State Government Betterment Fund. There is no clear guidance on when or if this application will be successful.

**Risk Implications**

Causeway Upgrade - **Option 1**

- Reduced flood immunity due to reduced Finished Surface Level of the causeway.
- Reduced Maintenance for significant events due to reduced wash-out of approaches; however, increased frequency of minor maintenance events due to cleaning of the causeway after every rain event.
- Defined asset life of 50 years.

Causeway Upgrade - **Option 2**

- High Capital expenditure
- Reduced Maintenance - Maintenance will be reduced; however, the benefits are aligned with those achieved by the Interim Solution, aka reduced wash-out of causeway approaches resulting in loss of access following significant rain events
- Defined asset life of 50 years
- Increased flood immunity
- High Capital cost

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**Preferred solution – Option 3**

- Undefined asset life - The structural life of the existing causeway is unknown; However, a site inspection has identified some signs of structural deterioration of the existing culvert. For the purpose of this assessment, the assumed life expectancy of the existing structure is 1-2 years. \$60,000 has been considered in the Net Present Value (NPV) assessment to address this issue and to ensure the solution results in a 50-year life
- Maintenance and access loss will be reduced due to the reduced wash-out of causeway approaches.
- No improvement in flood immunity.
- Fully funded through a combination of Natural Disaster Relief Fund and Local Government Recovery Grants

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**Net Present Value Assessment - Martinvale Lane Causeway**

Year	Option 1		Option 2		Option 3		Comments
	Expense	Expense NPV	Expense	Expense NPV	Expense	Expense NPV	
0	\$ 284,059.00	\$ 284,059	\$2,229,018	\$ 2,229,018	\$ 442,555	\$ -	Assumed 2023 - Capital Expenditure
1	\$ 15,000.00	\$ 14,151	\$ 3,000	\$ 2,830	\$ 3,000	\$ 2,830	Maintenance
2	\$ 15,000.00	\$ 13,350	\$ 3,000	\$ 2,670	\$ 60,000	\$ 53,400	Option 3 Replacement of exiting causeway. Maintenance for other options
3	\$ 15,000.00	\$ 12,594	\$ 3,000	\$ 2,519	\$ 3,000	\$ 2,519	Maintenance
4	\$ 15,000.00	\$ 11,881	\$ 3,000	\$ 2,376	\$ 3,000	\$ 2,376	Maintenance
5	\$ 15,000.00	\$ 11,209	\$ 3,000	\$ 2,242	\$ 3,000	\$ 2,242	Maintenance
6	\$ 15,000.00	\$ 10,574	\$ 3,000	\$ 2,115	\$ 3,000	\$ 2,115	Maintenance
7	\$ 15,000.00	\$ 9,976	\$ 3,000	\$ 1,995	\$ 3,000	\$ 1,995	Maintenance
8	\$ 15,000.00	\$ 9,411	\$ 3,000	\$ 1,882	\$ 3,000	\$ 1,882	Maintenance
9	\$ 15,000.00	\$ 8,878	\$ 3,000	\$ 1,776	\$ 3,000	\$ 1,776	Maintenance
10	\$ 15,000.00	\$ 8,376	\$ 3,000	\$ 1,675	\$ 3,000	\$ 1,675	Maintenance
11	\$ 15,000.00	\$ 7,902	\$ 3,000	\$ 1,580	\$ 3,000	\$ 1,580	Maintenance
12	\$ 15,000.00	\$ 7,455	\$ 3,000	\$ 1,491	\$ 3,000	\$ 1,491	Maintenance
13	\$ 15,000.00	\$ 7,033	\$ 3,000	\$ 1,407	\$ 3,000	\$ 1,407	Maintenance
14	\$ 15,000.00	\$ 6,635	\$ 3,000	\$ 1,327	\$ 3,000	\$ 1,327	Maintenance
15	\$ 15,000.00	\$ 6,259	\$ 3,000	\$ 1,252	\$ 3,000	\$ 1,252	Maintenance
16	\$ 15,000.00	\$ 5,905	\$ 3,000	\$ 1,181	\$ 3,000	\$ 1,181	Maintenance
17	\$ 15,000.00	\$ 5,570	\$ 3,000	\$ 1,114	\$ 3,000	\$ 1,114	Maintenance
18	\$ 15,000.00	\$ 5,255	\$ 3,000	\$ 1,051	\$ 3,000	\$ 1,051	Maintenance
19	\$ 15,000.00	\$ 4,958	\$ 3,000	\$ 992	\$ 3,000	\$ 992	Maintenance
20	\$ 15,000.00	\$ 4,677	\$ 3,000	\$ 935	\$ 3,000	\$ 935	Maintenance
21	\$ 15,000.00	\$ 4,412	\$ 3,000	\$ 882	\$ 3,000	\$ 882	Maintenance
22	\$ 15,000.00	\$ 4,163	\$ 3,000	\$ 833	\$ 3,000	\$ 833	Maintenance
23	\$ 15,000.00	\$ 3,927	\$ 3,000	\$ 785	\$ 3,000	\$ 785	Maintenance
24	\$ 15,000.00	\$ 3,705	\$ 3,000	\$ 741	\$ 3,000	\$ 741	Maintenance
25	\$ 15,000.00	\$ 3,495	\$ 3,000	\$ 699	\$ 3,000	\$ 699	Maintenance
26	\$ 15,000.00	\$ 3,297	\$ 3,000	\$ 659	\$ 3,000	\$ 659	Maintenance
27	\$ 15,000.00	\$ 3,111	\$ 3,000	\$ 622	\$ 3,000	\$ 622	Maintenance
28	\$ 15,000.00	\$ 2,934	\$ 3,000	\$ 587	\$ 3,000	\$ 587	Maintenance
29	\$ 15,000.00	\$ 2,768	\$ 3,000	\$ 554	\$ 3,000	\$ 554	Maintenance
30	\$ 15,000.00	\$ 2,612	\$ 3,000	\$ 522	\$ 3,000	\$ 522	Maintenance
31	\$ 15,000.00	\$ 2,464	\$ 3,000	\$ 493	\$ 3,000	\$ 493	Maintenance
32	\$ 15,000.00	\$ 2,324	\$ 3,000	\$ 465	\$ 3,000	\$ 465	Maintenance
33	\$ 15,000.00	\$ 2,193	\$ 3,000	\$ 439	\$ 3,000	\$ 439	Maintenance
34	\$ 15,000.00	\$ 2,069	\$ 3,000	\$ 414	\$ 3,000	\$ 414	Maintenance
35	\$ 15,000.00	\$ 1,952	\$ 3,000	\$ 390	\$ 3,000	\$ 390	Maintenance
36	\$ 15,000.00	\$ 1,841	\$ 3,000	\$ 368	\$ 3,000	\$ 368	Maintenance
37	\$ 15,000.00	\$ 1,737	\$ 3,000	\$ 347	\$ 3,000	\$ 347	Maintenance
38	\$ 15,000.00	\$ 1,639	\$ 3,000	\$ 328	\$ 3,000	\$ 328	Maintenance
39	\$ 15,000.00	\$ 1,546	\$ 3,000	\$ 309	\$ 3,000	\$ 309	Maintenance
40	\$ 15,000.00	\$ 1,458	\$ 3,000	\$ 292	\$ 3,000	\$ 292	Maintenance
41	\$ 15,000.00	\$ 1,376	\$ 3,000	\$ 275	\$ 3,000	\$ 275	Maintenance
42	\$ 15,000.00	\$ 1,298	\$ 3,000	\$ 260	\$ 3,000	\$ 260	Maintenance
43	\$ 15,000.00	\$ 1,224	\$ 3,000	\$ 245	\$ 3,000	\$ 245	Maintenance
44	\$ 15,000.00	\$ 1,155	\$ 3,000	\$ 231	\$ 3,000	\$ 231	Maintenance
45	\$ 15,000.00	\$ 1,090	\$ 3,000	\$ 218	\$ 3,000	\$ 218	Maintenance
46	\$ 15,000.00	\$ 1,028	\$ 3,000	\$ 206	\$ 3,000	\$ 206	Maintenance
47	\$ 15,000.00	\$ 970	\$ 3,000	\$ 194	\$ 3,000	\$ 194	Maintenance
48	\$ 15,000.00	\$ 915	\$ 3,000	\$ 183	\$ 3,000	\$ 183	Maintenance
49	\$ 15,000.00	\$ 863	\$ 3,000	\$ 173	\$ 3,000	\$ 173	Maintenance
50	\$ 15,000.00	\$ 814	\$ 3,000	\$ 163	\$ 3,000	\$ 163	Maintenance
<b>Total Cost</b>	<b>\$ 520,487</b>		<b>\$ 2,276,304</b>		<b>\$ 98,015</b>		

Inputs  
t 6%  
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## CL23.124 Tenders - Supply & Deliver Landfill Compactor

**HPERM Ref:** D23/132557

**Department:** Commercial Services

**Approver:** Paul Keech, Director - City Services

### Reason for Report

To inform Council of the tender process for Supply & Deliver Landfill Compactor.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan

### Details

#### **Project Description**

The current landfill compactor based at the West Nowra Waste Facility is reaching end of life and is due for replacement, on a like for like basis. The current machine is experiencing more regular breakdowns and faults, and as such creating unnecessary downtime. Replacing this machine will improve the productivity of the operations.

#### **Tendering**

Council called tenders for Supply & Deliver Landfill Compactor on 1 November 2022 which closed at 10:00 am on 30 November 2022. 3 tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
GCM Tana	Sydney
Westrac CAT	Sydney

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<b>Tenderer</b>	<b>Location</b>
Tutt Bryant Bomag	Sydney

Details relating the evaluation of the tenders are contained in the confidential report.

**Policy Implications**

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

**Financial Implications:**

Sufficient funds have been allocated in the Waste Plant Reserv budget for 2022-2023. Funding is available to cover the tender amount including other project costs.

**Risk Implications**

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

## **CL23.125 Tenders - Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point**

**HPERM Ref:** D23/94369

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### **Reason for Report**

To inform Council of the tender process for Construction of Shared User Path at Loralyn Avenue, Sanctuary Point.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

### **Details**

#### ***Project Description***

The project involves construction of approximately 486 metres of Shared User Path and road upgrades along Anson Street and Loralyn Avenue, Sanctuary Point. The 2 metre wide shared user path will continue from the existing path from Kerry Street along Loralyn Avenue and terminate at Walmer Avenue.

The proposed road upgrades include approximately 245 metres of kerb and gutter construction on the eastern side of Anson Street from Kerry Street to Loralyn Avenue as well as additional sections along Loralyn Avenue.



Figure 1: Lorilyn Avenue, Sanctuary Point

**Tendering**

Council called tenders for the Construction of a Shared User Path Lorilyn Avenue, Sanctuary Point on 19 September 2022 which closed at 10:00 am on 27 October 2022 . Two tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Kingsline Pty Ltd	Greenfield Park NSW
Vogue Landscape & Design Pty Ltd	Nowra NSW

Details relating the evaluation of the tenders are contained in the confidential report.

**Policy Implications**

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

**Financial Implications:**

This is discussed in detail in the confidential report.

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## **CL23.126 Tenders - O'Keefe's Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd. Numbaa**

**HPERM Ref:** D23/90656

**Department:** Works & Services

**Approver:** Paul Keech, Director - City Services

### **Reason for Report**

To inform Council of the tender process for Tenders - O'Keefe's Point Flood Levee (P5L1) Repair Works at 1191 Comerong Island Rd. Numbaa.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### **Recommendation**

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### **Options**

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter.

2. Council make a different resolution

Implications: This is not recommended as an extensive evaluation process has been undertaken by the tender evaluation team in accordance with the tender evaluation plan.

### **Details**

#### ***Project Description***

O'Keefe's Point Flood Levee (P5L1) experienced damage in the August 2020 flood event. The project objective is to repair the scour damage to the riverbank by reshaping the surface and placement of large rock to prevent further deterioration.

#### ***Tendering***

Council called tenders for O'Keefe's Point Flood Levee (P5L1) Repair works at 1191 Comerong Island Road on 02 February 2023, which closed at 10:00 am on 02 March 2023. Two tenders were received at the time of closing. Tenders were received from the following:

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<b>Tenderer</b>	<b>Location</b>
Kingsline Pty Ltd	Greenfield Park NSW 2176
Southern Cross Waterfront Pty Ltd	Numbaa NSW 2540

Details relating the evaluation of the tenders are contained in the confidential report.

**Policy Implications**

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

**Financial Implications:**

Council has received some funding for the works as part of the Natural Disaster Recovery Fund obtained for event AGRN923 – August 2020. Further discussion on funding of the project is provided in the confidential report.

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## **CL23.127 Regional Application – Lots 1-4 DP 1184790 - Terara Rd Terara and Bed of the Shoalhaven River below the Mean High Water Mark**

**DA. No:** RA21/1000/4

**HPERM Ref:** D23/21233

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

**Attachments:**

1. Planning Report S4.15 Assessment - Terara Rd TERARA - Lot 1-4 DP 1184790 and Bed of the Shoalhaven River below th Mean High Water Mark (under separate cover) [⇒](#)
2. Draft Determination - Approval Recommendation - Terara Rd Terara - Lots 1-4 DP 1184790 and Bed of Shoalhaven River below MHWM (under separate cover) [⇒](#)

**Description of Development:** Extractive Industry (Terara Shoalhaven Sands – Extension to Sand Dredging Area)

**Owner:** Burruga Island Pty Ltd and NSW Crown Lands  
**Applicant:** SAM 8888 Pty Ltd

**Notification Dates:** 6 October to 5 November 2021

**No. of Submissions:** Three (3) Unique Submissions

### **Purpose / Reason for consideration by Council**

To review the section 4.15 assessment report and draft determination prepared by Council which is to be submitted to the Southern Joint Regional Planning Panel for consideration.

### **Recommendation**

That:

1. Council receive and note the report RA21/1000 – Lots 1-4 DP 1184790 Terara Rd, Terara and Bed of the Shoalhaven River below the Mean High Water Mark.
2. Council support a recommendation for Deferred Commencement Consent of RA21/1000 for Extractive Industry (Terara Shoalhaven Sands – Extension to Dredge Area) on the basis that it has been satisfactorily assessed pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Southern Regional Planning Panel prior to their consideration and determination of RA21/1000.

### **Options**

1. Support the recommendation to the Southern Regional Planning Panel (SRPP) for approval via Deferred Commencement Consent of the application and advise the SRPP accordingly.

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

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

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

**Location Map**

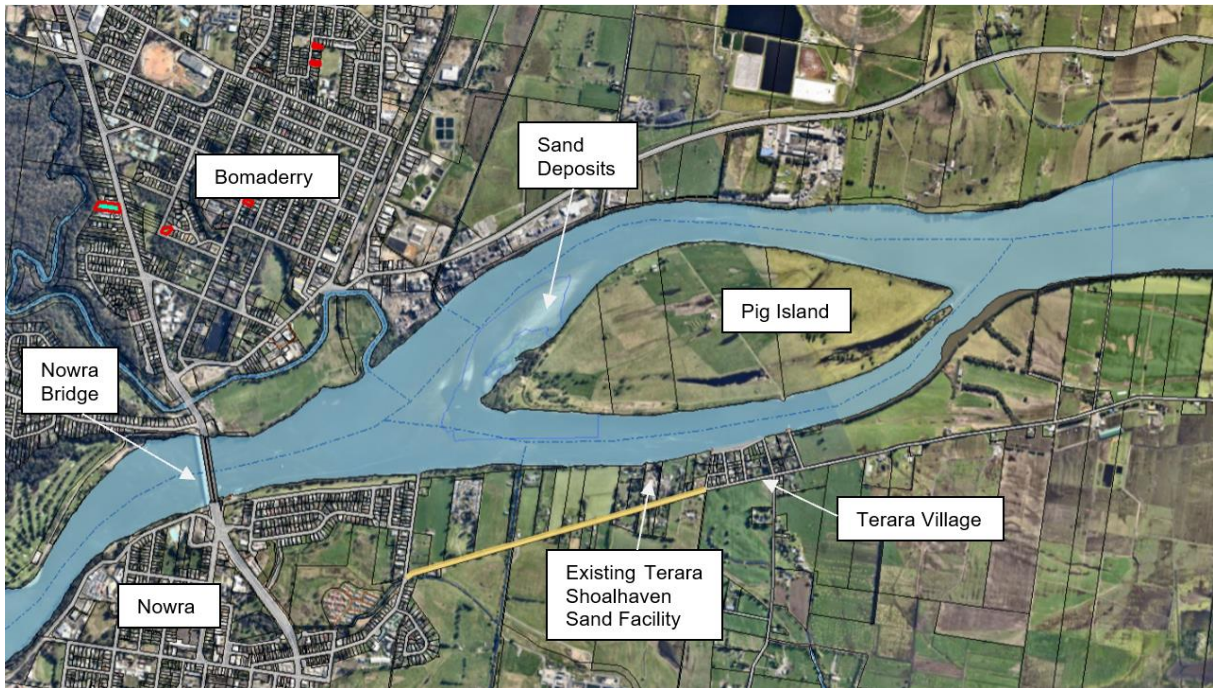


Figure 1 – Location Map

**Background**

Proposed Development

The applicant has an existing approval for Extractive Industries (Sand Extraction won from the Shoalhaven River) issued as part of Regional Approval No. RA12/1001. The current proposal is for expansion of the existing Extractive Industries operations to cover a wider area of the Shoalhaven River consisting of more than ten (10) hectares in area. The proposal seeks the extraction of sand via dredge of up to 100,000 tonnes per annum over 19 to 40 years.

The original submitted Environmental Impact Statement and Land Resource Assessment describes the depth of the dredge operations occurring to a depth of -6.7m AHD. However, Council notes that a condition within the General Terms of Approval provided by the Department of Primary Industries – Fisheries will limit the depth of dredging operations to -6.0m AHD.

Dredging process

The following provides a description of dredging process as described by the applicant:

- The dredging method is cutter suction. There is a cutter head with a suction pipe mounted behind. A spud (long stake used to pinion a dredge) is used to hold the back of the dredge which provides the centre of the arc, slew ropes are then connected to anchors on either side of the dredge.

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Topography	Dredge Area (Elevation of 0.2m AHD in the southern, - 0.3m AHD in the northern, -1.1m AHD in the eastern and - 2.7 m AHD in the western portion)
Vegetation:	The site comprises vegetation to the south, east and west of the proposed dredge area consisting of Acacia, mangroves, saltmarsh, seagrass, swamp oak, and non-native species.
Existing buildings:	<p>Existing homestead and associated farm buildings located on Pig Island. No works are proposed to these structures and they would not be used as part of the proposal.</p> <p>Existing facilities including buildings (office, work sheds, and extractive material separation infrastructure) located at TSS facilities at 125 Terara Rd Terara. Note: The existing TSS facilities are existing and therefore do not form part of the subject application.</p>

Extraction Area Land Description

The extraction area has been described in the submitted Land Resource Assessment as being:

- **Topography:** The sand flats for the proposed dredging area are slightly undulating, with site slopes < 2%. The site is located on sand flats in the tidal portion of Shoalhaven River at the western portion of Pig Island. The southeast portion of the proposed dredging area (closest to the western end of Pig Island) has an elevation of 0.2m AHD, - 0.3m AHD in the northern, - 1.1m AHD in the eastern and - 2.7 m AHD in the western portion.
- **Expected Geology:** The Wollongong 1:250,000 Geological Series Sheet S1 56.9 (1966) describes site geology as alluvium, gravel, swamp deposits and sand dunes. The NSW Environment and Heritage eSPADE website identifies the site as having Shoalhaven soil landscapes consisting of alluvium – gravel, sand, silt and clay derived mainly from sandstone and shale overlying buried estuarine sediments.
- **Surrounding Vegetation:** Consists of mix of swamp oak, saltmarsh, mangroves, Acacia, seagrasses, and non-native species.

Development Approval history

Application	Application Type	Proposal	Status	Date
DS15/1297	Section 96 Amendment	Extension of Area for Production of River Sand	Approved	04/10/2017
DS15/1020	Section 96 Amendment	Section 96 to amend time frames in Part E of consent (Conditions 26-32 inclusive)	Approved	04/02/2015
RA12/1001	Regional Development	Extension of Area for Production of River Sand	Approved	28/08/2014
DS11/1479	Section 96 Amendment	Amend Conditions 3 & 6. Extension to remove Stockpile off Island	Approved	13/12/2011
DS09/1019	Section 96 Amendment of DA91/2897	Miscellaneous - amend condition 8 to extend truck movements.	Approved	05/09/2011
DS08/1194	Section 96 Amendment of DA91/2897	Sand Dredging - Variation to Truck Movements	Approved	07/07/2008
DA05/4133	Development Application	Reshaping a natural surface including depressions with local material from Terara Sand's nearby dredging operation to improve viability of agricultural land	Refused	11/10/2006
DA91/2897	Development Application	Earthworks (Sand Dredging)	Approved	10/08/1993

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<b>PO1968/29</b>	Permissive Occupancy Approval	Extract mineral (sand) from the bed of the River and process it into coarse river sand for distribution	Approved	1/10/1968
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*Surrounding Site*

The site is located approximately 1.5km to the east of the Nowra Bridge over the Shoalhaven River. On the southern bank of the River is the Terara village, adjoining industrial properties such as the Terara Shoalhaven Sands land-based premises, and farmland. On the northern bank of the River is the Manildra Group development and adjoining farmland.

Within the wider locality is the Nowra urban area and CBD (approximately 1.5km to the southwest of the site, the Bomaderry urban area and village centre (locate approximately 1km the north west of the site), and the Shoalhaven River mouth and Shoalhaven Heads township located 11km downstream to the east.

**Planning Assessment**

The DA has been assessed under s4.15 of the *Environmental Planning and Assessment Act 1979*. Please refer to Attachment 1.

The proposal is Regionally Significant Development under State Environmental Planning Policy (Planning Systems) 2021 being:

*Development for the purposes of an extractive industry facilities that meet the requirements for designated development under the Environmental Planning and Assessment Regulation 2021, Schedule 3, section 26, (per Schedule 6, sec. 7(1)).*

The development application is therefore to be considered and determined by the Southern Regional Planning Panel.

The approval recommended for this application is a Deferred Commencement style consent. This means that the consent will not become operative until the Proponent has satisfied the items listed as ‘deferred’ in the consent within the nominated timeframe which is 12 months. The items in summary are:

Amendments to the location of stock mounds on Pig Island

Reason: In accordance with the recently released Lower Shoalhaven River Flood Study, whilst the majority of Pig Island is designated with a flood hazard category of ‘High Hazard Floodway’, there a number of locations on Pig Island which have the designation, ‘High Hazard Flood Storage’.

In accordance with Chapter G9 – Development on Flood Prone Land of the Shoalhaven Development Control Plan (SDCP) 2014, filling/earthworks are prohibited on land classified ‘High Hazard Floodway’. Council notes that the submitted plans depict the construction of part of the stock mounds within areas of Pig Island designated ‘High Hazard Floodway’, which is prohibited. In order for compliance with the SDCP 2014 to be demonstrated, the deferred commencement condition will require that all stock mounds be located wholly within the areas designated ‘High Hazard Flood Storage’ only.

This matter requires the applicant submit for approval by Council, an amended plan prepared by a suitably qualified professional engineer, which locates the stock mounds within the required designated areas.

Provision of an Adaptive Management Plan – Geomorphology

Reason: Council’s Natural Resources and Floodplain Section advised as part of their final referral response that the information submitted by the applicant including an amended

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Geomorphological Assessment adequately responded to Council's concerns regarding bank erosions / scour impacts upon levee banks and other infrastructure.

Given the concerns regarding geomorphological impacts was found to be adequately addressed, the Natural Resources and Floodplain Section considered a Letter of Undertaking submitted by the applicant to inform a future Adaptive Management Strategy.

The purpose of the Adaptive Management Strategy is to:

- Elaborate on the commitments made in the Letter of Undertaking.
- Be developed in collaboration with Shoalhaven City Council and the NS Department of Planning and Environment.
- Define the study area and outline the baseline conditions.
- Set clear objectives to avoid significant impact to geomorphic processes and forms in the Lower Shoalhaven River. This includes but is not limited to the existing P1L1 Riverview Road and P1L2 Terara flood levees.
- Detail performance measures and specific measurement methodologies for monitoring. This will include but not be limited to regular riverbed and bank surveys.
- Detail frequency of monitoring and reporting.
- Define triggers for the adaptive management strategy and outline relevant response mechanisms. This includes the immediate cessation of extraction if these triggers are reached or exceeded.
- Define the extent of liability for damages and repairs to infrastructure and property as a result of potential significant adverse impacts from the activity.

The Adaptive Management Strategy will be required to be prepared the satisfaction of Council prior to an operational development consent being issued.

#### Provision of an Adaptive Management Plan – Biodiversity

Reason: Council's Environmental Services Section considered the following documentation submitted by the applicant as part of their final referral response:

- An amended Extraction Area Plan which reduced the proposed dredge area extent to affect a maximum of 2.09 hectares of isolated intertidal sand flats.
- Revised Biodiversity Conservation Act 2016, Section 7.3 Test of Significance which confirmed that entry into the Biodiversity Offsets Scheme (BOS) was not triggered.

Given the concerns regarding biodiversity impacts were found to be adequately addressed via the submission of the abovementioned amended documentation, the Environmental Services Section considered a Letter of Undertaking submitted by the applicant to inform a future Adaptive Management Strategy.

The purpose of the Adaptive Management Strategy is to:

- Elaborate on the commitments made in the Letter of Undertaking.
- Review management actions and monitoring required by the existing consent for the present approved dredge area and incorporate these into the Plan.
- Define the study area and outline the baseline conditions.
- Set clear objectives and measurable performance indicators for management and monitoring.
- Describe how the management actions and monitoring program will achieve the objectives and what methodology would be used.

- Describe the responsibilities and detail who will carry out the implementation and monitoring plans.
- Provide procedures to respond and adapt management actions and monitoring if performance indicators are exceeded.

The Adaptive Management Strategy will be required to be prepared the satisfaction of Council prior to an operational development consent being issued.

Further details are available in Attachment 1 of this report.

### **Consultation and Community Engagement:**

The proposed development was notified and advertised in accordance with the requirements for Designated Development in accordance with the Environmental Planning and Assessment (EP&A) Act 1979 and associated Regulation.

It was advertised between 6 October and 5 November 2021. A total of three (3) unique submissions were received which has raised the following issues:

- Water quality impacts.
- Flood afflux upon Lower Shoalhaven Floodplain communities.
- Significance of impacts upon threatened species of migratory shorebirds and the 'Swamp Oak and Salt Marsh' Endangered Ecological Community (ECC).
- Management of the coastal environment.
- Long-term scouring and bank erosion impacts upon the Terara Levee.
- Acid sulphate soils - impacts.

Each point raised in the submissions has been addressed within the section 4.15 Planning Assessment Report - Attachment 1 to this Report.

### **Financial Implications:**

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

### **Legal Implications**

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

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

### **Summary and Conclusion**

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the EP&A Act Based upon the recommendations of the s4.15 Assessment Report (**Attachment 1**), Development Application No. RA21/1000 is recommended to the SRPP for approval.

The draft Determination Notice including the draft recommended conditions in the form of a Deferred Commencement Consent are contained in **Attachment 2** to this report.



## **CL23.128 Milton Showground Roads Upgrade - Project Update**

**HPERM Ref:** D23/25928

**Department:** Community Planning & Projects  
**Approver:** Jane Lewis, Director - City Lifestyles

### **Reason for Report**

The purpose of this report is to provide Council with an update on the Milton Showground Roads Upgrade Project.

### **Recommendation**

That Council receive this report as an update on the Milton Showground Roads Upgrade Project.

### **Options**

1. Adopt the recommendation

Implications: Council will be informed of the details of the project including project scope, funding sources, stakeholder engagement and project program.

2. Adopt an alternative recommendation and provide corresponding advice to staff.

Implications: Depending on the alternative adopted, the project may be further delayed, it might require additional stakeholder engagement activities and this may negatively affect grant milestones.

### **Background**

Milton Showground is located on the south side of Croobyar Road, on the southern side of the Milton township. The showground includes a diversity of significant buildings and other facilities including camping and caravanning amenities.

Milton Showground is an important piece of public space used by many people, inclusive of both Shoalhaven residents and visitors, with social and commercial benefits for the local community. The site is multi-use in nature and is of high value to the community.

In October 2019, Crown Lands Department conducted inspections at showgrounds across New South Wales to undertake condition inspections, this included Milton Showground. That inspection identified the poor condition of the road network within the showground.

Council has identified that the road network does not meet the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Council then actively sought avenues for funding to undertake upgrades to the road network. See Financial Implications in the section below.

Project Scoping

Design investigations commenced in 2021 which included an Environmental Impact Assessment (EIA), Native Title assessment, geotechnical investigations, and services survey, all of which informed the final design.

The project scope includes upgraded road network to the western side of the showground including;

- Upgrade and formalisation of carpark adjacent to the basketball courts including accessible spaces and associated ancillary structures such as:
  - Bollards
  - Kerb and gutters
  - Dish drains
- Internal road upgrade including:
  - Resurfacing of existing road
  - Installation of table drains and connection into existing stormwater system
  - Provision of one accessible carpark and connection to existing footpath
  - Provision of pullover bays for the future amenities and dump point

The extent of works is shown in figure 1 below.



Figure1. Extent of roadworks at Milton Showground

Permissibility

An Environmental Impact Assessment identified that under the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) the project could be undertaken as development that does not need consent.

Section 4.1 (*Development that does not need consent*) of the EP&A Act states that:

*“If an environmental planning instrument provides that specified development may be carried out without the need for development consent, a person may carry the development out, in accordance with the instrument, on land to which the provision applies.”*

In this regard, clause 65(3)(a) of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) provides that:

*“(i) roads, pedestrian pathways, cycleways...”*

Can be carried out by, or on behalf of Council, in parks and public reserves under the management of Council without development consent. This cause applies as the proposed activity is for a recreational area and would be undertaken on behalf of Shoalhaven City Council (SCC) in a Council managed reserve (Milton Showground).

#### Project Commencement

Following completion of design documentation and cost estimates in December 2021, the project was released for open tender on 8 March 2022 and included the scope of the road upgrades, and the partial scope of the fire service upgrade to the showground surrounds. A total of 2 tender submissions were received as at tender close on 5 April 2022.

Following an evaluation process a contract was awarded on 24 May 2022 by the Chief Executive Officer under delegation, to the Shoalhaven based company Pascall Group Pty Ltd for a contract sum of \$626,606.95 excluding GST.

Pascall Group Pty Ltd had previously delivered projects of similar type successfully for Shoalhaven Council.

Construction works commenced onsite at Milton Showground on 11 July 2022 with a construction program finishing on 5 October 2022.

#### Project Challenges

The project has been impacted by consecutive La Nina weather events being experienced along the southeast of Australia from 2021 – 2023.

When the subgrade for the roadway was uncovered the impact of excessive subsoil moisture resulted in the need for further geotechnical investigations, design changes and extensive subgrade remediation.

Further latent conditions to the project have been experienced with the discovery of unmapped asbestos, resulting in 372 tonnes of asbestos contaminated material needing to be removed from the site.

Although services mapping was undertaken in the design phase, a number of unknown services and redundant infrastructure was uncovered when site work commenced. This required an extension of scope. Variations have been submitted and approved for the additional work of removing the asbestos, totalling \$743,316.46.

#### 2023 Milton Show

The aforementioned project challenges resulted in time delays to the delivery of the project; the project was not able to be completed in time for the 2023 Milton Show (3 – 4 March 2023).

To ensure the project did not adversely impact on the show, Council staff worked closely with the Milton Show Society and the contractor to prepare the site as a safe and functional facility for the show.

Feedback to Council from the Milton Show Society post-show was extremely positive, as we flexibly adapted and communicated with the Show Society to ensure that, as much as possible, the show was not impacted by the works. The construction program was suspended for two weeks to allow set up and withdrawal of activities for the show.

Preparing the site for the show resulted in further costs to the project as the contractor needed to partially de-establish and re-establish from the site.

#### Grant Funding

Council has been meeting its obligations under the LRCI funding agreement including reporting requirements and variation requests.

In October 2022 a request was made to the LRCI grant delegate to repurpose \$320,000 in grant funding that had been allocated to another project in the funding program, to the Milton Showground roads project. This funding was originally allocated to Nowra Showground for painting and landscaping works but could not be expended in the required timeframe due to a contractor withdrawing from the project.

Council received notification on 21 March 2023 from the funding body that approval had been provided to repurpose this funding from the Nowra Showground to the Milton Showground Roads Project. The re-purposed funding will contribute to offsetting the variation costs incurred at Milton.

Due to the delays incurred with the project, an extension of time to complete the project was requested of the LRCI grant delegate to extend the project completion time from the recent completion milestone of 28 February 2023 to 30 June 2024.

On 24 March 2023 Council received advice from the LRCI Administration Team identifying:

*“We understand project delivery has been impacted by delays associated with supply chain issues, labour shortages and extreme weather events. Due to this, and to continue our support for local communities, help you navigate this period and enable planning for the future, the Department is providing an extension the project construction period for your nominated Phase 1 – 3 projects”.*

*All approved projects across Phases 1, 2 and 3 may continue construction activity through to **30 June 2024**.*

This extension of time approval will enable the project to be completed within the new grant milestones. The current anticipated construction completion date is 31 May 2023 – weather dependent.

### **Community Engagement**

A communications plan has been developed and implemented for the project which has included project identification and update notices to adjacent residences, media releases via online platforms, and direct consultation with user groups and asset managers.

Additionally, Council had a meeting with the Nowra Show Society on 21 March 2023, where staff agreed a way forward with the priority of works at Nowra Showground. At this meeting staff advised them that, due to unforeseen circumstances arising from the engagement of the contractor which had resulted in the grant funding originally allocated to the Nowra Showground being at risk, the funding body agreed to the grant money being re-purposed at Milton Showground. This outcome retains the grant funding within the Shoalhaven LGA.

### **Financial Implications**

Funding for the project has been derived from multiple sources including grant and Council funding. Total funding sources include;

- \$400,000 Federal Government, Local Roads and Community Infrastructure (LRCI) grant program
- \$300,000 Special Rate Variation
- \$200,000 Milton Showground Fire Service Upgrade
- \$600,000 Milton Showground Internal Roads Upgrade
- \$320,000 LRCI repurposed funding (Nowra Showground)

Total available funding for this project is \$1,820,000.

The options to fund any further variations that exceed current budget will be identified in future quarterly reviews reported to Council – should the need arise. Options to manage this

may include deferral of other projects and review of any underspend projects in the current capital works program.

**Risk Implications**

The contractor is continuing to undertake subgrade remediation at the site which may result in an extension of remediation scope resulting in further cost variations to the project.

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## CL23.129 Acceptance of Community Development Fund 2022 Grants from the Office of Responsible Gambling

**HPERM Ref:** D23/88008

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

**Attachments:** 1. Shoalhaven Community Led Plan for Homelessness (under separate cover) [⇒](#)

### Reason for Report

The purpose of this report is to inform Council of \$52,800 (excl GST) awarded from the Office of Responsible Gambling as part of the Community Development Fund Grants 2022. This grant will be utilised for delivering projects outlined in the 'Shoalhaven Community-Led Plan for Homelessness'.

### Recommendation

That Council:

1. Accept the grant funding of \$52,800 (excl GST) from the Office of Responsible Gambling 'Community Development Fund Grants 2022' to be utilised for delivering a number of projects identified in the 'Shoalhaven Community-Led Plan for Homelessness.'
2. Writes to the Office of Responsible Gambling and the Minister responsible for the Office of Liquor and Gaming, the Hon David Harris MP to thank them for the grant.

### Options

1. Adopt the recommendations:

Implications: The Community Capacity Building Team will be able to deliver all planned aspects of the Community Development Fund Grant 2022 with community partners.

2. Request more information:

Implications: Councillors request further information.

3. Reject the recommendations:

Implications: The funding would not be accepted, and alternative funding opportunities will need to be identified to deliver the Shoalhaven Community-Led Plan for Homelessness which may lead to delays completing the plan. This may lead to further implications for the wellbeing of people experiencing homelessness and disadvantage in Shoalhaven.

### Background

A funding application was submitted under the Office of Responsible Gambling 'Community Development Fund Grants 2022' to enable aspects of the 'Shoalhaven Community-Led Plan for Homelessness' (Attachment 1) (The Plan) to be funded and implemented. The application was successful and a grant of \$52,800 (excl GST) has been awarded.

This Plan aims to address homelessness in the Shoalhaven through a range of collaborative actions that will be implemented by the community and homelessness sector. The desired

outcomes and actions included in this application are based on initiatives identified in partnership with stakeholders from across the Shoalhaven who are committed to addressing homelessness issues in this area.

The Plan is to be delivered over a five-year period, with actions identified as short-term (12 months) medium term (three years) and long-term (five years) under four key Focus Areas

The Grant awarded under the Community Development Fund will be utilised to implement the short-term goals identified in The Plan in relation to the following projects:

**Focus Area 1 - Early Intervention and Collaborative Support:**

- 'Ulladulla Hot Meals' - Outcome 1.1 Safe venues where people experiencing homelessness can enjoy leisure time and access resources and facilities / Tailor spaces and services at current or developing facilities to encourage inclusivity and participation.
- 'Thrive Together Pop-Ups' - Outcome 1.2 Improve access pathways to resources and services across Shoalhaven, including accommodation services / Regular outreach service hubs at various locations in Shoalhaven.
- 'Doing It Tough Guide Re-Print' - Outcome 1.3 Improve access pathways to resources and services across Shoalhaven, including accommodation services.
- 'Leaving Custody Furniture Packages' - Outcome 1.4 Improve access pathways to resources and services across Shoalhaven, including accommodation services - Strengthen accommodation pathways for people exiting institutional care (correction centres and hospitals)
- 'Brokerage to assist families moving from Shoalhaven's emergency shelters (Salt, SAHSSI and Safe Waters) to private/transitional properties' - Outcome 1.2 - 4 and Outcome 1.7 Improve access pathways to resources and services across Shoalhaven, including accommodation services and strengthen collaboration and flexibility of resources amongst service providers.

**Focus Area 2 - Community Awareness and Education:**

- 'Education and Awareness' - Outcome 2.1 Strengthen collaboration between service providers and real estate agents to increase prospects of leaseholds and accommodation options.

Commencement date of the funding begins the date that the program agreement is signed and will proceed for a 12-month period.

Council will participate in actions from The Plan where they relate to Council's core business and will administer the management of project funds through the role of Community Capacity Builder for Homelessness.

The Shoalhaven Homelessness Taskforce (SHT) is the reporting and evaluation mechanism for The Plan and will ensure the continued implementation and monitoring of the actions. Lead stakeholders of each of focus areas will provide progress updates on their projects at quarterly taskforce meetings, as well as directly to the Community Capacity Builder for Homelessness.

**Community Engagement**

The application was backed with support letters from Headspace Nowra, Illawarra Shoalhaven Local Health District (ILSHD), Rosa Co-ordinated Care (RoCC) for Women, Salt Care, Unions Shoalhaven and SHT community member Raul Arregui.

The Lead Stakeholders for the four (4) focus area working groups have been engaged to select the short-term goals prioritised for funding and to develop project plans. These project plans will include procedures for managing funds, reporting and evaluation guidelines.

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### **Financial Implications**

The Grant is capped and is made in accordance with the project of a maximum amount of \$52,800 (GST exclusive) payable in instalments into the Grantee's nominated account.

The payment of \$47,520 will be made on execution of Program Agreement and receipt of Bank Statement. The final amount of \$5,280 will be paid within six weeks of the submission of the final report, acquittal, and financial statement.

Shoalhaven City Council has committed a \$27,100 in-kind contribution which is made up of:

- \$10,000 from the annual Department of Communities and Justice (DCJ) Subsidy for operational costs and activities relating to the Community Capacity Builder, Homelessness role.
- \$17,100 of Community Capacity Builder, Homelessness as project manager (hourly rate x 7 hours p/w x 52 weeks).

Each of the Focus Areas has a lead agency and working group. Each of the Focus Area Working Groups will be required to submit a project plan with budget prior to the funds being allocated.

The Community Connections Team will administer the allocation of funds. The process implemented for Council's Community Grants Scheme will provide the framework for administering funds under this the program from the Office of Responsible Gambling.

### **Risk Implications**

Delays in accepting grant funding may lead to delays with delivery outcomes of The Plan.

The number and scope of projects involved will require robust project governance to ensure timely and accurate reporting on the use of funds, therefore Council through the Community Connections Team will remain the sole auspice of the funds and will release funds by request from the working groups for agreed actions.



## **CL23.130 Tenders - Danjera Dam Camping Ground and Recreational Area Construction**

**HPERM Ref:** D23/48833

**Department:** Water Asset Planning & Development

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

### **Reason for Report**

To inform Council of the tender process for the Danjera Dam Camping ground and Recreational Area Construction 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 separated confidential report to the matter.

2. Council make a different resolution

Implications: The tender for the project will remain unresolved and a reputational risk will ensue.

### **Details**

#### ***Project Description***

The Danjera Dam Camping Ground and Day Visitors Area was given Development Approval (DA19/2186) by Shoalhaven City Council (SCC) on 10 February 2021. This consent was subsequently modified via a s4.55 application which was approved on 3 March 2022.

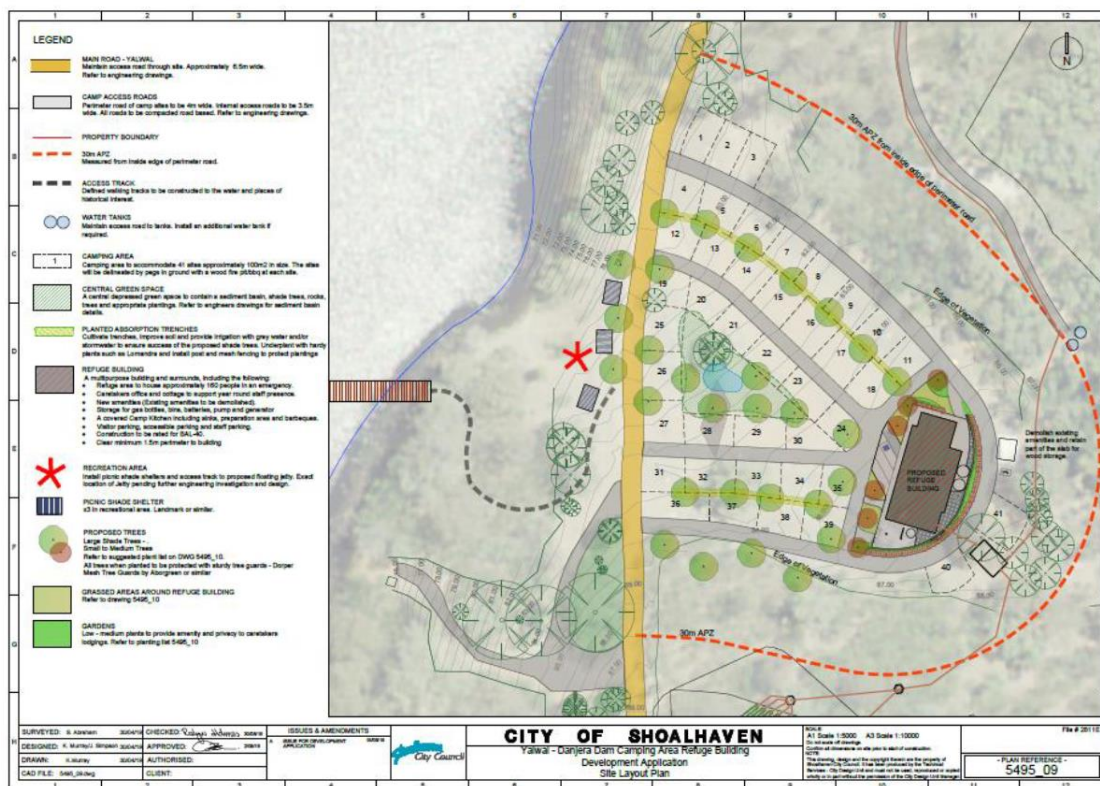
The main components of the project include:

- Formalisation of the existing campground to provide 41 designated camping spaces;
- Provision of a one-way perimeter road approximately 4m wide;
- Construction of a multipurpose building to contain the following key features:
  - Refuge/recreational area to house approximately 160 people in an emergency;

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- Caretakers lodging which will include an office, kitchen, amenities and sleeping quarters; and
- New amenities and showers (noting that the existing primitive amenities facility is to be demolished);
- Construction of an onsite wastewater management system in accordance with the specifications provided in the Onsite Sewage Management Plan (Whitehead & Associates 2019);
- Upgrades to the garbage collection area, incorporating firewood storage;
- Establishment of a centralised green area to be planted with fire resistant trees to provide shade in the open campsite area; and
- Installation of picnic shelters and walking paths.

Figure 1: Proposed campground formalisation plan at Danjera Dam camping area



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**Tendering**

Council called tenders for Danjera Dam Camping Ground and Recreational Area Construction Project on 22 December 2022 which closed at 10:00 am on 14 February 2023. Two (2) tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Jirgens Civil Pty Ltd	38 Trim Street, South Nowra NSW 2541
Cleary Bros (Bombo) Pty Ltd	39 Five Islands Road, Port Kembla NSW 2505

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 has been 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:**

Budget has been allocated in the 2022/23 and 2023/24 financial years. Financial implications are discussed in the Confidential report.

## CL23.131 Shoalhaven Water Depot Extension Update

**HPERM Ref:** D23/147375

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

### Reason for Report

The Confidential Report provides an update on the contract with Lloyd Group Pty Ltd, following their entry into Voluntary Administration.

In accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, prejudice the commercial position of the person who supplied it. It is not in the public interest to disclose this information as it may reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests. This information will be considered under a separate confidential report.

### Recommendation

That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

### Options

1. Accept the recommendation

Implications: Consider a separated confidential report to the matter.

### Background

Council entered into a contract with Lloyd Group Pty Ltd on 26 November 2021 to complete the Shoalhaven Water Operations Depot Extensions. The status of the contract at 31 March 2023 is as follows:

- Current Contract value – \$8.5M ex GST
- Amount Paid by Council – \$6.03M ex GST
- Estimated that the project is 70-75% complete

The Confidential report provides an update on the situation with Lloyd Group Pty Ltd, following their entry into Voluntary Administration.

### Financial Implications

Financial Implications are included in the confidential report.

### Risk Implications

Risk Implications are included in the confidential report.

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## **CL23.132 Notice of Motion - Workplace Culture Data on Human Resources, Diversity and Cultural Matters**

**HPERM Ref:** D23/141982

**Submitted by:** Clr Tonia Gray  
Clr Moo D'Ath

### **Purpose / Summary**

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

### **Recommendation**

That

1. Council acknowledges the importance of having a diverse and inclusive workplace culture.
2. Councillors receive a quarterly Shoalhaven City Council Workplace Culture Report with organisational data on human resources, diversity, and culture matters, including metrics to measure organisational culture, identify trends and report on initiatives to improve staff engagement and diversity. This report should include:
  - a. Accurate data on staff headcount and turnover, recruitment, new staff, and departures;
  - b. Employee Assistance usage;
  - c. Metrics on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;
  - d. Gender data in relation to employment type and managerial level;
  - e. Transparent gender data in relation to age;
  - f. Transparent pay equity (including gender pay gap);
  - g. Unfettered data on reported bullying and harassment claims;
  - h. Exit interview feedback including:
    - i. How many people have completed an exit interview?
    - ii. What % of people who've left the organisation have completed an exit interview?
    - iii. What are the reasons given in relation to why people are leaving?
    - iv. Are there any key themes arising from these exit interviews?
  - i. Comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), include Ability, Closing the Gap, the Diversity Council or similar.

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## Background

**Shoalhaven City Council** acknowledges the importance of having a diverse and inclusive workplace culture. Inclusion occurs when a diversity of people (e.g. of different ages, cultural backgrounds, genders) feel valued and respected, have access to opportunities and resources, and can contribute their perspectives and talents to improve their organisation. Creating an inclusive workplace is fundamental to maximising diversity and creating successful organisations. Diversity data is a powerful tool for understanding the mix of employees in an organisation and can help employers make informed decisions about the future direction and aspirations of their diversity and inclusion initiatives and overall business strategies.

In Australia, regulators such as the Australian Prudential Regulation Authority (APRA) and the Australian Securities and Investments Commission (ASIC) highlight the significance of organisational culture, including the role it plays in shaping governance frameworks and outcomes. Management can support council in understanding its organisational culture, both through formal survey processes and through reports on relevant data and culture metrics on an ongoing basis.

Australia, along with many countries worldwide, has made significant progress towards gender equality in recent decades. However, the gender gaps in the Australian workforce are still prevalent. The aim of gender equality in the workplace is to achieve broadly equal opportunities and outcomes for women and men, not necessarily outcomes that are exactly the same for all. Workplace gender equality will be achieved when people are able to access and enjoy equal rewards, resources, and opportunities regardless of gender. The 2022 Gender Score Card revealed:

- Australia's gender pay gap is 22.8% – the same as 2021;
- 7/10 employers have a pay gap that favours men;
- Men are twice as likely to be in the top income bracket as women;
- Women are paid, on average, \$26.6K less than men a year;

\*Source: <https://www.wgea.gov.au/sites/default/files/documents/WGEA-Gender-Equality-Scorecard-2022.pdf>

The [National Aboriginal and Torres Strait Islander Health Survey 2018–19](#), conducted by the Australian Bureau of Statistics, provides the most recent data on employment rates of Indigenous Australians.

Comparing the most recent data for people aged 15–64 with earlier surveys:

- between 2007–08 and 2018–19, the overall employment rate for Indigenous Australians dropped from 54% to 49%, while the rate for non-Indigenous Australians remained stable at roughly 76%;
- in the 2017–18 to 2018–19 period, the overall gap in employment rates between Indigenous Australians and non-Indigenous Australians was 27 percentage points;
- if the employment trends presented on this page are adjusted for the effect of changes and closure of the Community Development Employment Projects (CDEP) scheme, then the employment rate for Indigenous Australians remained almost unchanged over the 2008 to 2018–19 period at around 49%;

\*Source: <https://www.aihw.gov.au/reports/australias-welfare/indigenous-employment>

There are 4.4 million people with disability in Australia, comprising 17.7% of the population.

The labour force participation rate for people with disability aged 15-64 years is 53.4%, compared to 84.1% of people the same ages without disability.

The labour force participation rate for people with disability has remained largely unchanged from 2003 (53%) to 2018 (53.4%). In contrast, the labour force participation rate for people without disability increased from 63.6% to 84.1% (2018). In other words, the labour force participation rate has remained almost unchanged for over two decades.

\*Source: <https://includeability.gov.au/resources-employers/disability-and-employment-australia>

This information is requested as it is necessary for us to carry out our roles as an elected councillor. As the CEO is aware, the Councillors sitting in the Chamber are the governing body of the Council and in keeping with Section 223(1) *Local Government Act 1993 (Act)* our functions are: to direct and control the affairs of the council (see s223(1)(a)); keep under review the performance of the council (see s223(1)(g)); and to ensure as far as possible the council acts within the principles in Chapter 3, (see s223(1)(d)). Those principles include that as decision makers we are accountable for our decisions (to the community via elections) and they are to be made transparently.

There is no provision in the Act that prohibits councillors from making enquiries concerning operational matters. Councillors often make very specific decisions (policies) regarding operational matters and these decisions are required to be implemented by the CEO as set out in Section 335(b) of the Act. The only prohibition in the Act regarding operational matters is that Councillors are not to direct the staff, that must be done by the CEO.

Specifically, as Councillors we are required by the Act to be an active member of the governing body, to make considered and well-informed decisions, and to be accountable to the community for the performance of the council: Section 232, *Local Government Act 1993*. Section 439 requires every councillor, to act honestly and exercise reasonable care and diligence in carrying out our functions under this Act. The Act makes it clear that it is the councillors who are accountable to the community, not the CEO. The CEO is accountable to the councillors.

Keeping all of the above in mind, and acknowledging the CEO is required to ensure the timely provision of information to councillors to enable us to effectively carry out our statutory function (see s335(f)), the information requested above is to assist myself and other councillors understand the rate of staff turnover at Shoalhaven Council, what issues are generally raised in exit interviews, and what percentage of staff participate in exit interviews.

The information requested is for general statistics commonly considered as organisational performance indicators. No individual privacy need be breached to provide this information. As is clear from the statements above the performance of the Council is a responsibility of the councillors and therefore the provision of this information is necessary to allow us to effectively discharge our functions.

A necessary prerequisite to enhancing job satisfaction and attracting/retaining quality staff is to undertake regular performance audits. In order to promote organisational culture and lower staff turnover rates, organisation needs to conduct iterative evaluation every quarter. Furthermore, exit interview data has not been made available to Australian councillors despite several attempts to request the same, with limited success.

To this end, councillors across Australia should be receiving a quarterly Culture Report with data on human resources, diversity, and culture matters, including metrics to measure organisational culture, identify trends and report on initiatives to improve staff engagement and diversity, including:

1. Accurate data on staff headcount and turnover, recruitment, strategies, new staff hires, and departures;
2. Employee Assistance usage;
3. Metrics on staff diversity with respect to age, gender, Aboriginal and Torres Strait Islander status and employees with disability;

4. Gender data in relation to employment type and managerial level;
5. Gender data in relation to age;
6. Transparent pay equity (including gender pay gap);
7. Unfettered data on reported bullying and harassment claims;
8. Exit interview feedback;
9. Comparative national data on the gender pay gap, employment of people with disability and people of Aboriginal and Torres Strait Islander descent as reported in organisations such as the Workplace Gender Equality Agency (WGEA), Include Ability, Closing the Gap, the Diversity Council or similar.



## **CL23.133 Notice of Motion - Safety Concerns for Recreational Activities on our Country Lanes**

**HPERM Ref:** D23/144707

**Submitted by:** Cllr Tonia Gray  
Cllr Patricia White

### **Purpose / Summary**

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

### **Recommendation**

That Council:

1. Undertake an urgent review of Beach Road Berry with the aim of
  - a. Providing a temporary speed reduction to from 90kmph to 70kph for the full length of the road due to the conditions on the road and sight distances regarding Cyclists and other passive users.
  - b. Providing 'Slow Down Bike Riders' signage along major country roads in Berry & surrounds as soon as possible.
2. Encourage residents and road users to write to Transport NSW and the NSW Minister for Roads requesting to an urgent reduction to speed limits on these well trafficked country lanes in Berry.
3. Write to Transport NSW and the NSW Minister for Roads supporting residents and recreational users' (such as bike or horse riders, parents pushing prams etc) for a reduction in speed due to crossing on other country lanes such as Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tulloch Road for the safety of all users.

### **Background**

After successful Notice of Motions (NoMs) for similar road safety issues (see ordinary meetings on 26 September and 10 October 2022), we have been approached by concerned residents from Berry following a near-miss vehicle and bike accident on the weekend.

Following these NoMs in 2022 Council was briefed by representatives from TfNSW who indicated only state jurisdiction such as the Minister for Roads can issue the directive for speed reduction.

Furthermore, we raise to Council's attention other rural lanes, including but not limited to, Tindalls Lane, Toolijooa Road, Harley Hill Road, Broughton Vale Road, Boundary Road, Bryces Road and Tulloch Road. These roads are also where parents push prams, horse riders ride on country verges and wildlife vehicle collisions sometimes occur. Public road safety is of paramount importance as a pressing issue in our region.

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## **CL23.134 Notice of Motion - Advocate for Setting Aside Compartment 50A North Brooman State Forest - Protect Spotted Gum 'Big Spotty' and Surrounding Landscape**

**HPERM Ref:** D23/144810

**Submitted by:** Cllr Moo D'Ath

### **Purpose / Summary**

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

### **Recommendation**

That Council;

1. Recognises that at 70+ metres tall this Spotted Gum (*Corymbia maculata*) is potentially the tallest of its species in the world.
2. Recognises the large tourism potential of this local asset.
3. Supports the need to protect "Big Spotty" and its surrounding landscape.
4. Advocates to the NSW Government for the urgent need to remove compartment 50A from the Forestry Corporation logging schedule in order to protect Big Spotty.
5. Advocates to the NSW Government for the urgent development of a plan to protect Big Spotty for the long-term.
6. Writes, in such advocacy, to:
  - a. The Hon. Chris Minns MP, Premier of NSW, the Hon. Penny Sharpe, Minister for the Environment, and the Hon. Incoming Ministers for Tourism, for Agriculture, for Energy and Climate Change and, for Finance.
  - b. The Hon. Liza Butler MP, Member for South Coast
  - c. CEO of NSW Forestry, Anshul Chaudhary
  - d. The Board of Directors of NSW Forestry; Ms Stefanie Load (Chair), Ms Mary Verschuer, Mr Matthew Sexton, Mr Rob de Fegely AM, Ms Linda Sewell, Mr Anshul Chaudhary
  - e. The shareholder Ministers for Forestry Corporation of NSW and,
  - f. The relevant Shadow Ministers in accordance with items 3 & 4 being Shadow Minister for Agriculture, Shadow Minister for Energy and Climate Change and, Shadow Minister for Finance.

### **Background**

- Big Spotty is the tallest known Spotted Gum in the world (Fig.1a). It is the National Champion of its species according to the National Register of Big Trees.
- The tree is 70+m tall and has been estimated by the Eurobodalla Regional Botanic Gardens to be over 500 years old (Fig 1b), (Fig 1c).

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- Big Spotty is located in North Brooman State Forest (compartment 50A) in the Shoalhaven Local Government Area in the catchment of Murramarang Creek (Fig.3).
- The compartment (50A) where Big Spotty is located is 250 ha. in size and **is proposed to be logged by NSW Forestry Corporation within the next 12 months** (Fig.2). It was last logged in 1978. The tree itself is protected under the Coastal Integrated Forestry Operations Approval (condition 64.2a) due to its size however is at risk of integrity compromise or death if logging was to occur anywhere near this tree. Logging the trees around Big Spotty and removing the understory and canopy would expose the tree to greater wind velocities and drying out of the soil due to greater sunlight penetration. Use of heavy machinery in the vicinity will also damage vegetation through the soil compaction.
- ANU's multi-cited Professor David Lindenmeyer and frequent Shoalhaven forest visitor has co-authored these relevant papers:
  - [Empirical relationships between tree fall and landscape-level amounts of logging and fire](#)
  - [Long-term impacts of wildfire and logging on forest soils](#)
- Of course, logged forests also immediately and dramatically lose their tourist appeal. There is so much lucrative domestic and international ecotourism potential for Big Spotty (and other local giants); everyone that visits the tree is amazed by it. This is why we have to protect Big Spotty and its surrounds to ensure other locals and tourists can visit this wonderful tree in perpetuity (Fig. 4).
- In 2022 The Local Government Association of NSW adopted the position of advocating for transitioning out of native forest logging altogether, i.e. setting aside all public native forests from logging. Hence to set aside one compartment, equal to one 8000 thousandth (0.0125%) of NSW State Forests, is a very small request and totally aligns with LGANSW's transition policy.
- There are local guides who are willing pro bono to take interested Councillors and MPs in to experience Big Spotty up close and personal.



Figure 1a: Big Spotty (Photo Credit: Andy Kainerder)

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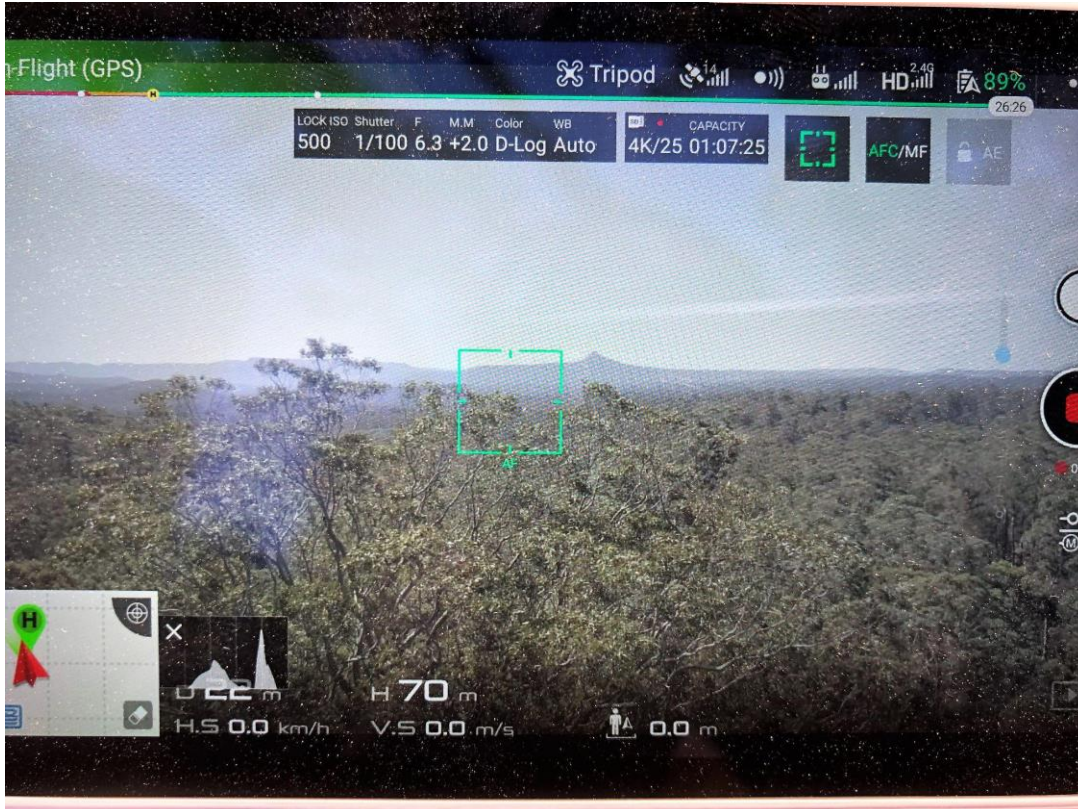


Figure 1b: Height of Big Spotty in 2020, Pigeon House in b'ground (Photo Credit: James Sherwood)



Figure 1c: Information board at Eurobodalla Regional Botanic Gardens

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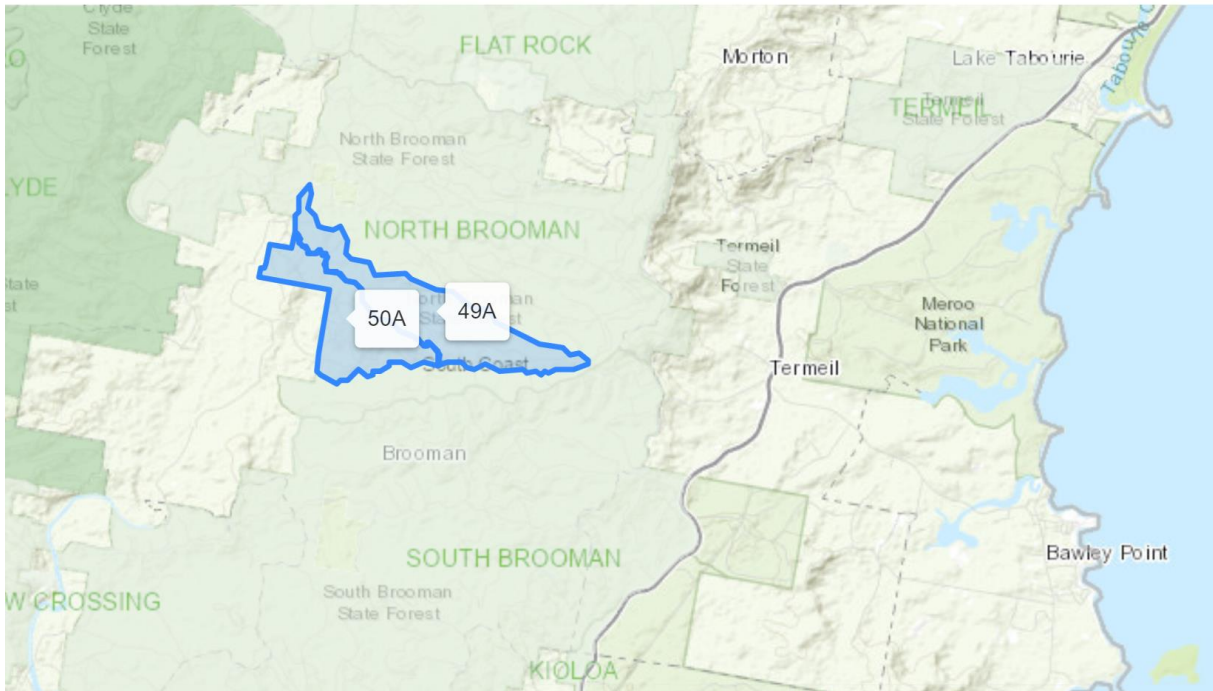


Figure 2: Map outlining proposed logging compartment 49A and 50A in the North Brooman State Forest (sourced from NSW Forestry Plan Portal)<sup>1</sup>

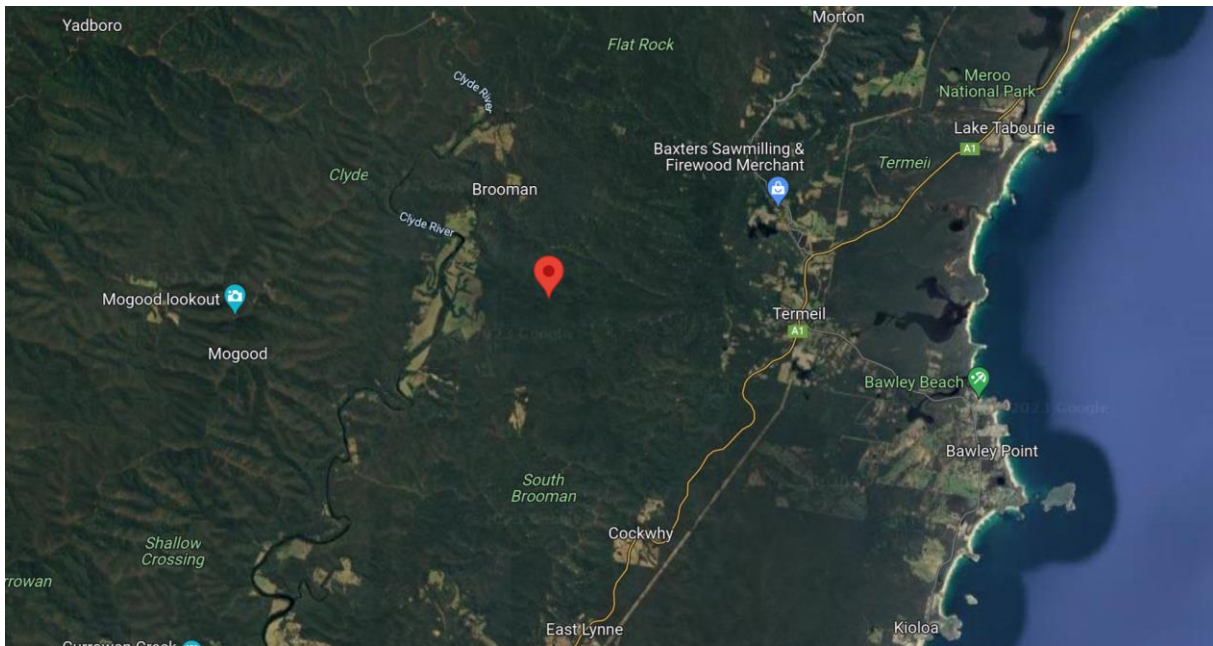


Figure 3: Location of Big Spotty (-35.480583, 150.264944)

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Figure 4: Base of Big Spotty (Photo Credit: Nick Hopkins)

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## LOCAL GOVERNMENT ACT 1993

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services



### **Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.