

## Ordinary Meeting

**Meeting Date:** Monday, 08 May, 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 - 24 April 2023
6. **Declaration of Interests**
7. **Presentation of Petitions**
8. **Mayoral Minute**

- 9. Deputations and Presentations
- 10. Call Over of the Business Paper
- 11. A Committee of the Whole (if necessary)
- 12. Committee Reports

Nil

### 13. Reports

#### City Performance

CL23.135 Insurance Arrangements - Community Consultative Bodies..... 1

#### City Futures

CL23.136 Post-Exhibition and Finalisation - Planning Proposal (PP058) - 2022 Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014..... 4

#### City Services

CL23.137 Proposed Acquisition - Land and Easement - Lot 261 DP 794245, 5 Taylors Lane Badagarang..... 9

CL23.138 Land Acquisition for Road Purposes - Lot 508 & 509 DP 877900 Coonemia Road Wollumboola and Lot 556 DP 1284943 - Currarong Road Wollumboola..... 13

CL23.139 Proposed Road Closure - Part Palm Grove Road, Conjola ..... 19

CL23.140 Easements to Drain Water and Easement for Asset Protection Zone (APZ) over Council Land - Lot 117 DP 1122371 and Lot 40 DP 802671, Albatross Road, South Nowra. .... 23

CL23.141 Transport for NSW - Land Acquisition - Lot 19 DP 804077 - West Birriley Street, Bomaderry ..... 31

#### City Development

CL23.142 Membership - Central Floodplain Risk Management Committee ..... 34

CL23.143 Update - Regional Illegal Dumping (RID) ..... 36

CL23.144 RA22/1004 – 84 Cambewarra Road, Bomaderry – Lot 100 DP 1237704..... 48

CL23.145 RA22/1001 – 192-198 Kerry Street, Sanctuary Point – Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point – Lot 3 DP 806393 & Kerry Street, Sanctuary Point – Lot 4 DP 806393 ..... 53

#### City Lifestyles

CL23.146 Membership - Homelessness Taskforce Shoalhaven..... 58

CL23.147 Acceptance of Funding - NSW Office of Sport - Essential Community Sports Assets Program 2022 / 23..... 61

CL23.148 Update Report - Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities ..... 66

#### Shoalhaven Water

CL23.149 Easement Acquisition - South Nowra Surcharge Main Upgrade - Lot 350 DP 1068794 59 Warrigal Street Nowra ..... 74

CL23.150	Sewerage Easement Acquisition - Nowra/Bomaderry Wastewater Scheme - Lot 8 DP 232903, 21 Daley Crescent North Nowra .....	77
----------	--	----

**14. Notices of Motion / Questions on Notice**

Nil

**15. Confidential Reports**

Nil

## **CL23.135 Insurance Arrangements - Community Consultative Bodies**

**HPERM Ref:** D23/134113

**Department:** Business Assurance & Risk

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

### **Reason for Report**

To address recent resolutions of the Council to address identified deficiencies with respect to Public Liability Insurance for Council's Community Consultative Bodies (CCBs).

### **Recommendation**

That Council

1. Obtain annual Public Liability Insurance for all Community Consultative Bodies (CCB) to support CCBs to manage their liability whilst undertaking the work it does on behalf of the Council.
2. Immediately assist those CCBs currently without any Public Liability Insurance coverage to obtain relevant cover.
3. Include in the 2023/2024 budget and beyond an additional \$24,000 annually towards the public liability insurance needed by CCBs.

### **Options**

1. *As recommended above, Council obtain insurance to cover the Public Liability arising out of the activities of CCBs which are incorporated or unincorporated. Each CCB will require its own individual insurance policy, which will be obtained and managed by Council in consultation with the CCB. The cost of insurance will be borne by Council and will cost approximately \$1000.*

#### Implications:

This will cost an additional \$24,000 per year. Relevant amendments will be made to the proposed CCB Guidelines prior to them being presented to Council following the current public exhibition process. This satisfies the vital components as outlined by the Interim Chair Combined Group of CCBs.

2. Continue to seek alternative insurance cover that meets the needs of our CCBs through other insurance brokers.

#### Implications:

This is expected to further delay resolution of the matter, resulting in continuing uncertainty for CCBs and in the case of some CCBs, an inability to meet as a result of this uncertainty.

3. That Council receive the report for information only.

Implications: This would not address the identified gap in public liability cover, that only incorporated CCBs would receive Council funding in obtaining public liability cover. Council may allow CCBs to book a meeting without public liability cover, however any

CL23.135

actions or omissions from members that result in injury or loss will not be covered by Council's insurance. This is not recommended.

## Background

Council considered a Notice of Motion on the matter of the insurance arrangements for CCBs at the Ordinary Meeting held on 27 February 2023 and resolved as follows (MIN23.86):

*"That:*

- 1. The time for submissions regarding CL22.616 (Review of the Community Consultative Bodies Policy) be extended from 6 March 2023 to 3 April 2023.*
- 2. The CEO endeavour to negotiate with Council's underwriters, an extension of the cover to enable casual hirer status for all community groups regardless of incorporation, subject to the organisations holding more than 11 meetings per year.*
- 3. Council investigate what a reasonable insurance premium might be and whether Council is able to provide funds directly to Community Consultative Bodies to obtain the relevant insurance.*
- 4. The CEO report back to Council on the results of the negotiations.*
- 5. Council investigate the use of Vennu or other similar providers, for insurance coverage."*

In considering a report responding to the above resolution at the Ordinary Meeting on 3 April 2023, Council resolved as follows (MIN23.169):

*"That:*

- 1. Council obtain insurance limited to cover only the Public Liability arising for use of public halls and facilities by those CCBs who are incorporated and cannot be defined as Casual Hirers.*
- 2. The CCB guidelines policy explicitly state that CCBs will require their own public liability insurance when holding functions or events outside of a normal CCB meeting.*

It was subsequently identified that MIN23.169 Part 1 needs to go beyond incorporated CCBs and include unincorporated CCBs, as Council's research determined that no CCBs have protection for public liability cover under Council's insurance program – noting however, that some CCBs have obtained their own insurance.

In response to MIN23.169, Council has contacted three (3) insurance brokers.

A local broker has provided a quotation from AIG Australia Ltd for public liability insurance for \$580 for an incorporated CCB. In their response they have indicated that they were unable to provide a quotation for unincorporated CCBs.

A request for advice from a second broker resulted in no response.

The third request was through Council's broker (JLT) in relation to the Local Community Insurance Services (LCIS) policy, being the preferred option recommended to Council in the 3 April report to Council. Specifically, this request was to explore the potential to tailor the cover to being for Council owned facilities only and limited to activities outlined in the CCB Guidelines e.g. remove the protection for minor events up to 500 people – as requested by Council in MIN23.169. JLT advised that there was no reduction in the LCIS premium costs having the cover limited to only Council owned properties or with the removal of protection for minor events for up to 500 people, due to the low risk classification applied to CCBs. Subject to Council's decision in respect of this report, the CCB Guidelines should be updated accordingly to include provisions for minor events outside of CCB meetings.

Based on discussions with the insurer the geographic scope of the cover is Australia wide and is unlikely to change in the future. As previously reported to Council, this would be at a total cost of approximately \$1,000 (per group).

Council has also received an email from the Interim Chair Combined Group of CCBs, that outlined that CCBs consider vital that following be included in the public liability cover:

1. *The insurance obtained will cover volunteers sitting on the committee of a subgroup/working party of a CCB.*
2. *The insurance will **not** be restricted to meetings in a Council hall.*

*The future resolution by Council should state that the insurance policy will cover a CCB when doing the prescribed business of a CCB as stated in the Council Guidelines. This would infer that CCBs meeting in privately owned halls or on private property are also covered.*

3. *The insurance cover be open to any number of meetings per annum and not be restricted to a specific number. This will allow for meetings of subcommittees/working parties, extraordinary meetings and community consultations.*

The option presented to Council through the LCIS proposal addresses the specific requests from the Interim Chair Combined Group of CCBs and is therefore again recommended to Council as the preferred option to resolve this long-outstanding matter. More specifically, for a cost of \$1,000 CCBs would be insured for their activities (excluding events for over 500 people) regardless of the varying scope of activities undertaken by the different Committees.

### **Financial Implications**

Subject to Council's adoption of the recommendations, the additional funds required to immediately assist those CCBs without coverage, will be allocated during Council's quarterly budget review.

Ongoing financial implications of funding an additional \$1,000 per annum to support the purchase of public liability cover for CCBs, which is an increase of a further \$24,000 in addition to the current commitment CCB Subsidy of \$12,000.

### **Risk Implications**

This report is provided to address current risks to the established CCBs and Council with respect to gaps in Public Liability Insurance cover for members of CCBs whilst undertaking their organisational activities engaging with the community on behalf of Council.

## **CL23.136 Post-Exhibition and Finalisation - Planning Proposal (PP058) - 2022 Housekeeping Amendment - Shoalhaven Local Environmental Plan 2014**

**HPERM Ref:** D23/137370

**Department:** Strategic Planning

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

### **Reason for Report**

This report presents the outcomes of the recent public exhibition of Planning Proposal (PP058) - 2022 Housekeeping Amendment to Shoalhaven Local Environmental Plan (LEP) 2014 and enable the amendments to proceed to finalisation.

### **Recommendation**

That Council:

1. Adopt the Planning Proposal (PP058) as exhibited, and using Council's delegation, forward PP058 to the NSW Parliamentary Counsel's Office to draft the resulting amendment to Shoalhaven Local Environmental Plan 2014.
2. Advise key stakeholders, including those who made a submission, CCBs and Industry Representatives, of this decision and when the Amendment will be made effective.

### **Options**

1. As recommended.

Implications: This is the preferred option as it will enable the Planning Proposal (PP) and the relevant matters it includes to be finalised and included in the LEP in a timely manner.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could delay the finalisation of the PP.

3. Not adopt the recommendation.

Implications: This is not the preferred option as the identified housekeeping matters will not be resolved.

### **Background**

The LEP is continuously updated to ensure that it aligns with strategic documents, is improved/corrected where necessary, relevant matters are resolved, and positive planning outcomes are delivered for the community. As a result, Council has an ongoing process of housekeeping (annual) amendments to improve the operation and maintain the accuracy of the LEP.

## 2022 Housekeeping Amendment

The intended outcome of PP058 is to make a number of amendments to both the written instrument and maps in LEP in order to correct identified anomalies or inconsistencies in the Plan and improve its operation as required. The amendments include:

- One (1) item that requires minor administrative amendments to the LEP written instrument.
- Thirty (30) items that require amendments to the LEP maps, covering a variety of minor mapping issues relating to: Land Zoning, Lot Size, Height of Building, Terrestrial Biodiversity, Clauses, Land Reservation Acquisition, Scenic Protection Area and Heritage.
- Five (5) items that relate to both the LEP instrument (Schedule 5) and the associated Heritage mapping.

The proposed amendments and summary of key issues were reported to Council on 12 September 2022, and it was resolved (MIN22.602) to:

1. *Submit Planning Proposal PP058 to the NSW Department of Planning and Environment for an initial Gateway determination and, if favourable:*
  - a. *proceed to formal public exhibition in accordance with the terms of the determination/legislative requirements; and*
  - b. *receive a further report following the conclusion of the public exhibition to enable its finalisation.*
2. *Advise key stakeholders, including relevant Community Consultative Bodies and any directly affected landowners, of the public exhibition arrangements.*

In accordance with this resolution, the PP was submitted to the NSW Department of Planning and Environment (DPE) and received a favourable Gateway determination on 20 October 2022. The determination granted delegated authority to Council for this PP meaning Council can liaise directly with the NSW Government to prepare and finalise the LEP amendment following exhibition.

## Government Agency Feedback

Prior to public exhibition and in accordance with the Gateway conditions, the PP was referred to the following NSW Government agencies for review/comment:

- NSW Rural Fire Service (RFS)
- National Parks and Wildlife Service (NPWS)
- DPE – Biodiversity and Conservation Division
- WaterNSW
- Transport for NSW

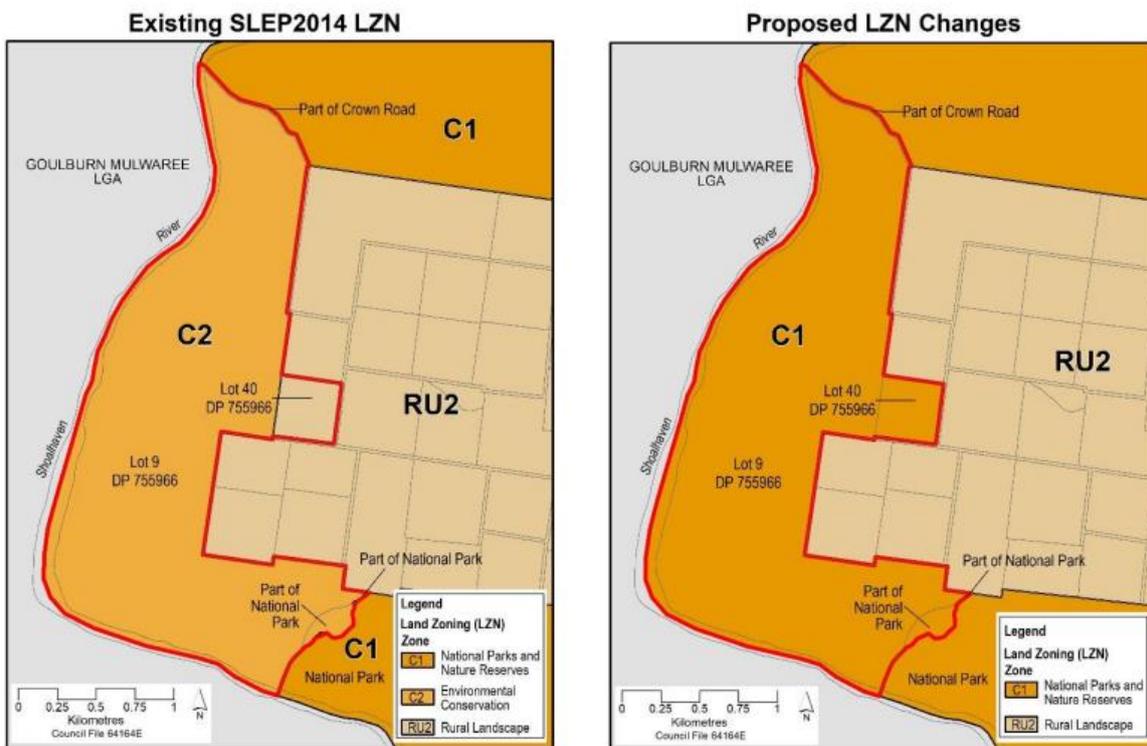
These agencies provided comments on the PP which are summarised in **Table 1** below.

**Table 1: Agency Consultation**

Agency	Response Summary
RFS	No concerns or issues in relation to bushfire.
NPWS and DPE – Biodiversity and Conservation Division	In relation to Mapping Items 4 and 5, 7-8, 11-17, 26-28 and 30 NPWS supports the proposed amendments.  In relation to Mapping Item 6 (Locality: Touga – see map below) NPWS provided the following comment:  <i>Extend the application of LZN C1 to both Lot 9 DP755966 and Lot</i>

	<i>40 DP755966, as this land was acquired under National Parks and Wildlife Act 1974 in September 2022 for reservation under that Act. This intention of future reservation should be reflected in the land use zoning. As there is no intention to subdivide the land prior to reservation, the LSZ layer AB4 is no longer applicable to these lands.</i>
WaterNSW	No objections to Mapping Items 3 and 5. Notes the boundaries in relation to Mapping Item 6 needed to be resolved with NPWS. Also suggests updating references to the relevant SEPP and Ministerial Direction following legislative updates in November 2022.
Transport for NSW	No objections raised.

Mapping Item 6 in the PP was updated to reflect the comments provided by NPWS – see maps below. The updated item applies the C1 National Parks and Nature Reserves zone to the land acquired for reservation, removes the minimum lot size from this land, and also removes the Terrestrial Biodiversity (Habitat Corridor) layer from this land as this mapping layer is not required in a National Park. DPE was advised of these proposed changes and confirmed that no alteration to the Gateway determination was required, and that the PP could proceed to public exhibition.



Extract Exhibited PP058 – Mapping Item 6 (existing and proposed zones)

WaterNSW was also advised of these changes and provided further comment during exhibition (see below). In response to WaterNSW’s submission, the PP was updated prior to public exhibition to reflect administrative changes to SEPP names after the PP was initially prepared.

**Community Engagement**

In accordance with the Gateway determination and Council resolution (MIN22.602) the PP was publicly exhibited for a period of 31 days, from 8 March to 7 April 2023 (inclusive) on Council’s website.

CL23.136

Key stakeholders, including Community Consultative Bodies (CCBs) and all directly affected landowners, were notified in writing.

The exhibition material remains available on [Council's website](#) and includes:

- Explanatory Document
- Planning Proposal Document
- Gateway Determination
- Public Notification

During public exhibition, formal written submissions were received from three (3) submitters. One (1) telephone enquiry was also received. A summary of the written submissions received and comments from Council staff is provided in **Table 2** below. Copies of the full submissions can be made available to Councillors on request prior to the meeting if required.

**Table 2: Submissions**

No.	Submitter	Summary of Submission	Staff Comments
1	Individual	<p>Two formal submissions were received in relation to the proposed heritage listing of 50 BTU Road, Nowra Hill. The first submission included two (2) letters dated 30 November 2021 and 25 September 2022 that had previously been provided to Council. The second submission is a further written submission that is taken to subsume the first. Summary of relevant matters raised is provided below.</p> <ul style="list-style-type: none"> <li>• The submissions largely comment on the heritage report (Heritage Assessment: Former BTU Torpedo Workshop) which is attached to the PP to support the heritage listing of 50 BTU Road, Nowra Hill. This commentary covers what the submitter considers to be errors or deficiencies in the heritage report, and concerns that the proposed heritage listing is based on a flawed report that has potential to harm the historical record. Suggestions are made regarding improvements to the heritage report.</li> <li>• Suggests/requests that the proposed heritage listing of 50 BTU Road be expanded to include additional relics on nearby Council land.</li> <li>• Suggests specific consultation be undertaken with the Australian Defence Force (HMAS Albatross) with regard to the PP.</li> </ul>	<ul style="list-style-type: none"> <li>• The heritage report was prepared by a suitably qualified and experienced heritage consultant. It has been completed and will not be amended. It is sufficient to support the proposed heritage listing of 50 BTU Road.</li> <li>• Matters raised regarding the heritage report and the relevant history are not within the scope of PP058. If appropriate the relevant matters should continue to be pursued/considered via the relevant Working Party that has been endorsed by Council, dependent on budget and priority.</li> <li>• Council has separately endorsed the consideration of additional wartime heritage items in the Shoalhaven LGA as part of a separate process (refer to MIN22.102). This work, however, is not within the scope of PP058., particularly given where is in the required process.</li> <li>• Consultation and public exhibition of PP058 has been undertaken consistent with Gateway requirements, relevant legislation and Council's standard procedures. HMAS Albatross was not directly notified of the exhibition arrangements as the listing does not directly affect the base or immediately</li> </ul>

CL23.136

			adjoin it. <b><i>No change to PP058 is considered to be required or recommended as a result of these submissions.</i></b>
2	Crown Lands	Raise no objection to the PP.	Noted. No change recommended.
3	WaterNSW	Submission discusses three items that affect land in the Sydney Drinking Water Catchment, as well as earlier consultation and evolution of the PP. WaterNSW is supportive of the proposed amendments as exhibited.	Support noted. No change recommended.

### Conclusion

The submissions received do not raise any issues that need to be reflected or considered in the finalisation of this PP. Also, no further changes are recommended to the PP as a result of state agency consultation or the public exhibition.

The PP can now be finalised and the resulting LEP amendment can proceed to finalisation.

### Policy Implications

Finalising these amendments will ensure Shoalhaven LEP 2014 is both accurate and is operating as intended.

### Financial Implications

There are no immediate financial implications for Council. The amendment to the LEP will be resourced from the existing Strategic Planning budget.

## CL23.137 Proposed Acquisition - Land and Easement - Lot 261 DP 794245, 5 Taylors Lane Badagarang

**HPERM Ref:** D23/83125

**Department:** Technical Services

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

**Attachments:** 1. DP 1279527 Plan of Acquisition - 5 Taylors Lane Badagarang [↓](#)

### Reason for Report

This report provides Council with the opportunity to consider land and easement acquisition over Lot 261 DP 794245 (5 Taylors Lane), Badagarang from Taylors Investment No. 5 Pty Ltd, by agreement, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of the Far North Collector Road project and essential water supply infrastructure to support Moss Vale Road Urban Release Area.

### Recommendation

That Council:

1. Acquire 685m<sup>2</sup> of land from Taylors Investment No. 5 Pty Ltd, identified as Lot 101 DP 1279527 for the requirements of the Far North Collector Road, by agreement for \$90,000 (ninety thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Fund all costs associated with the land acquisition from Work Finance Number 103432 Land Acquisition – Far North Collector Road;
3. Acquire easement for water from Taylors Investment No. 5 Pty Ltd identified as “W1” in DP 1279527, 5m wide with an area of 155m<sup>2</sup>, for water supply requirements servicing the Moss Vale Road Urban Release Area, by agreement for \$8,000 (eight thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
4. Fund all costs for acquisition of water easement from Council’s Water Fund.
5. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined by Council’s Solicitor.
6. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. Adopt as recommended.

Implications: Council is able to acquire land to facilitate the construction of the Far North Collector Road and easement to deliver essential water infrastructure to service the Moss Vale Road Urban Release Area. The easement will provide Council with legal rights for access, construction and future maintenance of the essential water supply asset.

CL23.137

2. Not adopt as recommended.

Implications: Staff will cease negotiations for current land and easement acquisition that will have a detrimental effect on both the delivery of the Far North Collector Road and supply of critical essential infrastructure servicing the Moss Vale Road Urban Release Area.

### **Background access, operation & maintenance of the infrastructure**

The Far North Collector Road (FNCR) was identified in the Nowra Bomaderry Structure Plan (NBSP) adopted by the Council in 2007. The FNCR will provide transport connection from Illaroo Rd West Cambewarra to Moss Vale Road Cambewarra at the Bells Lane intersection, as well as provide relief routes required for both North & South Moss Vale Road Urban Release Areas.

The Southern Urban Release Area is currently a mix of residential houses under construction, approved development or development application under assessment.

Following notification of the Federal Government's \$13.8M grant funding under the Australian Government Infrastructure Investment Program, Council at its Ordinary Meeting of 28 June 2018 resolved to commence design and construction and land acquisitions (MIN18.486).

Council staff initiated discussions for land acquisitions with The Directors of Taylors Investment No. 5 Pty Ltd, in 2018. The negotiations terminated when the alignment of FNCR was reviewed and realigned.

Further amendments to the location of the FNCR again identified the need for land acquisition from Taylors Investment No. 5 Pty Ltd. Council staff recommenced negotiations for an identified area of land in December 2021.

Shoalhaven Water investigated the alignment for future water assets to service development in the locality. 5 Taylors Lane, Badagarang has been identified as privately held land and therefore will require an easement to facilitate construction and future operation/maintenance of a water main to service future development within the Moss Vale Road Urban Release Areas.

Council engaged Walsh & Monaghan Valuers to prepare a Valuation Report, who assessed compensation at \$65,000 (sixty-five thousand dollars). This was at odds with the valuation report prepared by Opteon Property Group Pty Ltd instructed by Taylors Investment No. 5 Pty Ltd.

Negotiations followed with an agreement reached at \$98,000 (ninety-eight thousand dollars) for both land (\$90,000) and easement (\$8,000) acquisition, in addition to reasonable legal and ancillary costs associated with the transfer to Council in accordance with Land Acquisition (Just Terms Compensation) Act, 1991.

### **Community Engagement**

Not required for operational purposes such as land acquisition.

### **Policy Implications**

Nil

### **Financial Implications**

The Far North Collector Road project is 100% funded by the Federal Government's Australian Government Infrastructure Investment Program.

CL23.137

Compensation and all costs associated with the water easement acquisition are to be funded from Council's Water Fund.

**Risk Implications**

The FNCR will provide transport connection from Illaroo Rd West Cambewarra to Moss Vale Road Badagarang at the Bells Lane intersection, as well as provide relief routes required for both North & South, Moss Vale Road Urban Release Areas.

Failure to acquire the land for the FNCR will impact on transport network in the locality.

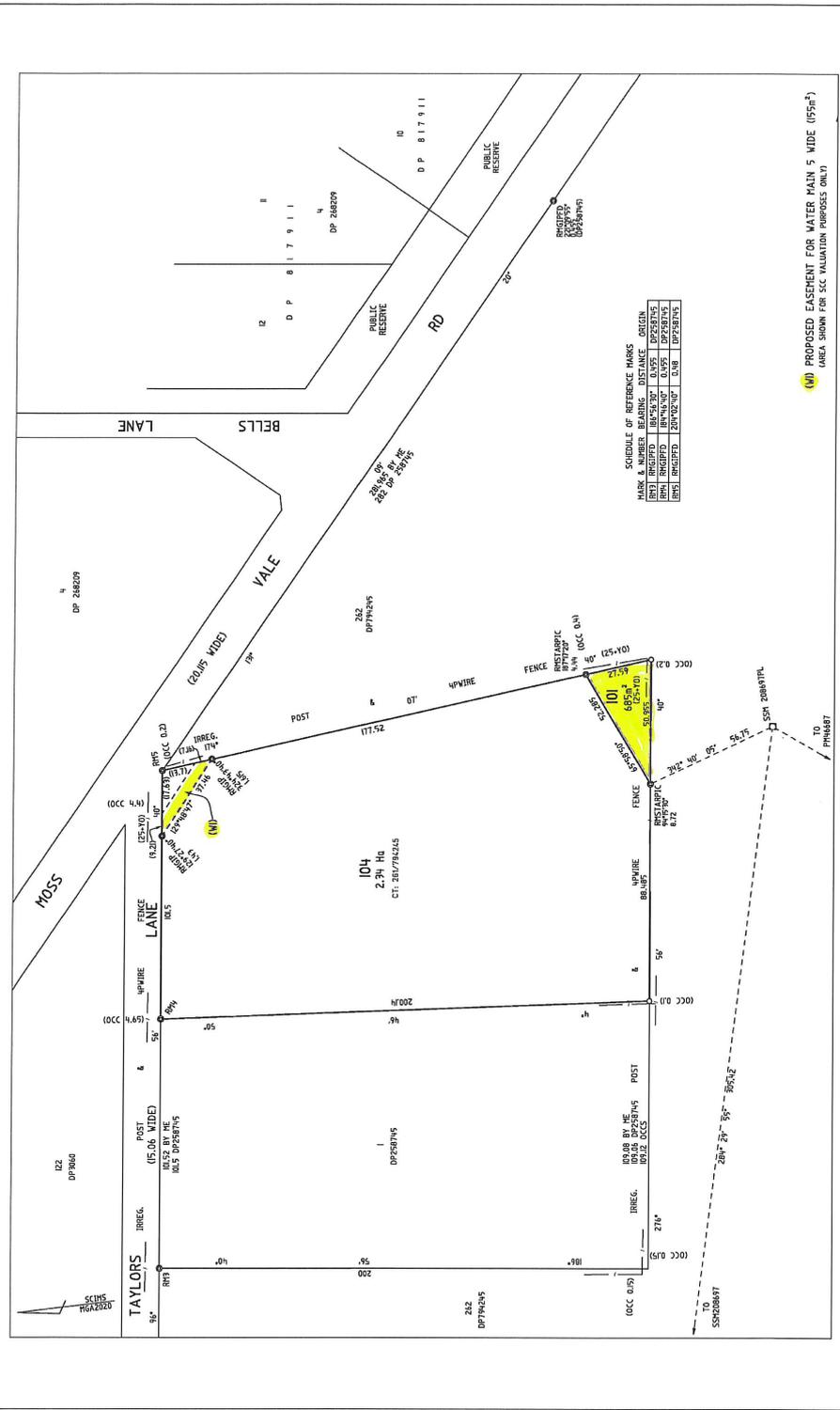
Acquisition of the easement is necessary to secure Shoalhaven Water's legal rights to access, operation and maintenance of essential public infrastructure. The proposed action is administrative only and has no environmental impact.

Failure to acquire the easement identified for water supply may lead to a delay in the delivery of required infrastructure as part of the Moss Vale Road URA.

Sheet 3 of 3 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REFLECTION

PLAN FORM 2A (A2)



Surveyor: MARCEL CRAIG Date of Survey: 2nd JUNE 2022 Surveyor's Ref: 0-2019_P5	LGA: SHOALHAVEN Locality: CAMBERMARRA Lengths are in metres. Reduction Ratio 1:	Registered 20/10/2022 	DP1279527
--	---	------------------------------	-----------

PLAN OF ACQUISITION UNDER THE ROADS ACT 1993  
OVER LOT 2 DP1261811 & LOT 261 DP794245  
AND PROPOSED EASEMENT OVER LOT 261 DP794245

© Office of the Registrar-General / Sec:PORTAL / Ref:Its:epian-epian FOR SURVEYORS USE ONLY  
Reg:633753 / Doc:DP 1279527 P / Rev:20-Oct-2022 / NSW LRS / P/L:21-Oct-2022 03:30 / Seq:3 of 5

CL23.137 - Attachment 1

## CL23.138 Land Acquisition for Road Purposes - Lot 508 & 509 DP 877900 Coonemia Road Wollumboola and Lot 556 DP 1284943 - Currarong Road Wollumboola

**HPERM Ref:** D23/117506

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

**Attachments:** 1. Registered Lot 508 & 509 DP 877900 [↓](#)  
2. Registered Lot 556 DP 1284943 [↓](#)

### Reason for Report

This report is to provide Council with the opportunity to consider acquisition of Lot 508 & 509 DP 877900 and Lot 556 DP 1284943, located at the intersection of Coonemia and Currarong Roads Wollumboola from Sealark Pty Ltd, by agreement, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of future road requirements.

### Recommendation

That Council:

1. Acquire Lot 508 (457.4m<sup>2</sup>), Lot 509 (63.8m<sup>2</sup>) and Lot 556 (4369m<sup>2</sup>) from Sealark Pty Ltd, for future road requirements, by agreement for \$196,000 (one hundred and ninety-six thousand dollars) plus GST if applicable, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. Fund all costs associated with the land acquisition from Work Finance Number 103425 Strategic Land Acquisition: Work Order C0005645 -Road Acquisition;
3. Upon registration of the acquisition plan and settlement, authorise by notice in the Government Gazette, the dedication of Lot 508 & 509 DP 877900 and Lot 556 DP 1284943 as Public Road in accordance with Section 10 of the Roads Act 1993;
4. Delegate authority to the Chief Executive Officer to make minor adjustments to the purchase price, if necessary, in accordance with the settlement figure determined in consultation with Council's Solicitor.
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed, otherwise, the Chief Executive Officer is authorised to sign any documentation necessary to give effect to this resolution.

### Options

1. Adopt as recommended

Implications: Council is able to acquire and secure land for future road planning in this area.

2. Not adopt as recommended

Implications: Staff will cease negotiations and acquisition will occur at a future date. Should the land be required in the future, there is a possible risk that the land will form

CL23.138

part of a biobank agreement and is dedicated as National Park. Council is currently using the site to store road material stockpiles and may need to relocate this at some point in the future if the land remains in private ownership.

**Background**

The subject land is privately owned by Sealark Pty Ltd but is currently being used by Council for a roadworks stockpile site.

Sealark Pty Ltd advised Council they have a Biobank Agreement over the surrounding adjoining land as part of a proposed development of land west of Callala Bay (Planning Proposal PP028). This biobanking agreement included the subject land.

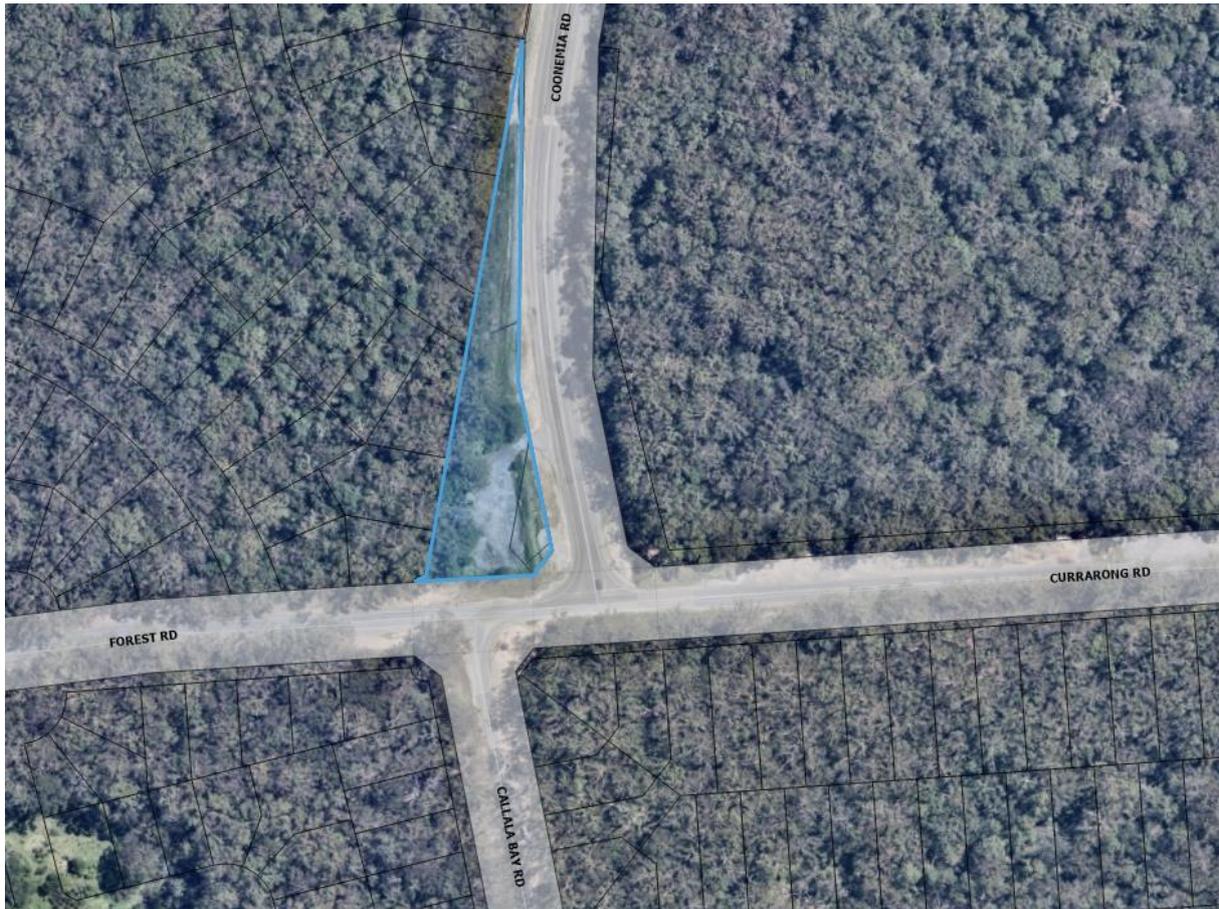
Sealark approached Council to seek concurrence on future road plans and land requirements and possible acquisition of the subject lands.

If Sealark Pty Ltd were to register the Biobank agreement on the land’s Title, this could create future land use issues, should Council have a need to use this land or realign Coonemia Rd in the future. Should the subject land form part of the Biobank area, it will ultimately be handed over to National Park as an extension of Jervis Bay National Park – resuming land from National Parks for road widening requires an Act of Parliament.

The subject lands are shown in the table and highlighted blue in the image below:

Lot	DP	Size	Zoning
Part Lot 555	1254135	Approx. 4,377m2	Part of the private subdivision road
508	877900	457.40 m <sup>2</sup>	RU2 - Rural Landscape
509	877900	63.80 m <sup>2</sup>	RU2 – Rural Landscape

CL23.138



CL23.138

The proposed land acquisition would allow the realignment of Coonemia Road to create a four-way intersection with Forest Rd, Callala Bay Rd and Currarong Rd. While extensive traffic analysis has not been completed, at this point, it is envisaged that a roundabout would be a suitable treatment. An intersection upgrade at this location is included in the Federally Funded \$40M Shoalhaven Roads Project.

Acquisition now will:

- allow for continued use of the site as a roadworks stockpile;
- secure the land for long-term future strategic road interests – i.e. potential need for intersection realignment or installation of roundabout;
- ensure land is acquired before Biobank agreement on neighbouring land is registered on title which could create road land use complications in the future.

Sealark Pty Ltd provided Council with a valuation report prepared by Walsh & Monaghan that allowed Council to review this valuation against a previously Council engaged valuation report prepared by Opteon Solutions.

Following review, the offer of \$196,000 was considered fair and reasonable with Council providing acceptance of the compensation subject to Council resolution.

### **Community Engagement**

Nil for operational land matters

### **Policy Implications**

The acquisition is in accordance with POL22/120 – Acquisition of Land by Shoalhaven City Council.

**Financial Implications**

Budget has been provided by the Strategic Land Fund that allows for ad hoc purchase of land for strategic functions of Council.

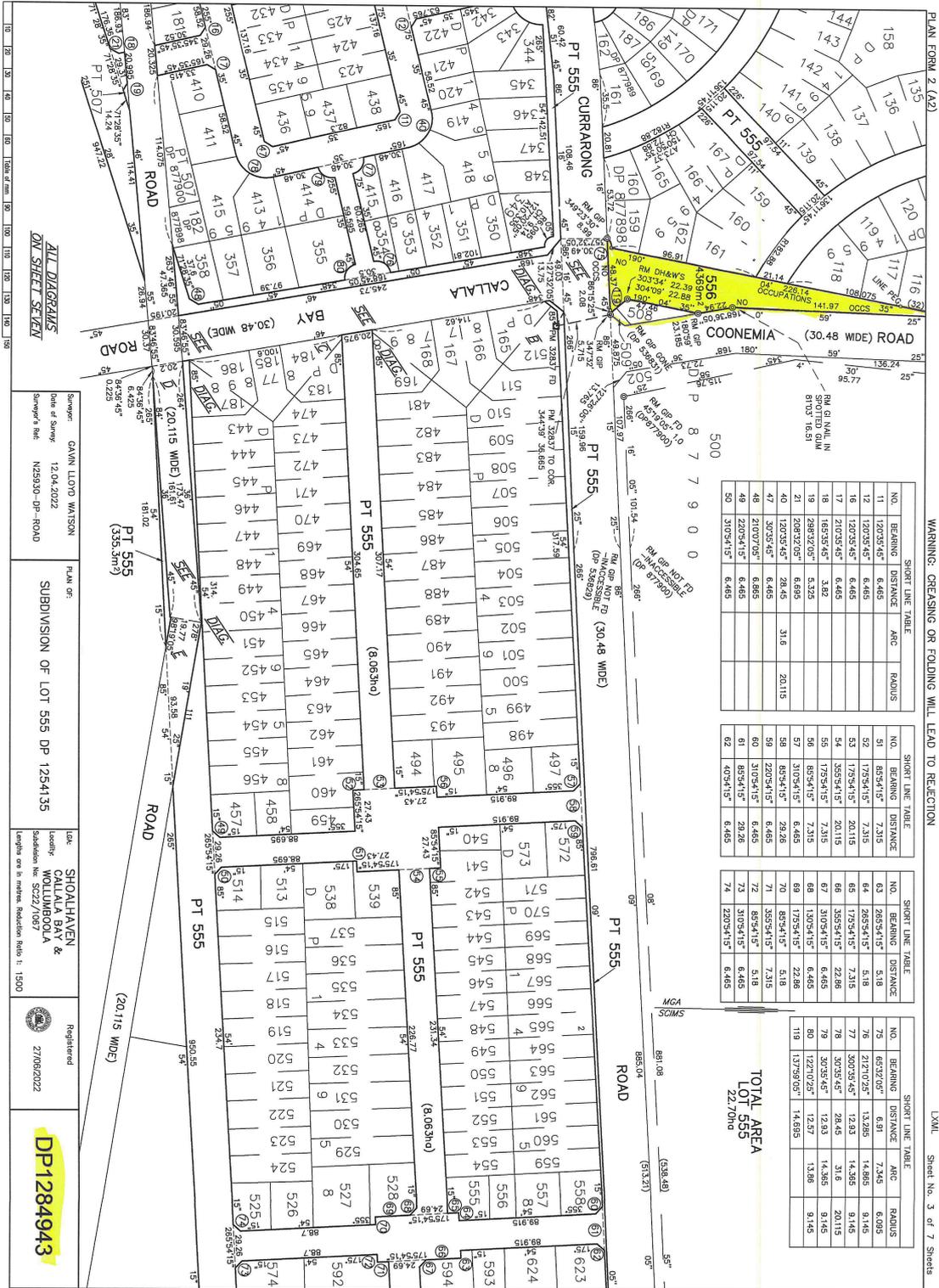
**Risk Implications**

Not acquiring the land at this time would limit future options for an intersection upgrade at this location.

CL23.138



Req:SR190002 /Doc:DP 1284943 P /Rev:27-Jun-2022 /NSW LRS /Prt:28-Jun-2022 00:58 /Seq:1 of 9  
© Office of the Registrar-General /Src:PORTAL /Ref:Supplied For Your Internal Use Only



CL23.138 - Attachment 2

## **CL23.139 Proposed Road Closure - Part Palm Grove Road, Conjola**

**HPERM Ref:** D23/61265

**Department:** Technical Services

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

**Attachments:** 1. Plan of Road Closure [↓](#)

### **Reason for Report**

This report provides Council with an opportunity to consider approving the closure of part of Palm Grove Road, Conjola and consolidated into Lot 4 DP 1022914, 786A Bendalong Road Conjola.

### **Recommendation**

That Council:

1. Resolve to close 7494m<sup>2</sup> of Palm Grove Road, Conjola, identified as Lot 1 in Plan of Road Closure Surveyors Reference U21268 (attachment 1 - D23/111967) by notice published in the Government Gazette.
2. Transfer ownership of the portion of closed road to the Registered Proprietor of the adjoining property being Lot 4 DP 1022914, 786A Bendalong Road Conjola for nil compensation.
3. Require that the portion comprised in the road closure be consolidated into one lot with Lot 4 DP 1022914, 786A Bendalong Road Conjola.
4. Require that all costs associated with the road closure be borne by the owner of Lot 4 DP 1022914, 786A Bendalong Road Conjola.
5. Authorise the Chief Executive Officer to sign any documentation required to give effect to this Resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### **Options**

1. As Recommended

Implications: The road closure will proceed and will reduce the road maintenance burden of Shoalhaven City Council.

2. Not Resolve as Recommended

Implications: The road will remain the responsibility of Council including the maintenance requirements of the road that services one sole allotment.

### **Background**

Palm Grove Road is located in Conjola, off of Bendalong Road and provides access to three properties being 786A, 786B and 786C Palm Grove Road.

In 1988, Mr Graham Hopkins purchased 786A Palm Grove Road and subdivided the original parcel to create Lots 3 and 4 DP 1022914.



Figure 1: Area in red denotes portion of road to be closed. Lots 3 and 4 DP 1022914 are highlighted in yellow.

The subdivision consent, SF6251, that created Lots 3 and 4 was issued on 23 February 1988 and included the following two conditions:

- Condition 5 – ‘Payment to Council of a contribution for the maintenance/upgrading of the road of access to the subdivision and in accordance with Section 94. For the current year the contribution is \$3,340’,
- Condition 7 – ‘Construction of a 4m gravel pavement together with 1.5m shoulder and necessary culverts and table drain within the reserve, to the requirements of the City Engineer...’

Note: the “road of access” referred above was a Crown Road Reserve at the time of subdivision approval.

The above suggests that at the time of approval Council were expecting to maintain the road and Council accepted the construction of a 4m pavement.

Over the last 35 years the landowner has maintained the road from his boundary to the intersection with Bendalong Road and has received some assistance from Council in the form of the supply of gravel. This is further evidence that Council acknowledges some responsibility in the maintenance of the road.

Palm Grove Road was never dedicated and so remained a Crown Road until 11 February 2022 when it was gazetted to Council.

The owner has now approached Council and is seeking support to close the portion of Palm Grove Road that is used as access (Figure 1 identified in red) for consolidation with Lot 4 DP 1022914. Access to Lot 3 DP 1022914 will be maintained through the creation of a Right of Access 20 (m) wide & variable width over the portion of road proposed to be closed.

## Community Engagement

Under Section 38B of the *Roads Act 1993* .

- 1) A Council that is proposing to close a council public road must cause notice of the proposal –
  - a. To be published in a local newspaper, and
  - b. To be given to –
    - i. All owners of land adjoining the road, and
    - ii. All notifiable authorities, and
    - iii. Any other person (or class of person) prescribed by the regulations.

The above has been undertaken with all parties notified in November 2022. Council did not receive any objections to the proposed road closure.

Internal comments were sought in July 2022 and addressed.

## Policy Implications

This matter aligns with Shoalhaven City Council's Delivery Program Operational Plan 2022/23 Priority 2.1 Manage our infrastructure and assets for long term sustainability to meet community need. Closing a portion of road, used to access two properties in the one ownership, will reduce the maintenance burden on Council and therefore contributing to Council's long-term sustainability.

## Financial Implications

This transaction will occur at nil cost to Council. The adjoining landowner will be responsible for all of Council's legal and other associated costs.

Generally, when closing a road Council would get a valuation of the portion of road to be closed and seek compensation from the beneficiary. This particular instance is unique in that for the last 35 years the landowner has been maintaining Palm Grove Road, from his boundary to the intersection with Bendalong Road. In addition, it would appear that Council may have been partially responsible for the upkeep of the road over this time. The recommendation of nil compensation is reflective of the historical circumstances of the maintenance of the road and is supported by the Director City Services.

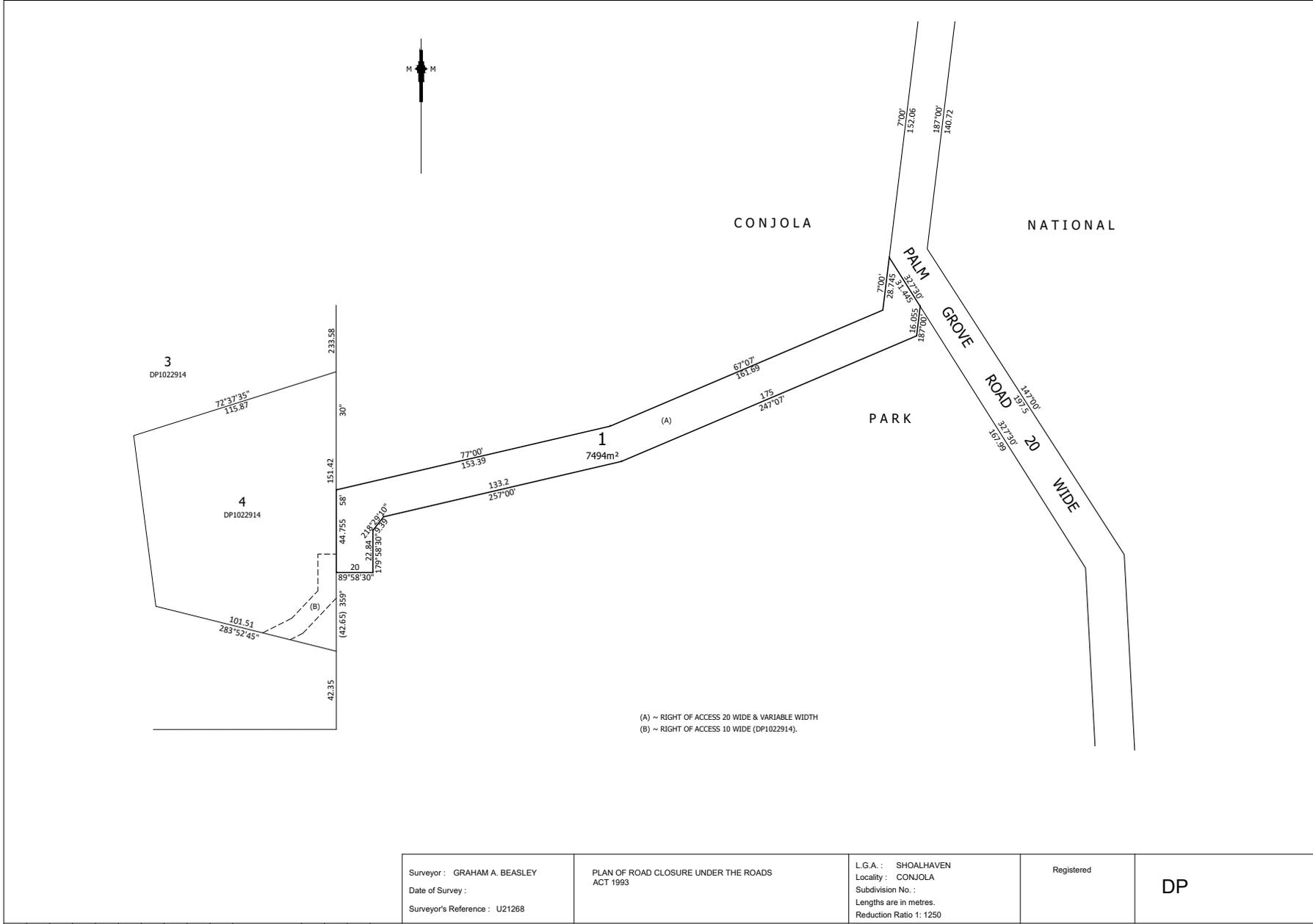
## Risk Implications

Council's maintenance burden, and associated risks, will be reduced by closing the road and the land being consolidated with the adjoining lot.

PLAN FORM 2 (A2)

WARNING : CREASING OR FOLDING WILL LEAD TO REJECTION

Sheet 1 of 1 sheets



CL23.139 - Attachment 1

## **CL23.140 Easements to Drain Water and Easement for Asset Protection Zone (APZ) over Council Land - Lot 117 DP 1122371 and Lot 40 DP 802671, Albatross Road, South Nowra.**

**HPERM Ref:** D23/129578

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

**Attachments:**

1. Proposed Easement to Drain Water 3.5 and 6 wide over Lot 117 DP 1122371 [↓](#)
2. Proposed Easement to Drain Water over Lot 40 DP 802671 [↓](#)
3. Sketch Plan - APZ over Lot 40 DP 802671 and Lot 117 DP 1122371 REV B [↓](#)

### **Reason for Report**

This report is to provide Council with an opportunity to consider the creation of easements to drain water and Asset Protection Zone (APZ) over Council land, Lot 117 DP 1122371 and Lot 40 DP 802671, Albatross Road, South Nowra. The easements to drain water and APZ are to benefit Lot 116 DP 1122371, 17 Norfolk Ave South Nowra as required by deferred commencement consent RA21/1001.

### **Recommendation**

That Council:

1. Grant an Easement to Drain Water:
  - a. 3.5m & 6m wide that will burden Council land known as Lot 117 DP 1122371, Albatross Road, South Nowra as shown in Attachment 1.
  - b. Variable width, over Council land, Lot 40 DP 802671, Albatross Road, South Nowra as shown in Attachment 2.
  - c. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra to pay compensation to Shoalhaven City Council in the amount of \$18,120 (plus GST if applicable) for the Grant of Easements to Drain Water;
  - d. Require JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra, to fund all costs associated with the creation and registration of the Easements to Drain Water.
2. Grant an Easement for Asset Protection Zone over Lot 40 DP 802671 and Lot 117 DP 1122371 to benefit Lot 116 DP 1122371 by way of Positive Covenant identified as "A" in Attachment 3 (D23/139587) and in accordance with the provisions of Section 88E of the Conveyancing Act 1919;
  - a. Require that the landowners of Lot 116 DP 1122371 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant;
  - b. Require that the JRL 1 Pty Ltd as the purchaser of Lot 116 DP 1122371 fund all costs associated with the creation and registration of the Asset Protection Zones.

CL23.140

3. Delegate authority to the Chief Executive Officer to adjust compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**Options**

1. Resolve as recommended.

Implications: The creation of easements to drain water and Asset Protection Zones are required to facilitate development on 17 Norfolk Ave, South Nowra.

2. Not adopt the recommendation.

Implications: The approved development on 17 Norfolk Ave, South Nowra, will not be able to proceed in its current form as the easements to drain water and the establishment of the APZ are deferred development consent conditions and must be fulfilled to facilitate development.

**Background**

On 6 October 2022, development consent (RA21/1001) was granted for the construction of a 47-unit industrial development, take away food and drink premises, access driveways, signage and landscaping at 17 Norfolk Ave, South Nowra.

Figure 1 shows 17 Norfolk Ave, South Nowra (lot in blue below) abuts two Council owned operational lots being Lot 40 DP 802671 and Lot 117 DP 1122371 (shown in yellow).

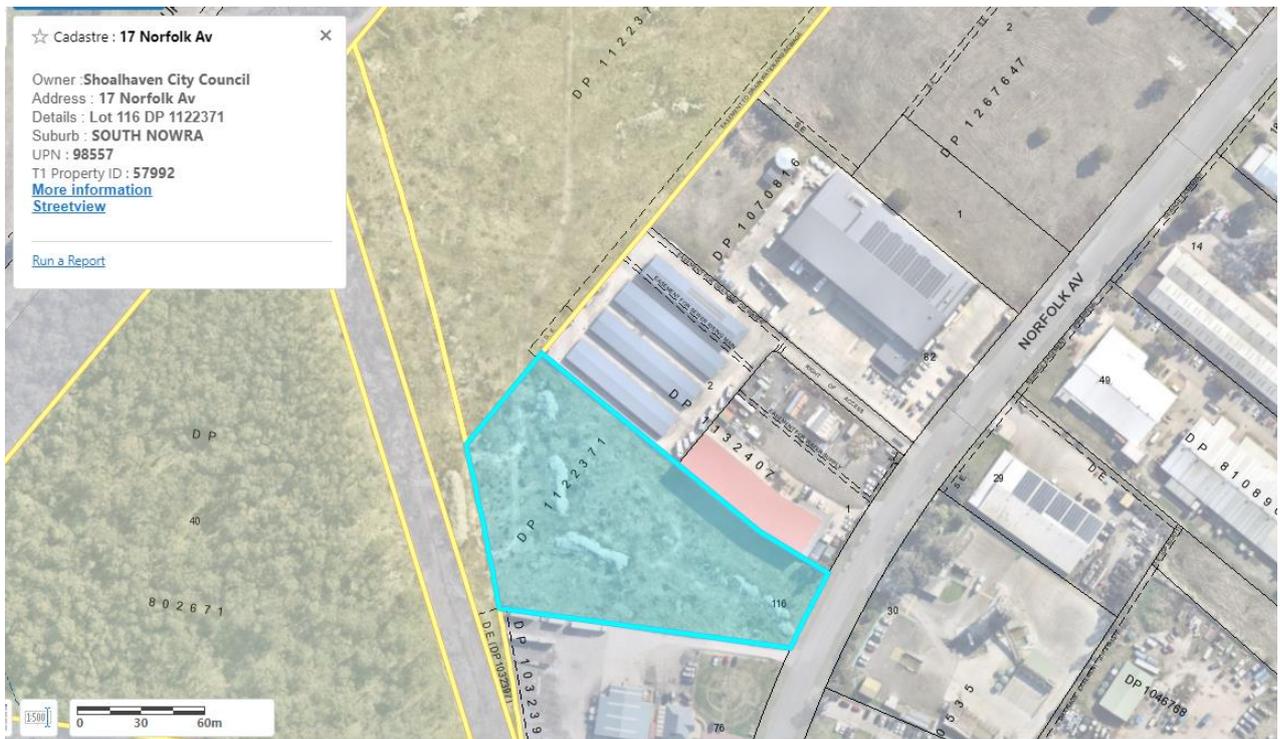


Figure 1

CL23.140

Deferred Commencement Conditions

The development consent contains deferred commencement conditions that must be satisfied for consent to become operative, specifically;

- b) *An easement for drainage purposes that benefits the subject site at 17 Norfolk Avenue (Lot 116, DP 1122371) is to be created and registered on the adjoining site at Lot 40 DP 802671. The easement is to allow for a stormwater connection to be created which connects drainage infrastructure from the subject site to a public drainage system. If the creation of a single easement on Lot 40 DP 802671 will not provide for a connection to a public drainage system, then a second drainage easement is to be provided which connects:
  - i) *The new easement on Lot 40 DP 802671 as specified above, and*
  - ii) *An existing drainage easement, which is located at Lot 117 DP 1122371 adjacent to the common boundary that separates this site and the subject site at 17 Norfolk Ave (Lot 116, DP 1122371).**
- c) *An instrument pursuant to section 88 of the Conveyancing Act 1919, must be in place over the land immediately adjoining the subject sites south western and north western site boundaries projecting outwards for 22m, to ensure its ongoing management as an Inner Protection Area (IPA) in accordance with Appendix 4 of Planning for Bush Fire Protection 2019, until such time as the lots have been created, developed and sold (and the Bushfire hazard removed). The restriction to land use for the purpose of an asset protection zone may be extinguished upon commencement of future development over the affected areas. When establishing and maintaining an IPA the following requirements apply:
  - i) *tree canopy cover should be less than 15% at maturity;*
  - ii) *trees at maturity should not touch or overhang the building;*
  - iii) *lower limbs should be removed up to a height of 2m above the ground;*
  - iv) *tree canopies should be separated by 2 to 5m;*
  - v) *preference should be given to smooth barked and evergreen trees;*
  - vi) *large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;*
  - vii) *shrubs should not be located under trees;*
  - viii) *shrubs should not form more than 10% ground cover; and*
  - ix) *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.*
  - x) *grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and*
  - xi) *leaves and vegetation debris should be removed.**

*The name of authority empowered to release, vary or modify any instrument shall be Shoalhaven City Council.*

Easements to Drain Water

17 Norfolk Ave, South Nowra is currently owned by Council but is under contract to JRL 1 Pty Ltd. JRL 1 Pty Ltd have requested easements to drain water be created over Lot 117 DP 1122371 and Lot 40 DP 802671 as shown in Attachment 1 and 2.

An independent valuation report, completed by Walsh and Monaghan dated 10 January 2023, assessed compensation for both easements at \$18,120 (ex GST). JRL 1 Pty Ltd

have agreed to the compensation amount and to pay for Council's reasonable legal, valuation and other costs associated with this land transaction.

Asset Protection Zones

Asset Protection Zones are required to facilitate development of 17 Norfolk Ave, South Nowra as approved via RA21/1001. The requested APZs are shown in Attachment 3.

The Asset Protection Zones are to be created by way of a positive covenant burdening Council owned lots, Lot 40 DP 802671 and Lot 117 DP 1122371, for the benefit of Lot 116 DP 1122371 (17 Norfolk Ave, South Nowra).

The APZ's will be created over land that is zoned IN1 – General Industrial. The affected lots, Lot 40 DP 802671 and Lot 117 DP 1122371 are located in Flinders Industrial Estate. These lots have been cleared, specifically to facilitate industrial development. The image below shows the approximate location of the proposed APZs.



Figure 2

From an environmental perspective, the land is degraded and the remaining vegetation mix consists of some native regrowth and introduced species.

The creation of the APZs has no negative financial impact on the value of the adjoining lots and therefore there is no compensation payable to Council for the creation of APZs.

The APZs will remain in place until the adjoining lots are developed, and Council may assess removal of the APZ under future development applications.

CL23.140

## **Community Engagement**

Not applicable for operational matters.

## **Internal Consultation**

The Economic Development Manager is the Asset Custodian of Lot 40 DP 802671 and Lot 117 DP 1122371. Economic Development does not object to the works as proposed in this report.

Internal consultation occurred in February 2023 and feedback is summarised as follows:

Development Assessment noted that development application RA21/1001 was determined by way of deferred commencement consent, (D22/423982), on the basis of creation of stormwater drainage easements and that the proposed easements as submitted in this report are consistent with that approval.

Development Assessment also notes that the proposed APZ easements are consistent with recommendation from the NSW RFS that a RATU be imposed both on the subject land and also on areas of adjoining land, projecting 22 metres out from the subject site, that will require such areas to be managed as an Inner Protection Area (IPA).

Strategic Transport raised concerns about protecting the corridor for a suggested future Nowra Bypass. The establishment of APZ does not preclude this potential future activity.

## **Policy Implications**

Nil.

## **Financial Implications**

Council will receive compensation of \$18,120 (plus GST) for the Easements to Drain Water. Compensation will be allocated to 102840 – Industrial Land Flinders.

## **Risk Implications**

The 47-unit industrial development cannot proceed without the creation of easements to drain water and the establishment of the two APZs as these are deferred development consent conditions and must be fulfilled to facilitate development.

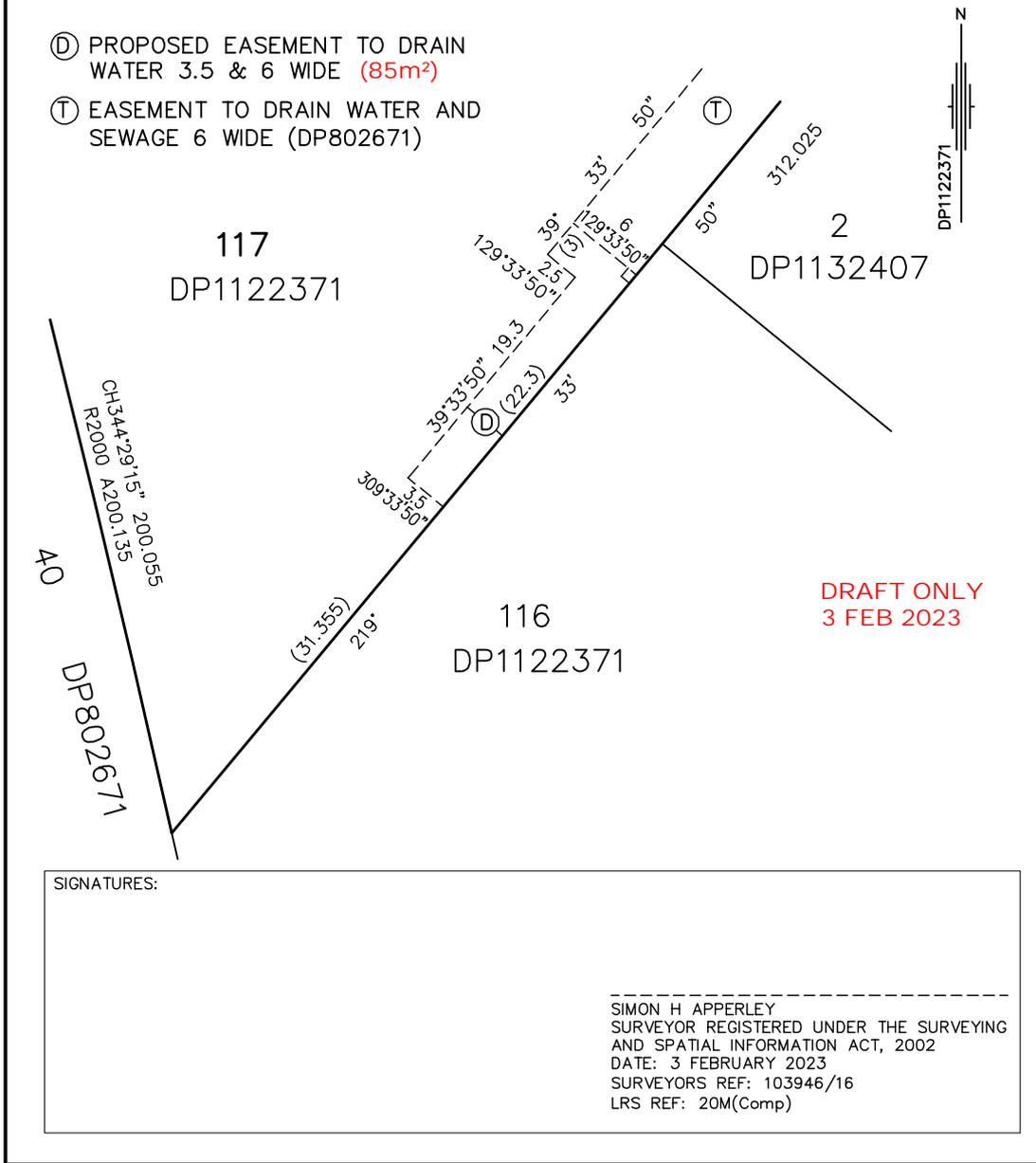
The APZs will be created by way of positive covenant with all maintenance being the responsibility of the owner, now and in the future, of 17 Norfolk Avenue, South Nowra. Council has no responsibility to maintain these APZ's or drainage easements.

ANNEXURE A

PLAN OF PROPOSED EASEMENT TO DRAIN WATER 3.5 & 6 WIDE  
OVER LOT 117 DP1122371 AT SOUTH NOWRA  
LGA: SHOALHAVEN PARISH: NOWRA COUNTY: ST VINCENT

REDUCTION RATIO 1: 400

- Ⓧ PROPOSED EASEMENT TO DRAIN WATER 3.5 & 6 WIDE (85m<sup>2</sup>)
- Ⓣ EASEMENT TO DRAIN WATER AND SEWAGE 6 WIDE (DP802671)

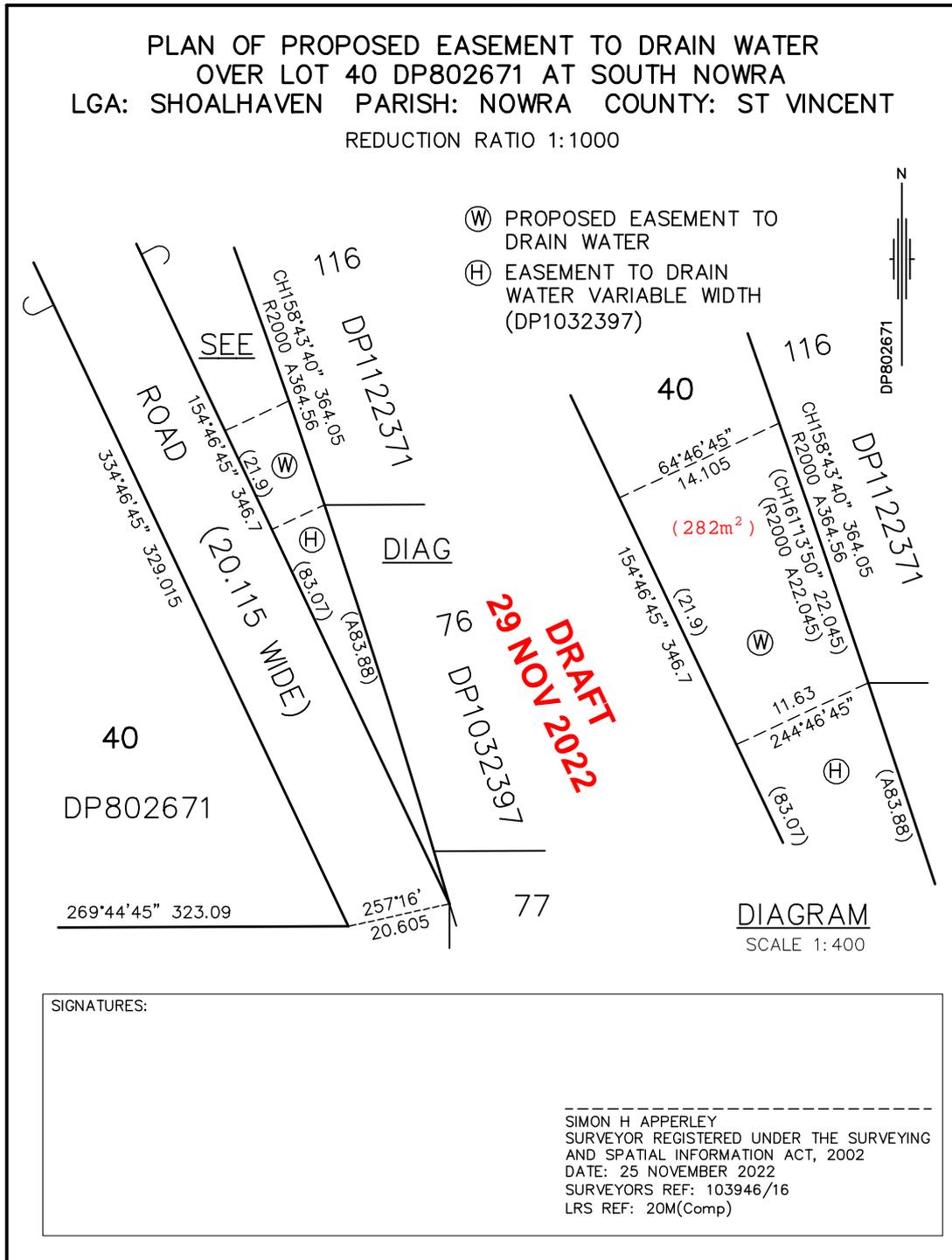


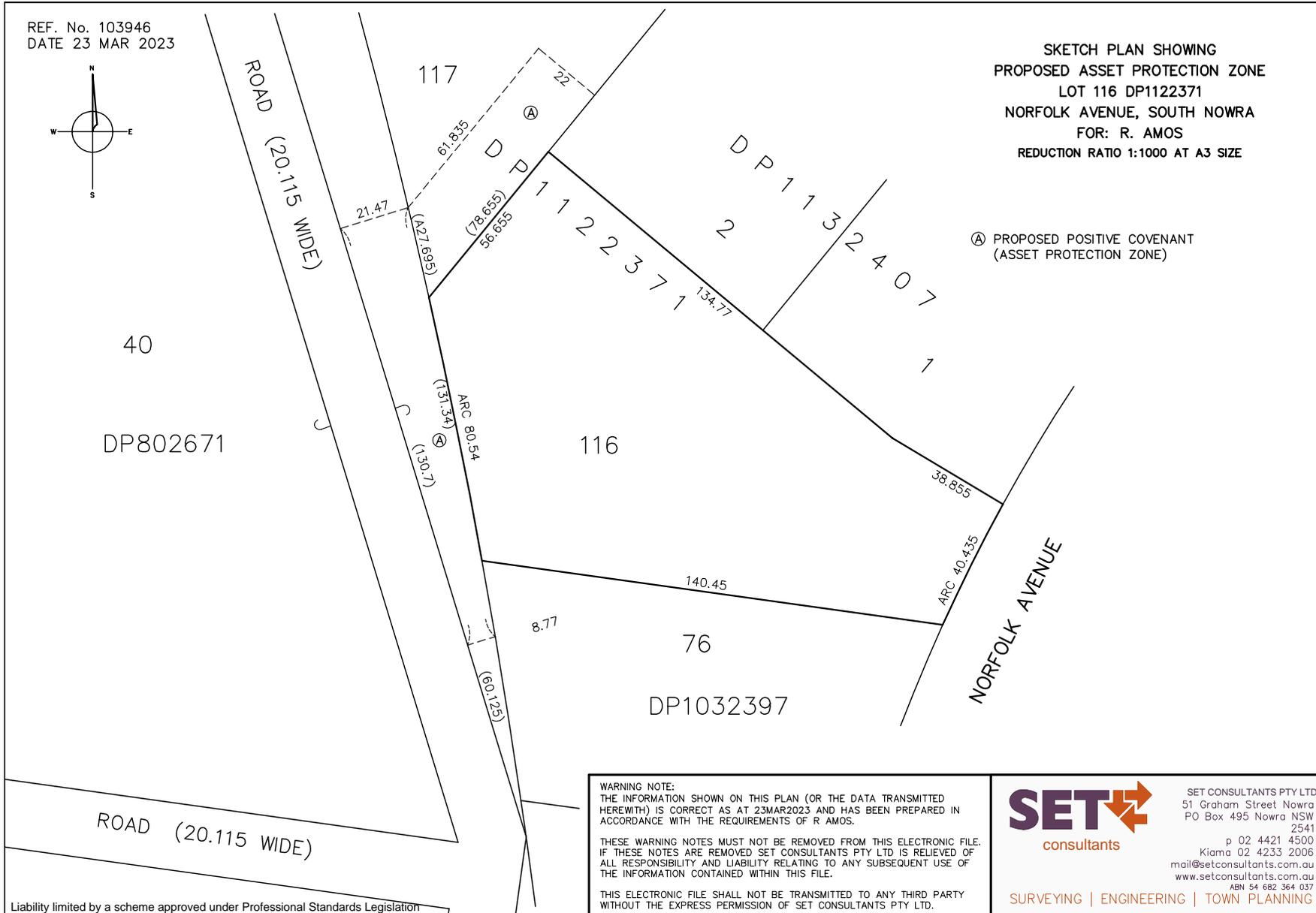
SIGNATURES:

-----  
SIMON H APPERLEY  
SURVEYOR REGISTERED UNDER THE SURVEYING  
AND SPATIAL INFORMATION ACT, 2002  
DATE: 3 FEBRUARY 2023  
SURVEYORS REF: 103946/16  
LRS REF: 20M(Comp)

CL23.140 - Attachment 1

ANNEXURE A





## CL23.141 Transport for NSW - Land Acquisition - Lot 19 DP 804077 - West Birriley Street, Bomaderry

HPERM Ref: D23/105083

Department: Technical Services

Approver: Paul Keech, Director - City Services

### Reason for Report

This report provides Council with an opportunity to consider a request by Transport for NSW (TfNSW) to compulsorily acquire by agreement Lot 19 DP 804077, West Birriley Street, Bomaderry in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

### Recommendation

That Council authorise

1. The acquisition by agreement with TfNSW for Lot 19 DP 804077, West Birriley Street Bomaderry for compensation of \$55,000 (fifty-five thousand dollars) plus GST if applicable in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
2. All proceeds of the acquisition be allocated to the Property Reserve – Roads.
3. The Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation as required.

### Options

1. Adopt as recommended

Implications: The land will be acquired by TfNSW and will rectify an outstanding land management issue.

2. Not adopt as recommended

Implications: The land will remain in Council ownership even though a portion of the Princes Highway is constructed on that land parcel.

### Background

In 1992, Shoalhaven City Council subdivided land adjacent to the Princes Highway, bounded by West Birriley and Barwon Streets, Bomaderry. This subdivision was known as the Barwon Street Subdivision and created Chebec Close and residential lots. Lot 19 DP 804077 West Birriley Street Bomaderry was created as part of this subdivision for the purpose of a buffer zone and road widening.

Lot 19 DP 804077 West Birriley Street Bomaderry (highlighted in blue in the image below) remains in Council ownership and contains a portion of the Princes Highway. As the lot contains TfNSW infrastructure, it would be more appropriate for the lot to be under the control and ownership of TfNSW.

CL23.141



CL23.141

Lot 19 DP 804077 West Birriley Street Bomaderry is classified as Community Land, categorised as Park. Under the Section 45 of the *Local Government Act 1993*, a Council has no power to sell, exchange or otherwise dispose of community land. Therefore, there are only two available methods to transfer this land to TfNSW. The first would be the time-consuming process of re-classifying this land as operational and then transferring to TfNSW. The more efficient way to transfer this parcel is for TfNSW to compulsory acquire.

In 2018, Council's Property section contacted TfNSW requesting that they consider the compulsory acquisition of this lot. In 2022, a joint valuation was undertaken. Following review, both TfNSW and Council's Property section agreed with the valuation that assessed compensation payable to be \$55,000 (exclusive of GST).

To proceed with this matter, TfNSW require Council's concurrence to make application for compulsory acquisition on agreed terms.

### Community Engagement

Although Lot 19 DP 804077 has been classified as Community Land, the parcel was originally created for the purpose of a buffer zone and road widening. In addition, Lot 19 DP 804077 contains part of the Princes Highway and acquisition will tidy up an outstanding land ownership matter. For these reasons community engagement is not required as this is interpreted as an operational matter.

Internal comments were sought. Shoalhaven Water noted that there is a redundant asbestos water main located in this lot. TfNSW was notified and do not consider this to be an impediment to the acquisition process.

Strategic transport stated that the encroachment onto the land was a result of the construction of the roundabout as part of the 1980's Princes Highway upgrade and had no objection to the acquisition.

The site contains no community infrastructure apart from a small portion of footpath (approximately 11m<sup>2</sup>). The acquisition of Lot 19 DP804077 does not impact on the footpath. Works and Services suggested that TfNSW realign this portion of footpath. However, this is considered not necessary as many pedestrian pathways are located in the road reserve.

### **Policy Implications**

This action meets Shoalhaven City Council's Delivery Program Operational Plan 2022/23 Priority 4.1 to Deliver reliable, high-quality services. According to the plan, the community expects that roads and other services will meet their daily needs provided by Council and other government agencies into the future. Part of the Princes Highway has been built on a Council owned lot that was created specifically for road widening and as a buffer. The community would be best served if this parcel of land was acquired by TfNSW.

### **Financial Implications**

A joint valuation determined compensation to be \$55,000 (plus GST if applicable) which will be deposited into the Property Reserve – Roads.

Maintenance responsibilities will remain unchanged.

### **Risk Implications**

Shoalhaven City Council has an agreement with the Roads and Traffic Authority of New South Wales that outlines the maintenance responsibilities of each party for State Highways and Main Roads. Under this agreement Council is responsible for the maintenance of the road reserve in this location. Maintenance responsibilities will remain unchanged. There is no change in risk profile between keeping or disposing of this land.

## **CL23.142 Membership - Central Floodplain Risk Management Committee**

**HPERM Ref:** D23/102220

**Department:** Environmental Services

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

### **Reason for Report**

Accept Mr David Tarbert's resignation as a voting member of the Central Floodplain Risk Management Committee (FRMC) and for Mr Tarbert to continue as a non-voting member / participant of the Central FRMC. Call for Expressions of Interest (EOI) to fill all current vacant voting member positions in the Central FRMC.

### **Recommendation**

That Council:

1. Accept Mr David Tarbert's resignation as a voting member of the Central FRMC and for Mr Tarbert to continue as a non-voting member / participant.
2. Strongly acknowledge Mr Tarbert for his contributions to the Central FRMC.
3. Call for EOIs to fill all current vacant voting member positions in the Central FRMC.

### **Options**

1. Accept Mr David Tarbert's resignation as a voting member of the Central FRMC and for Mr Tarbert to continue as a non-voting member / participant of the Central FRMC. Call for EOIs to fill all current vacant voting member positions in the Central FRMC.

Implications: Nil

2. Council could choose to provide an alternative recommendation.

Implications: Unknown

### **Background**

Mr David Tarbert is currently a voting member of the Central FRMC. Mr Tarbert is unable to continue in his role as a voting member of this committee but wishes to remain involved in the FRMC. Mr Tarbert has offered his resignation as a voting member of the FRMC.

Business Assurance and Risk (City Performance) has advised that Mr Tarbert can become a non-voting member / participant of the Central FRMC. In this capacity, Mr Tarbert will receive all material relating to this Central FRMC e.g., agendas and minutes, attendance, and participation, but simply not vote on any matters.

### **Policy Implications**

An EOI process is required to replace Mr Tarbert's voting member position in the Central FRMC. There is an existing voting member vacancy for this committee and therefore the EOI process should be undertaken to fill all current voting member vacancies. This has been included in the recommendation.

CL23.142

**Financial Implications**

Nil

**Risk Implications**

Quorum at future Central FMRC may be compromised without new voting members being appointed through the EOI process and in accordance with the adopted Terms of Reference (MIN22.937/POL22/28).

CL23.142

## **CL23.143 Update - Regional Illegal Dumping (RID)**

**HPERM Ref:** D23/96955

**Department:** Certification & Compliance

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

### **Reason for Report**

To provide an update and information in relation to the Regional Illegal Dumping (RID) activities within the Shoalhaven.

### **Recommendation**

That Council receives the update report for information.

### **Options**

1. Council receive the report for information

Implications: Nil

2. Council receives the report and provides additional direction for future reports.

Implications: Any changes or additional matters can be added to future reports.

### **Background**

The Illawarra Shoalhaven Joint Organisation (ISJO) entered into a Funding Deed with the Environment Protection Authority (EPA) for a southern regional illegal dumping (RID) program on 20 February 2013. This Deed established a new and innovative program to combat illegal dumping across a footprint that has progressively evolved to now include eight councils (Wollongong, Shellharbour, Kiama, Shoalhaven, Eurobodalla, Bega, Wollondilly and Wingecarribee).

Since 2014, Council's Ranger Services has participated in the NSW EPA's 'Clean Up and Prevention Measures' Grant Program, including investigations and identifying illegal dumping 'hotspots' throughout the LGA.

Ranger Services has adopted both a tactical and strategic approach to investigating and addressing illegal dumping in our LGA with targeted patrols, use of covert surveillance cameras, close collaboration with our State Government public land management partners and Local Aboriginal Land Council's (LALC's) and assisted in actions that facilitate the removal of waste.

In this time, Ranger Services has investigated and reported over 6,000 illegal dumping incidents in the Shoalhaven and have located approximately 10,000 tonnes of waste. The Corrective Services NSW Community Projects Team, based at the South Coast Correctional Centre South Nowra, have played a key role in removing much of the waste from our natural areas.

Since early 2019, Ranger Services has had a full time Illegal Waste Specialist investigator whose primary role is to oversee all significant illegal dumping incidents. The investigator also facilitates training of other staff, liaises with State Government public land manager partners including the Nowra, Jerrinja and Ulladulla LALC's, increases public awareness

around the reporting of illegal dumping and makes recommendations to support applications for grant funding to address illegal dumping related issues.

The EPA has offered a new agreement to fund the RID program through to June 2027. This agreement is consistent with the NSW Waste and Sustainable Materials Strategy 2041 – Stage 1: 2021-2027. The EPA requires that each participating council sign the funding Deed of Agreement and a RID Memorandum of Understanding (MoU). The MoU sets out the roles and responsibilities of the ISJO (as host agency) and of the participating councils including the formula for the distribution of funds under the RID program. The funding model is designed around population and size of the Local Government areas.

	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27
Shoalhaven	\$61,836	\$67,794	\$69,489	\$71,226	\$73,007	\$74,832

Figure 1:- Funding allocation for Shoalhaven

**The illegal dumping problem**

The illegal dumping of waste, including putrescible household waste, furniture, white goods, mattresses, vegetation, construction & demolition material, tyres and motor vehicles is a major problem that impacts all public land managers within the Shoalhaven LGA including that land owned by Local Aboriginal Land Councils (LALC's).

Public land managers, including Council and the LALC's, often bear the cost of waste removal including its transport and correct disposal at Council's Waste Facility. These costs divert vital funding from other community-based projects and 'roll out' of infrastructure and its subsequent maintenance.

The illegal dumping of waste has detrimental impacts on the environment, leads to a state of local degradation, affects amenity and places at risk the safety of our community, particularly when chemicals and asbestos are unlawfully discarded.

CL23.143



Figure 2:- Photograph examples of illegal dumping

**The RID Database**

To assist Local Government to better understand the problem of illegal dumping, the EPA encourages the use and reporting on RIDonline. RIDonline allows agencies to record, manage illegal dumping incidents and monitor trends.

The data entered by staff provides a breakdown of waste types, volumes and a percentage rating as to whose land these incidents are occurring. This data is extrapolated by the EPA

and used to validate grant applications by councils relating to the clean-up of waste and installation of illegal dumping 'prevention' measures.

In late 2022, Ranger Services, with the assistance of Customer Experience and the Communications team, implemented a new process whereby all illegal dumping reports made by members of the public to Council are now funnelled directly onto the database thereby avoiding duplication onto other systems. This process, together with a successful media awareness campaign has seen reports made by our community from under 1% in 2020 to 72.25% this quarter (i.e. 328 (total incidents) with 237 of these being reported from the public = 72.25%).

The following tables provide a snapshot of comparison data for the last three financial years (Note:- the current financial year is to March 2023 only).

<b>Enforcement</b>			
Financial Year	2020/2021	2021/2022	2022/Mar 23
Penalty Notices issued	63	31	33
Penalty Notice \$	\$44,630	\$37,828	\$55,850
Warnings	8	6	4
Regulatory Notices	3	3	15

Figure 3:- - Notices Issued

<b>INCIDENT DETAILS</b>									
Financial Year	2020 / 2021			2021 / 2022			2022 to March 2023		
Incident Number Total	842			640			855		
Waste Amount - tonne	706.54			563.76			540.32		
<b>Waste Type</b>	<b>No</b>	<b>%</b>	<b>Tonnes</b>	<b>No</b>	<b>%</b>	<b>Tonnes</b>	<b>No</b>	<b>%</b>	<b>Tonnes</b>
Asbestos	23	2.7	2.04	8	1.3	2.67	9	1.1	2.04
Commercial & Industrial	61	7.2	4.94	29	4.5	17.34	44	5.2	130.88
Construction & Demolition	34	4	17.44	40	6.3	37.57	40	4.7	24.3
Electronic Waste	7	0.8	0.23	7	1.1	0.97	16	1.9	0.88
Household Waste	457	54.3	212.74	303	47.3	132.19	447	52.3	79.26
Liquid Waste	5	0.6	1.78	1	0.2	0.5	6	0.7	1.46
Mulch & Green Waste	70	8.3	49.08	79	12.3	39.19	86	10.1	18.86
Other	37	4.4	1.97	43	6.7	155.61	58	6.8	4.45
Scrap Metal	17	2	5.83	20	3.1	3.11	19	2.2	6.27
Soil and Excavated Material	11	1.3	336.3	10	1.6	104.91	10	1.2	202.08
Tyres	49	5.8	8.32	45	7	9.73	62	7.3	7.12
Vehicles and Car Parts	71	8.4	65.87	55	8.6	59.97	57	6.7	62.72

Figure 4:- - Waste by Type

<b>Land Custodians (all) / Number of incidents</b>			
Incidents on	2020/2021	2021/2022	2022/Mar23
Council land	491	335	683
Crown Land	84	56	57
National Parks	80	59	53
Private	62	43	44
Forestry Corp NSW	26	21	28
Aboriginal Land	25	16	9
Other	6	13	1
RMS	4	2	5
Utilities Provider	3	0	3
NSW Land & Housing Corp	1	0	1
State Water	1	0	0
Australian Rail Track Corp	1	1	0

Figure 5:- Waste by Land Category

<b>Clean up costs (Major Land Custodians)</b>						
Custodian	2020/2021		2021/2022		2022/Mar2023	
	%	\$	%	\$	%	\$
Council	75.05	87,488	69.92	99,541	70.08	91,722
Land Owner	19.79	24,492	20.56	34,101	20.29	17,606
Offender	4.12	4,642	7.96	15,810	5.43	3,687
Contractor	1.04	1,450	1.56	950	4.2	3,115
<b>Total</b>	<b>100%</b>	<b>118,072</b>	<b>100%</b>	<b>150,402</b>	<b>100%</b>	<b>116,130</b>

Figure 6:- Clean up by Land and costs

**Locations – Illegal Dumping Incidents – 2022 to March 2023**

For this financial year to 31 March 2023, 888 reports of illegal dumping (including duplicate reports) have been recorded on RIDonline with 859 incidents either investigated and closed or still under investigation. This equates to an estimated 540 tonnes of illegally dumped waste.

Figures 7a to 7d:- Locations of waste found.

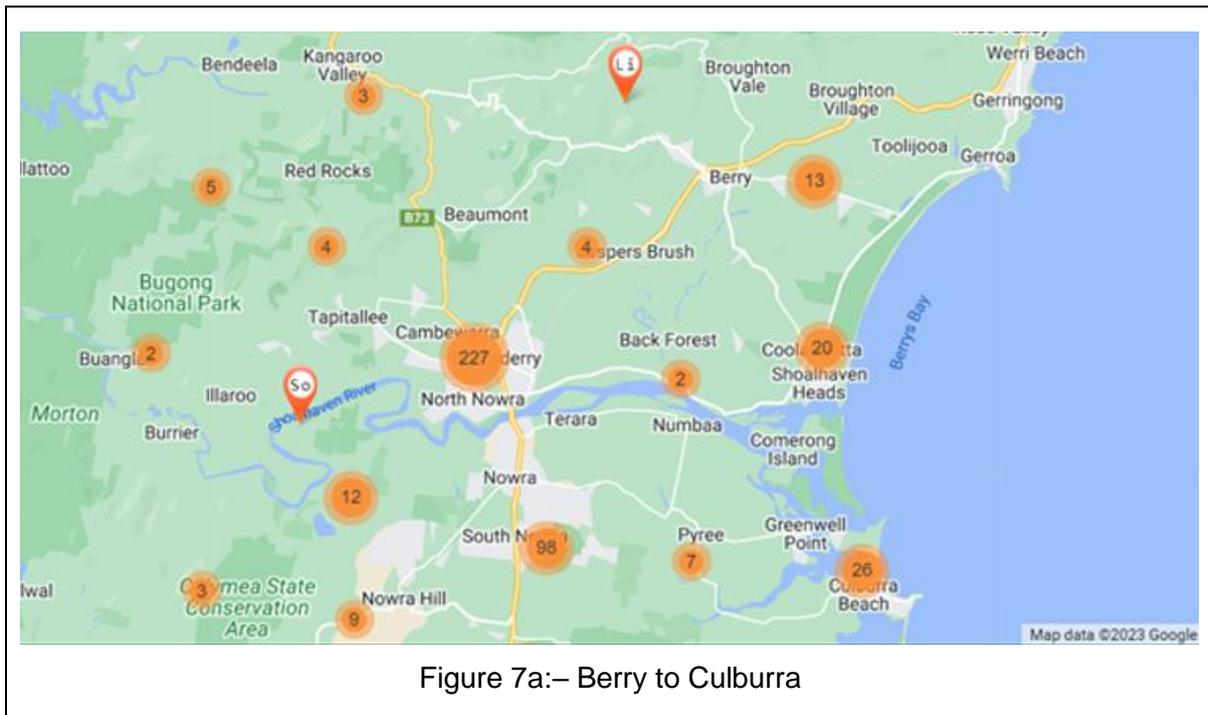


Figure 7a:- Berry to Culburra

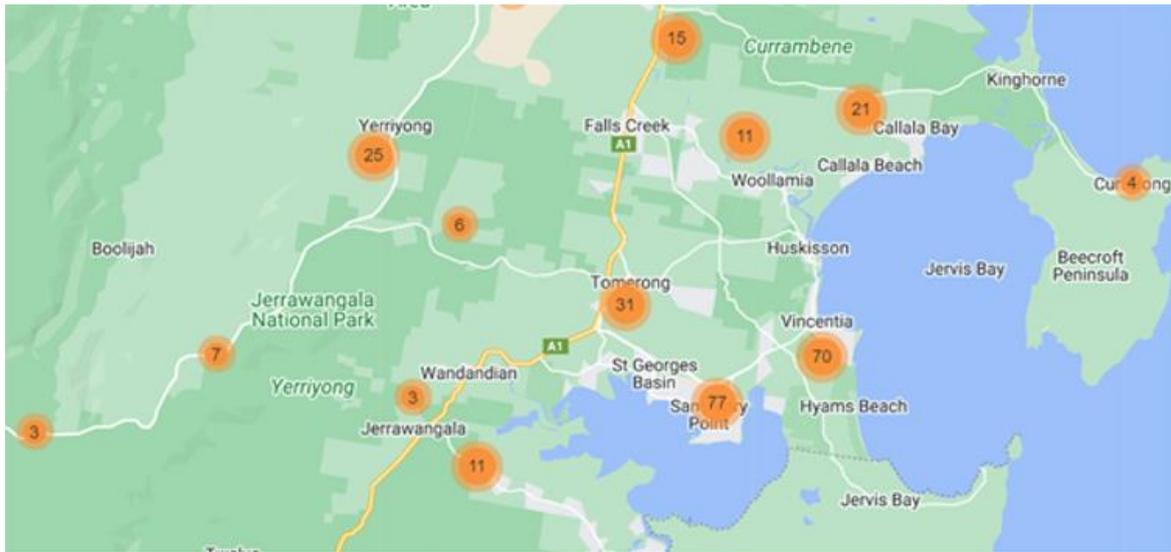


Figure 7b:– Comberton to Cudmirrah

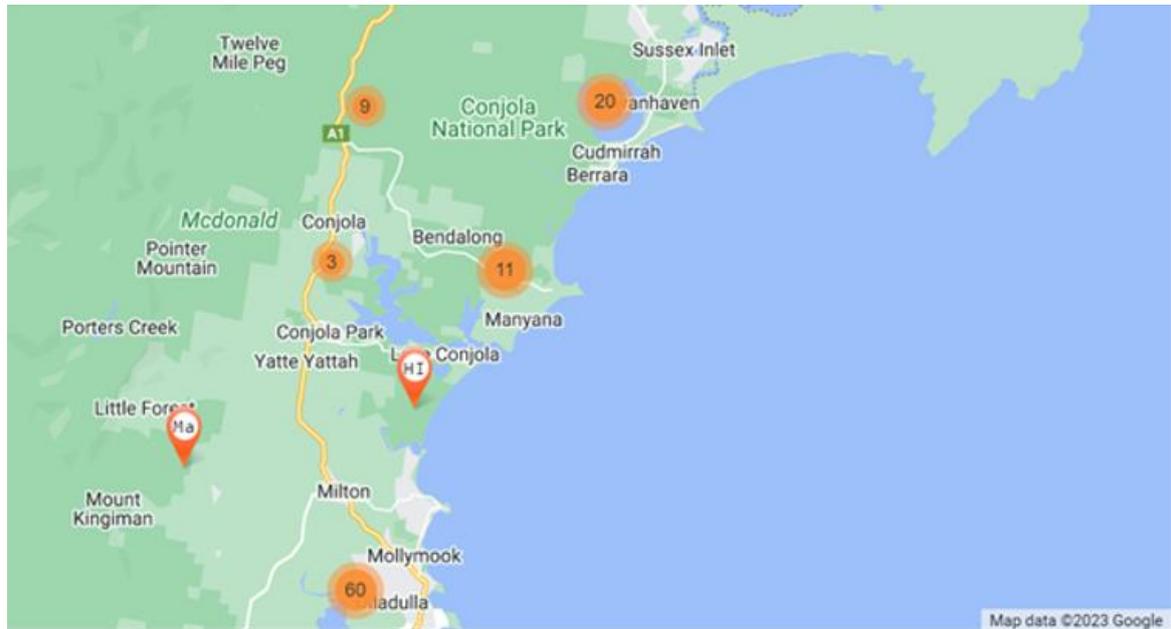


Figure 7c:- Sussex Inlet to Ulladulla

CL23.143

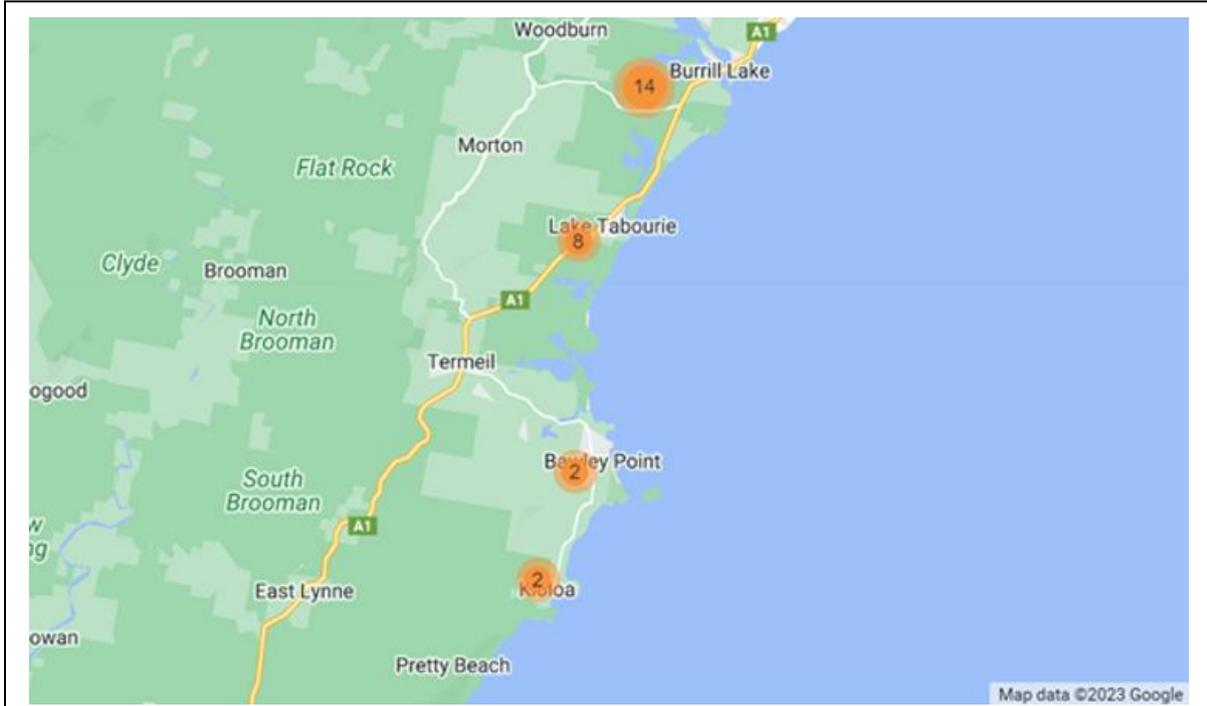


Figure 7d:– Burrill Lake to Southern Boarder

	<p>Orange circle – number of incidents in an area</p>		<p>Teardrop – one incident with a unique identifier code. Ma = mattress Hi = household items Li = liquid waste Gr = greenwaste So = soil</p>
--	---	--	--

CL23.143

**Core Values**

Ranger Services prides itself in taking a collaborative approach with all things RID related. Ranger Services work closely with other sections of Council, outside agencies and community groups.

The reporting of data onto RIDonline played a significant and contributing factor in supporting our local charities and public land manager partners. This includes the 3 LALC's where separate grant funding has been obtained from the EPA to install illegal dumping prevention measures such as signage, gates, bollards, boulders and cabling.

Denying an 'opportunity' to dump is one of the key strategies to deter and prevent illegal dumping from occurring in the first instance.



	
	
	<p><b>CHARITABLE DONATIONS WELCOME</b></p> <p><b>Business trading hours ONLY</b>  <b>8.30am – 4.30pm Mon – Fri</b>  <b>10.00am – 2.00pm Saturday</b></p> <p>Items left outside of these hours is illegal dumping  <b>Rangers Patrolling – Fine Will be issued</b></p> 
<p align="center"><b>Figure 8:- examples of collaboration</b></p>	

CL23.143





Figure 9:- Dumping Examples - Each Offender fined \$2000 + Order to Clean Up

CL23.143

### Covert Surveillance Cameras

During 2022, in-house training was conducted to provide Ranger Services staff with the skills to deploy covert surveillance cameras. MOUs for camera deployment is now in place with other public land managers, NPWS, Forestry, Utilities and Ulladulla LALC. Further discussions are continuing with the Crown Lands Office in an effort to gain approval to install covert cameras in those areas. Council RID Ranger is liaising with both Jerrinja and Ulladulla LALC on programs including but not limited to providing training to assist with deploying cameras within their lands.

Additionally, covert cameras have been sourced for Rangers to pursue activities outside of the RID program.

External agencies such as NSW Police (SCPD Intelligence) and the Department of Primary Industries continue to seek intelligence and or images captured by the cameras.



CL23.143

### Waste Disposal & Cost

There is a general school of thought that illegal dumping is driven by the high fees relating to waste disposal. This is somewhat of a misnomer as had the offenders taken the time to sort and separate their waste into compostable, recyclables, items taken free of charge and items for landfill been separated, then the fee at the weigh bridge would have been considerably less.

Ranger Services is fortunate to have the Community Projects Team based at the South Coast Correctional Centre South Nowra supporting the RID Program. This Team have provided significant hours collecting illegally dumped waste from natural areas and taken it to the Nowra Waste and Recycling Facility for sorting and disposal.

The costs for collection, transport and disposal of illegally dumped waste are significant and this continues to be a burden on all land managers throughout the LGA.

### Community Engagement, Education & Promotion

Collaboration with our community is a critical element of the RID Program. Media campaigns and internal changes to processes has resulted in a substantial increase in the use of RIDonline by the public. Quality information supplied by them together with intelligence analysis has had a direct impact on response times and led to a greater number of enforcement actions.

Community participation with RIDonline for the last quarter is at 72.25%. A possible dip in reporting is forecast as the media campaign is coming to an end. Notwithstanding that, these results exceed every NSW LGA public reporting rate and is moving SCC LGA into the top three LGAs for number of incidents being reported overall. Noting our population size and the square kilometres that is natural areas, this is quite extraordinary and clearly demonstrate the scale of illegal dumping.

About 36 Community Groups registered for clean-up Australia day and thankfully the weather conditions were much more favourable this year compared to last. More than 4 tonnes of clean-up Australia day waste was received at our depots.



Figure 11:- Kangaroo Valley Show & Clean Up Australia Day – Rangers & Waste Services

**Media**

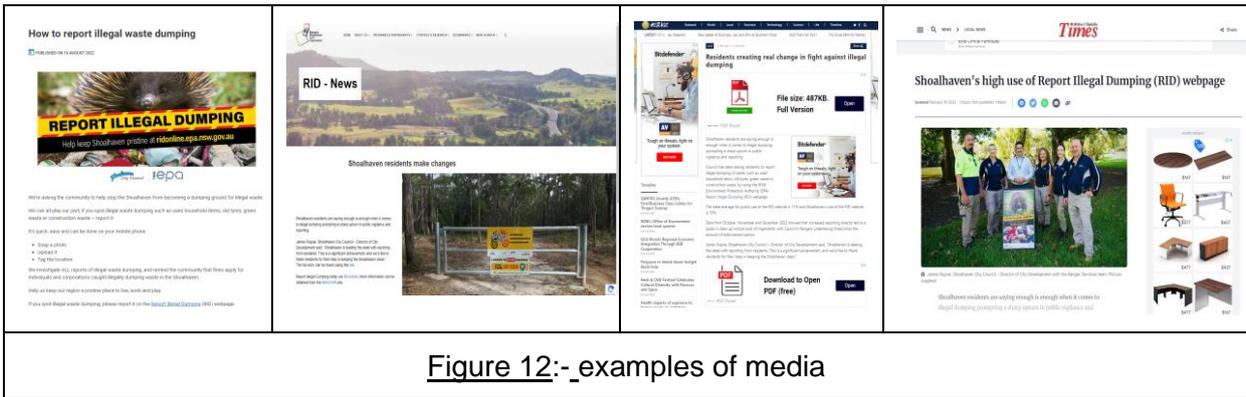


Figure 12:-\_examples of media

**Regional Education**

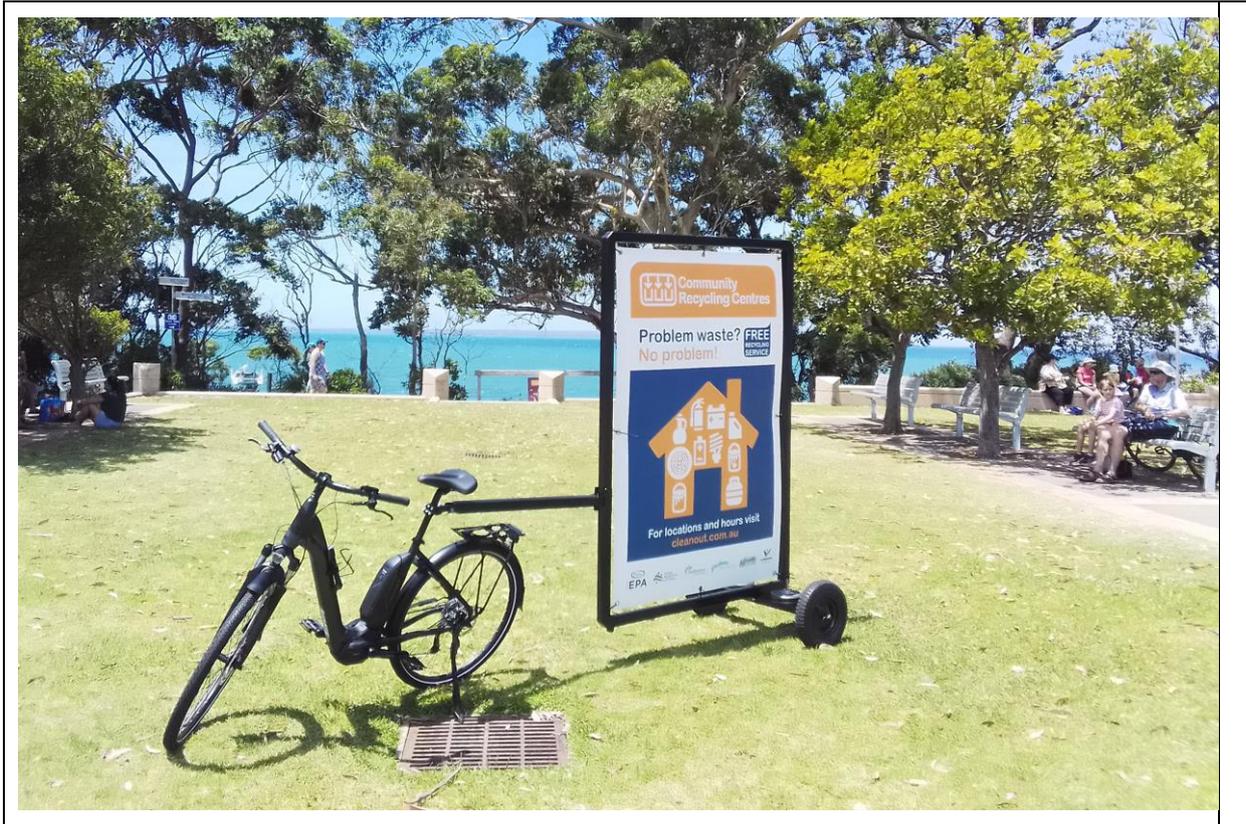
As part of the Southern Region Illegal Dumping Programs regional communication strategy, five waste awareness campaigns have been implemented from 2019-2023 across six Local Government areas including the Shoalhaven. During this time, Staff in those LGA's logged 18,065 individual engagements and had exposure to over 150,000 members of the public.

Members of the public were engaged through the use of visual billboards. These billboards are set up in one or multiple locations where there is high foot traffic moving through an area and in areas where people congregate. The billboards are transported on e-bikes (See Figure 13).

The billboards are visually engaging and to some extent unusual or “out of place” and this draws attention from community members. Campaign staff engage in conversation with members of the public who show interest in the billboards, opening discussion about the topic at hand, providing basic information to improve awareness of issues, and prompting community members to share their experiences, knowledge and to ask questions.

Shoalhaven has also been involved in regional media campaigns including “Asbestos awareness”, “responsible donations”, “green waste” and “How to report Illegal dumping”.

CL23.143



**Figure 13:**– a billboard connected to the e-bike.

CL23.143

**Grant History**

In July 2014, Ranger Services obtained grant funding as part of the EPA’s Illegal Dumping Clean Up and Prevention Program - Round 1. The success of that initial project was fundamental in Ranger Services obtaining a further three years of State Government grant funding, totalling \$480,000. Shoalhaven was the only LGA in the State to achieve the funding at that time.

The funding was primarily used to create education campaigns, clean-up of illegally dumped waste and the installation of prevention measures on public managed lands across the entire LGA.

2014 / 2015	Nowra & Forest Road	Area 2	\$120, 000
2015 / 2016	Bay & Basin	Area 3	\$120, 000
2016 / 2017	Southern Shoalhaven	Area 4	\$120, 000
2017 / 2018	Northern Shoalhaven	Area 1	\$120, 000
<b>Total</b>			<b>\$480,000</b>

**Figure 14:**- funding allocation

Other funding has also been provided by ISJO, including the highly successful Cigarette Butt Bin trial at Shoalhaven District Memorial Hospital, Covered Loads at the Nowra Waste / Recycling Facility and Media Project which resulted in the increased use of RIDonline.

The EPA has offered a variety of grants to Councils to address illegal dumping. Grant Option 1 is for Major Projects while Grant Option 2 is to gather baseline data. Applications closed on 31 March 2023 with decisions due 1 June 2023. Funding is limited, however applications can be re-submitted in later years.

SCC applied for three grants under Option 1 and one grant via Option 2. The grants are identified as follows:

- (a) Yalwal Road – Overt Surveillance (\$120,000):- it is proposed to use Camera trailers / VMS signs seeking an outcome to effect behaviour change.
- (b) Kerbside Waste - Basin to Hyams Beach (\$120,000):- it is proposed to use Artificial Intelligence cameras on waste trucks seeking an outcome to educate and effect behaviour change.
- (c) Millards Creek – Asset Improvement (\$120,000):- it is proposed to seek behaviour change by increasing the use of area by the community. It is a collaboration with Wellness Walk (Illawarra Health) and other agencies.
- (d) Baseline (\$20,000):- This seeks to update the serviceability of already installed prevention infrastructure. It will assess the status to enable better intelligence gathering, determination on effectiveness of disruption tactics currently being used.

### **2023 Grant Applications - Litter**

Litter grants to a maximum of \$40,000 will be made available in September 2023. Early discussions with the EPA indicate the recently drafted concept plans by Council's RID Ranger are in line with the EPA policy.

### **Staffing**

Ranger Services has one dedicated Senior Ranger Illegal Waste Specialist. This dedicated Senior Officer has been responsible for heading up the Illegal Dumping Program since March 2021.

Illegal Dumping specialisation is supported by the Ranger Services Team with proactive patrols of known "Hot Spots", investigations, camera deployment, media, education and data collation. Councils Senior Ranger, Illegal Waste Specialist's efforts are acknowledged and appreciated along with the Ranger Services Team.

If the additional funding is successful, it is envisaged that additional fixed term staff will be dedicated to the RID area.

## CL23.144 RA22/1004 – 84 Cambewarra Road, Bomaderry – Lot 100 DP 1237704

**DA. No:** RA22/1004/4

**HPERM Ref:** D23/133573

**Department:** Development Services

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

**Attachments:** 1. Consultant Planning Report S4.15 Assessment (under separate cover) [⇒](#)  
2. Draft Determination (under separate cover) [⇒](#)

**Description of Development:** Alterations and Additions to Bomaderry Basketball Stadium

**Owner:** Shoalhaven City Council

**Applicant:** Shoalhaven City Council c/- Leo Town Planning

**Notification Dates:** 19/10/2022-18/11/2022

**No. of Submissions:** Nil

### Purpose / Reason for consideration by Council

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

### Recommendation

That:

1. Council receive and note the report RA22/1004 - 84 Cambewarra Road, Bomaderry - Lot 100 DP 1237704.
2. Council support RA22/1004 for alterations and additions to the Bomaderry Basketball Stadium at 84 Cambewarra Road, Bomaderry 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 RA22/1004.

### Options

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

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

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

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

**Location Map**



Figure 1 – Site location / Aerial view

CL23.144

**Background**

Proposed Development

Council is in receipt of a development application (DA) which seeks approval for refurbishment work, alterations, and additions to the Bomaderry Basketball Stadium.

This comprises the following works:

- Demolition works as indicated in red on drawings prepared by CM+ including:
  - All existing building elements apart from primary steel structure and game court flooring to be demolished and disposed of safely,
  - all internal and external building cladding to be demolished (may contain asbestos),
  - demolition of non-DDA compliant access ramp and slab,
  - demolition of spectator seating,
  - all existing doors and glazing to be demolished,
  - demolition of northern roof over amenities, porch including demolition of walling, fixtures and supporting structure (may contain asbestos),
  - all existing entry porch, slab and steps to be demolished,
  - all existing roofing to be removed and disposed of safely (may contain asbestos),
  - all existing building lining to be removed and disposed of safely (may contain asbestos).
- Retention of primary steel structure and associated bracing to be made good.



*Figure 3 – Proposed North Elevation*

Subject Land and Surrounds

The subject site is located at 84 Cambewarra Road, Bomaderry. It forms part of the existing Bomaderry Basketball Stadium, located at the north-eastern corner of the Artie Smith Oval. The entire site has an approximate 400m frontage to Cambewarra Road and is fronting Bomaderry High School and Bomaderry Aquatic Centre to the north.

The Artie Smith Oval site includes an AFL/Cricket Oval with associated amenities building, Croquet club house and courts, the Shoalhaven Indoor Sports Centre (SISC), site landscaping and car parking. The Artie Smith Oval is part of the master planned Shoalhaven Community and Recreational Precinct. The Artie Smith Oval site has a total area of approximately 7.86ha and is zoned RE1 Public Recreation, pursuant to the provisions of *Shoalhaven Local Environmental Plan 2014* (SLEP 2014).

The site is surrounded by residential development, public recreational including the Bomaderry Aquatic Centre and Bomaderry high school. Bomaderry Train Station and town centre is located approximately 1.6km southeast by road and Nowra CBD is located approximately 4km south of the site.

**Planning Assessment**

The DA has been (independently) assessed under s4.15 of the *Environmental Planning and Assessment Act 1979*.

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

The determination by a Panel adds a layer of transparency to the assessment process. Furthermore, the application was also independently assessed by a reputable Planning Consultancy – Mecone (see **Attachment 1**). These assessment and management measures are intended to deal with any potential conflicts of interest.

Key issues raised in the assessment of the application include tree removal, contamination asbestos, noise (evening) and car parking. All these issues are explored in the assessment report and have been addressed satisfactorily in the design and / or via relevant conditions of consent.

**Consultation and Community Engagement:**

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2021* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on **19 October 2022 to 18 November 2022**.

No submissions were received during the notification period.

**Financial Implications:**

If the development is approved and the development proceeds, the Council will be required to fund the project.

There are potential cost implications for Council in the event of a refusal of the application. Whilst Council is the applicant, it could (unusually) choose to appeal the situation. If the application were to be refused, Council also has the option to pursue a review of the decision. There would be costs associated with investigations to resolve any issues and reasons for refusal.

### **Legal Implications**

Pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979*, 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 section 8.2 review would be put to the SRPP for consideration. A determination or decision reviewed under this provision, is not subject to further review.

### **Summary and Conclusion**

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*. Based upon the recommendations of the section 4.15 Assessment Report (**Attachment 1**), Development Application No. RA22/1004 is recommended to the SRPP for conditional development consent.

The draft conditions of development consent are contained in **Attachment 2** to this report.

**CL23.145 RA22/1001 – 192-198 Kerry Street, Sanctuary Point – Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point – Lot 3 DP 806393 & Kerry Street, Sanctuary Point – Lot 4 DP 806393**

**DA. No:** RA22/1001/4

**HPERM Ref:** D23/143146

**Department:** Development Services

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

**Attachments:** 1. Consultant Planning Report (under separate cover) [↗](#)  
2. Draft Determination (under separate cover) [↗](#)

**Description of Development:** Demolition of existing structures, tree removal, construction and use of a public library (community facility) and associated car parking spaces, landscaping and public open space

**Owner:** Shoalhaven City Council

**Applicant:** Shoalhaven City Council c/- Premise

**Notification Dates:** 23/02/2022-25/03/2022

**No. of Submissions:** Nil

**Purpose / Reason for consideration by Council**

The matter is put to Council in accordance with the protocol developed for these regionally significant applications to afford Council the opportunity to consider the Development Application (DA), and put forward its opinion via formal resolution to the Panel.

**Recommendation**

That:

1. Council receive and note the report RA22/1001 - 192-198 Kerry Street, Sanctuary Point - Lot 944-947 DP 27857, Paradise Beach Road, Sanctuary Point - Lot 3 DP 806393 & Kerry Street, Sanctuary Point - Lot 4 DP 806393.
2. Council support RA22/1001 for demolition of existing structures, tree removal, construction and use of a public library (community facility) and associated car parking spaces, landscaping and public open space at 192-198 Kerry Street and Paradise Beach Road, Sanctuary Point 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 RA22/1001.

**Options**

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

CL23.145

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 – Site location / Aerial view

## Background

### Proposed Development

Council is in receipt of a development application (DA) which seeks approval for demolition, tree removal and the construction and operation of the new two storey Sanctuary Point library.

This comprises the following works:

- Demolition of all existing structures
- Removal of trees;
- Two storey library building and associated facilities;
- Reconfiguration and extension of at-grade car park adjacent to Francis Ryan Reserve from 64 to 106 spaces;
- Construction of new at-grade parking area at the front of the library including mobile library parking bay; and
- Construction of stairs and accessible pathway for public connection link and public open space;
- New landscaping.

CL23.145

The proposed site plan (option 1b), elevations (street view) and landscape concept plan are provided at **Figures 2-5**.



Figure 2 – Site & Roof Plan (Option 1b)



Figure 3 – Proposed Western Elevation

CL23.145



Figure 4 – Proposed Northern Elevation

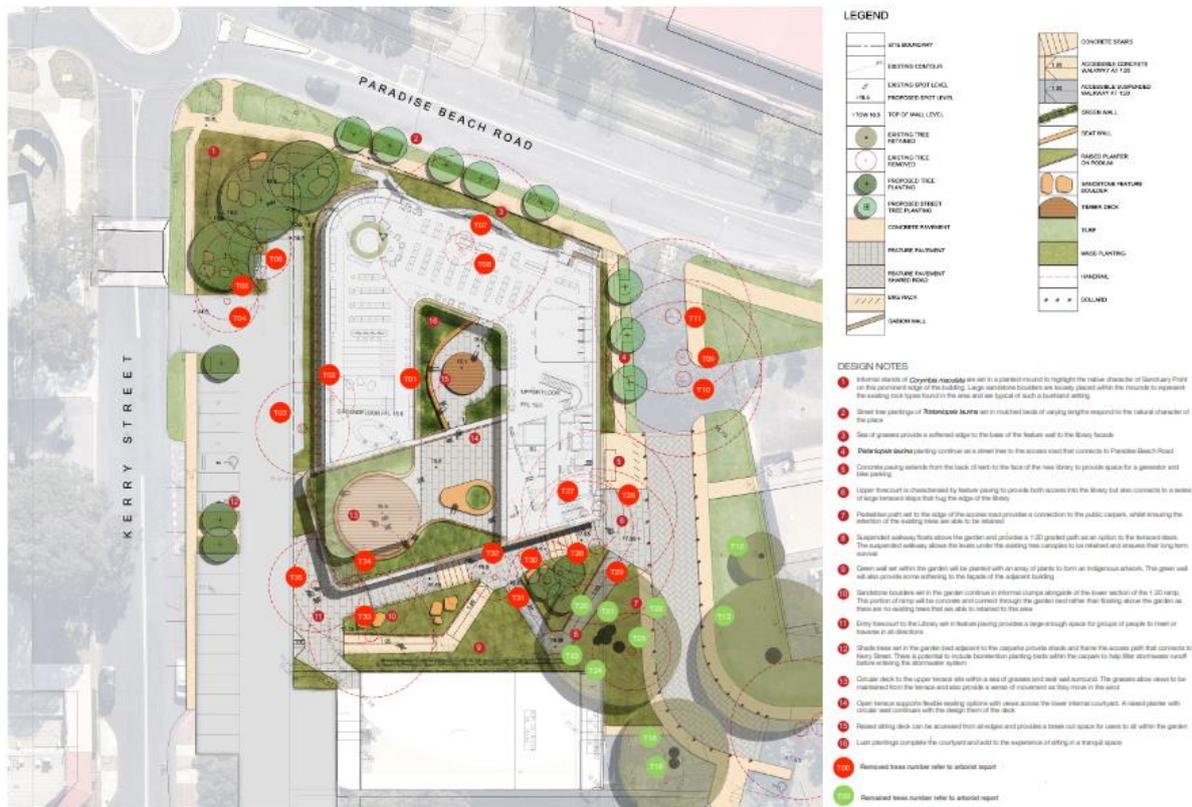


Figure 5 – Landscape Concept Plan

Subject Land and Surrounds

The subject site is located within the Sanctuary Point local centre and on the southeast corner of the intersection with Kerry Street and Paradise Beach Road.

The land is legally identified as Lots 944 to 947 DP 27857 (known as 192-198 Kerry Street, Sanctuary Point), Lot 3 DP 806393 (known as Paradise Beach Road, Sanctuary Point) and Lot 4 DP 806393 (known as Kerry Street, Sanctuary Point).

Surrounding land to the east and west is zoned B2 Local Centre. Properties to the north west of the site are zoned R2 Low Density Residential.

CL23.145

## Planning Assessment

The DA has been (independently) assessed under s4.15 of the *Environmental Planning and Assessment Act 1979*.

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

The determination by a Panel adds a layer of transparency to the assessment process. Furthermore, the application was also independently assessed by a reputable Planning Consultancy – Planning Ingenuity (see **Attachment 1**). These assessment and management measures are intended to deal with any potential conflicts of interest.

Key issues raised in the assessment of the application include tree removal and car parking. These issues are explored in the assessment report and have been addressed satisfactorily in the design and / or via relevant conditions of consent.

## Consultation and Community Engagement:

The DA was notified in accordance with the *Environmental Planning & Assessment Regulation 2000* (the EP&A Regs) and Council's Community Consultation Policy for Development Applications on **23 February 2022** to **25 March 2022**.

No submissions were received during the notification period.

## Financial Implications:

If the development is approved and the development proceeds, the Council will be required to fund the project.

There are potential cost implications for Council in the event of a refusal of the application. Whilst Council is the applicant, it could (unusually) choose to appeal the situation. If the application were to be refused, Council also has the option to pursue a review of the decision. There would be costs associated with investigations to resolve any issues and reasons for refusal.

## Legal Implications

Pursuant to section 8.2 of the *Environmental Planning and Assessment Act 1979*, 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 section 8.2 review would be put to the SRPP for consideration. A determination or decision reviewed under this provision, is not subject to further review.

## Summary and Conclusion

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*. Based upon the recommendations of the section 4.15 Assessment Report (**Attachment 1**), Development Application No. RA22/1001 is recommended to the SRPP for conditional development consent.

The draft conditions of development consent are contained in **Attachment 2** to this report.

## CL23.146 Membership - Homelessness Taskforce Shoalhaven

**HPERM Ref:** D23/146144

**Department:** Community Connections

**Approver:** Jane Lewis, Director - City Lifestyles

### Reason for Report

The purpose of this report is to provide Council with appointment recommendations for new members of the Homelessness Taskforce Shoalhaven (HTS) following the Expression of Interest (EOI) process and seek support to notify unsuccessful candidates with an outcome letter in accordance with the Taskforce Terms of Reference (ToR) ([POL21/45](#)).

### Recommendation

That Council:

1. Acknowledge five (5) vacant positions and endorse the appointment of the following applicants to the Homelessness Taskforce Shoalhaven:
  - Jenifa Fowler
  - Keith Davis
  - Dan Harmelin
  - Julieanne Hopkins
  - Peter Brandis
2. Provide the unsuccessful applicants an outcome letter, thanking them for their application and inviting them to participate as non-voting members.
3. Support extension of the membership EOI to fill the remaining vacant position for 'community member with lived experience' to promote at the Thrive Together Fair 2023.

### Options

1. That Council appoints the nominated member to the Homelessness Taskforce Shoalhaven.

Implications: Five (5) new members will join the HTS community membership and the EOI will be extended to allow for promotion at the Thrive Together Fair 2023 to fill the remaining vacant position.

2. Provide an alternative recommendation.

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

CL23.146

## Background

According to the HTS ToR the community membership of the Taskforce is due to be reviewed on 11 April 2023.

### 3.3.3 Nomination Process

- *Appointment to the Homelessness Taskforce Shoalhaven can be for a maximum one (1) year with a set commencement and finish date and standing members may re-nominate for an additional term.*

The current members were invited to renew their membership and an EOI process was conducted to fill the identified vacant positions in line with the ToR ([POL21/45](#)), to enable the appointment of three (3) community members with lived experience and three (3) community members with an interest in homelessness in the Shoalhaven LGA.

An EOI process was open for a period of 34 days between 24 February and 29 March 2023 on Council's HTS webpage and was promoted via Council Media channels and community networks from 1 March 2023. The vacancy was advertised locally via media and Council communication networks. A total of ten (10) applications were received.

### 3.3.3 Nomination Process

*The process for nomination to the taskforce will be as follows: -*

- *An Expression of Interest will be advertised for membership of the taskforce. The Expression of Interest will be advertised locally via media and Council communication networks.*
- *An interview panel will consist of a Council staff member, the Chair of the Homelessness Taskforce Shoalhaven and one (1) independent person will assess the applications and make recommendations for appointments to the taskforce and then Council.*

As per the ToR the panel was made up of the Chair of the taskforce Mayor Amanda Findley, Lead - Community Capacity Building Team as the Council staff member and a Governance Officer as the independent person. Appointment recommendations are being submitted to Council due to the community membership positions expiring on 11 April 2023.

The panel met on 17 April 2023 to assess the ten (10) applications received and the following five (5) appointments are proposed:

- Jenifa Fowler
- Keith Davies
- Dan Harmelin
- Julieanne Hopkins
- Peter Brandis

Appointment recommendations of the above applicants was based on them bringing lived experience of homelessness, experience of difficulty securing suitable housing and/or demonstrating the knowledge, experience, or skills to support the delivery of the Community-led Plan for Homelessness. Community minded applicants with experience working with grassroots projects and community groups were prioritised.

A total of one (1) community membership position remains vacant, as only two (2) of the applicants met the conditions for having lived experience of homelessness.

### 3.3.1 Appointments

- *A maximum of 3 community members with lived experience*

- *A maximum of 3 community members with an interest in homelessness in the Shoalhaven with representation from North, Central and South of the Shoalhaven LGA.*

It is recommended that the EOI for the HTS remains open in order to fill the remaining vacant position for 'community member with lived experience' and will be promoted at the Thrive Together Fair on 8 August 2023. This Fair is an event which offers support services to community who are doing it tough and offers the opportunity to engage with people experiencing homelessness or who are at risk of homelessness and promote the opportunity to be part of the taskforce.

Unsuccessful candidates will be provided with a notification letter of the outcome of their application which will also invite them to attend meetings in a non-voting capacity. The letters will also invite them to join the Community-led Plan for Homelessness working groups as an opportunity to be involved in the community response to homelessness in the Shoalhaven.

### **Policy Implications**

The recommendation is in accordance with the Homelessness Taskforce Shoalhaven ToR adopted by Council on 14 September 2021.

### **Risk Implications**

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

## CL23.147 Acceptance of Funding - NSW Office of Sport - Essential Community Sports Assets Program 2022 / 23

**HPERM Ref:** D23/132338

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

**Attachments:**

1. Advice - Successful Grant Application - Sub-Soil Drainage - Rugby Park South Nowra - Essential Community Sport Assets Program 2022 / 2023 [↓](#)
2. Advice - Successful Grant Application - Sub-Soil Drainage Project - Thompson St Sussex Inlet Sporting Complex - Essential Community Sport Assets Program 2022 / 2023 [↓](#)

### Reason for Report

The purpose of this report is to inform Council of successful grant funding applications under NSW Office of Sport – Essential Community Sports Assets Program 2022 / 23 and seek Council acceptance of funding for Shoalhaven Rugby Park and Thomson Street Sporting Complex – Sub-Surface Drainage Installation.

### Recommendation

That Council:

1. Accept the funding offer for successful grant applications under NSW Office of Sport – NSW Office of Sport – Essential Community Sports Assets Program 2022 / 23 for Shoalhaven Rugby Park, South Nowra and Thomson Street Sporting Complex, Sussex Inlet – Sub-Surface Drainage Installations in the amount of \$716,496.
2. Execute a Funding Deed with NSW Office of Sport to allow project commencement.
3. Make arrangements to forward a letter of thanks to the Minister for Sport, the Hon. Stephen Kamper MP.

### Options

1. Council adopts the recommendation.

Implications: In line with community expectations, this funding will assist in delivery of:

- Shoalhaven Rugby Park, South Nowra – Sub-Surface drainage Installation
- Thomson Street Sporting Complex, Sussex Inlet – Sub-Surface Drainage Installation

2. Council adopts an alternative recommendation.

Implications: Depending on the nature of the alternative recommendation, this may not meet community expectations, may delay project delivery or result in potential non-delivery

## Background

In December 2022, a grant application was submitted by Shoalhaven Swim Sport Fitness requesting \$716,496 in funding under NSW Office of Sport – Essential Community Sports Assets Program 2022 / 23 for Sub-Surface Drainage Installations at Shoalhaven Rugby Park, South Nowra and Thomson Street Sporting Complex, Sussex Inlet.

The project will provide for installation of sub-surface drainage on two fields at each facility. These fields have poor natural drainage which has led to significant ground closures during the 2021 and 2022 La Nina weather events. The projects will address these drainage issues, resulting in increased playing surface quality and greater availability for use.

In March 2023, Council was advised that its application for drainage installations to these facilities had been successful with a grant of \$358,248 per site, resulting in a total grant of \$716,496 being offered. Attachments 1 and 2 contain respective relevant letters from the former Minister for Sport, the Hon. Alister Henskens SC MP.

Council is to make arrangements to:

1. Accept the successful funding for Shoalhaven Rugby Park, South Nowra and Thomson Street Sporting Complex, Sussex Inlet in the amount of \$716,496.
2. Execute a Funding Deed with NSW Office of Sport to allow project commencement.
3. Forward a letter of thanks to the Minister for Sport, the Hon. Stephen Kamper MP.

## Community Engagement

These projects were identified as priority works by Shoalhaven Swim Sport Fitness in consultation with Section 355 Management Committees for Shoalhaven Rugby Park and Thomson Street Sporting Complex. During the grant applications' preparation, Council staff consulted with, and obtained letters of support from, the following stakeholders:

### *Shoalhaven Rugby Park:*

- Shoalhaven Rugby Park Management Committee
- Shoalhaven Rugby Club
- Cricket NSW
- Shoalhaven District Cricket Association
- Worrigeer Ex-Serviceman's Cricket Club

### *Thomson St Sporting Complex:*

- Thomson Street Management Committee
- Cricket NSW
- Shoalhaven District Cricket Association
- Sussex Inlet Cricket Club
- Sussex Inlet Football Club

## Policy Implications

There are no policy implications envisaged by this report.

**Financial Implications**

The scoped total project cost is estimated at \$716,496 which includes a project contingency. There is no requirement for a Council co-contribution for this grant.

The project was fully designed and costed prior to grant application submission. Project designs and fee proposals have been sourced following Council staff engagement with a drainage consultant.

**Risk Implications**

There are no risk implications envisaged by this report.

CL23.147



**The Hon. Alister Henskens SC MP**  
Minister for Enterprise, Investment and Trade  
Minister for Science, Innovation and Technology  
Minister for Sport  
Minister for Skills and Training  
Leader of the House in the Legislative Assembly

CDGS23/137

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
PO Box 42  
Nowra NSW 2541  
council@shoalhaven.nsw.gov.au

Dear Mr Dunshea,

I am pleased to inform you that Shoalhaven City Council's application for funding under the Essential Community Sport Assets Program 2022/23 has been successful.

I have approved a grant of \$358,248.00 to Shoalhaven City Council for the project titled: 'Sub-Soil Drainage Rugby Park - South Nowra' (ECSAP-22/23-00081).

The terms and conditions of the grant, including eligible and ineligible project costs, will be provided to you by the Office of Sport. As you are aware, projects must commence construction by December 2023, and project construction is to be completed by 31 December 2025. Projects must be delivered substantially in line with the scope, budget and timeframes indicated in the application that has been approved for funding.

Your project will support the NSW Government's commitment to ensuring that NSW has a network of spaces and places that enable quality sport and active recreation participation and performance at all levels.

In order to progress the funding arrangements, the Office of Sport will be in contact with you shortly to prepare a funding agreement. If you have any immediate questions, please email [infrastructuregrants@sport.nsw.gov.au](mailto:infrastructuregrants@sport.nsw.gov.au) or phone the Infrastructure Grants Team on 13 13 02.

As outlined in the funding agreement, all recipients of NSW Government and Australian Government funding must acknowledge both Government's support of the project through the provision of funding.

**Please be advised that information regarding grant funding for your project is under strict embargo until 2 March 2023, when all grant recipients are made public.**

Thank you for spending the time and effort on your application. I look forward to the successful implementation of your project and hearing of its progress throughout the delivery and completion of the project.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alister Henskens'.

**The Hon. Alister Henskens SC MP**  
Minister for Enterprise, Investment and Trade  
Minister for Science, Innovation and Technology  
Minister for Sport  
Minister for Skills and Training  
Leader of the House in the Legislative Assembly  
1 March 2023



**The Hon. Alister Henskens SC MP**  
Minister for Enterprise, Investment and Trade  
Minister for Science, Innovation and Technology  
Minister for Sport  
Minister for Skills and Training  
Leader of the House in the Legislative Assembly

CDGS23/137

Mr Stephen Dunshea  
Chief Executive Officer  
Shoalhaven City Council  
P.O Box 42  
Nowra NSW 2541  
council@shoalhaven.nsw.gov.au

Dear Mr Dunshea,

I am pleased to inform you that Shoalhaven City Council's application for funding under the Essential Community Sport Assets Program 2022/23 has been successful.

I have approved a grant of \$358,248.00 to Shoalhaven City Council for the project titled: 'Sub-Soil Drainage - Thomson St Sporting Complex - Sussex Inlet' (ECSAP-22/23-00209).

The terms and conditions of the grant, including eligible and ineligible project costs, will be provided to you by the Office of Sport. As you are aware, projects must commence construction by December 2023, and project construction is to be completed by 31 December 2025. Projects must be delivered substantially in line with the scope, budget and timeframes indicated in the application that has been approved for funding.

Your project will support the NSW Government's commitment to ensuring that NSW has a network of spaces and places that enable quality sport and active recreation participation and performance at all levels.

In order to progress the funding arrangements, the Office of Sport will be in contact with you shortly to prepare a funding agreement. If you have any immediate questions, please email [infrastructuregrants@sport.nsw.gov.au](mailto:infrastructuregrants@sport.nsw.gov.au) or phone the Infrastructure Grants Team on 13 13 02.

As outlined in the funding agreement, all recipients of NSW Government and Australian Government funding must acknowledge both Government's support of the project through the provision of funding.

**Please be advised that information regarding grant funding for your project is under strict embargo until 2 March 2023, when all grant recipients are made public.**

Thank you for spending the time and effort on your application. I look forward to the successful implementation of your project and hearing of its progress throughout the delivery and completion of the project.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alister Henskens'.

**The Hon. Alister Henskens SC MP**  
Minister for Enterprise, Investment and Trade  
Minister for Science, Innovation and Technology  
Minister for Sport  
Minister for Skills and Training  
Leader of the House in the Legislative Assembly  
1 March 2023

## CL23.148 Update Report - Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities

**HPERM Ref:** D23/117555

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

**Attachments:**

1. Advocacy Letter - Improved Access to Mental Health Services and Education - The Hon Emma McBride MP [↓](#)
2. Advocacy Letter - Improved Access to Mental Health Services and Education - The Hon Rose Jackson MP [↓](#)

### Reason for Report

The purpose of this report is to provide Council with an update on making sanitary items available in major public bathrooms in response to the request made at the South Coast Changemakers Forum 2022.

### Recommendation

That Council receive the update to the “Mayoral Minute MM22.32 - Response - South Coast Changemakers Forum - Sanitary Items in Public Council Facilities” report for information.

### Options

1. Adopt the recommendation as written.  
Implications: Council is updated on matters in progress.
2. Request more information.  
Implications: Council may request further information.
3. The recommendation is not adopted, and an alternative recommendation is provided.  
Implications: Unknown at this stage

### Background

The 2022 South Coast Changemakers Forum was a three-day camp which provided young people aged 14 to 18 years the opportunity to connect, build skills and identify opportunities to create positive change for the South Coast. During this Forum 45 young people were asked what they would change if they were ‘Mayor for the day’; one of the things identified was to increase access to sanitary items in schools and public bathrooms.

At the Ordinary Meeting of Shoalhaven City Council (SCC) on 12 December 2022 (MM22.32), Council resolved to:

1. *Acknowledge the South Coast Changemakers Forum and the excellent work they do providing young people with the tools, knowledge, experience and confidence to be agents for positive change.*

2. *Acknowledge the sample of priority areas (attached) that our young people would like to change if they were 'Mayor for a day'.*
  - a. *Homelessness; including increasing the amount of affordable and social housing in the LGA and increasing support available for young people experiencing homelessness.*
  - b. *Create more community gardens.*
  - c. *Make sanitary items readily available in schools and public bathrooms.***
  - d. *Increase education about mental health and build more facilities for mental health.*
  - e. *Increase accessibility / facilities for people with disabilities (e.g. accessible beach access).*
  - f. *Hold more youth community events (markets, concerts etc.) that are run by young people.*
3. ***Work with Council's City Lifestyles Community Connections and City Services teams to advance the request for making sanitary items available in major public bathrooms as a "quick win".***
4. *Advocate on behalf of Changemakers to the Federal and State Governments the desire for increased education about mental health and the need for more mental health facilities for our youth.*

#### Current Scope of Work

Share the Dignity is a national charity who work to support schools and organisations locally in the Shoalhaven to bring dignity to women and girls experiencing homelessness, domestic violence, and period poverty through the distribution of period products.

One way that they do this is through the provision of Dignity Vending Machines in key public places. In the Shoalhaven, the Nowra Library, and the Ulladulla Civic Centre both have a dignity vending machine already installed through an MOU with Share the Dignity. Given the identified need in the area, Share the Dignity are also willing to consider an application from Shoalhaven City Council to install vending machines on completion of the new Sanctuary Point Library.

The NSW Department of Education began offering menstrual hygiene support for students in every NSW public school from Term 2, 2022. The program aims to reduce any barriers that may prevent students from participating fully in school life.

About the program:

- The menstrual hygiene program provides clean materials such as pads and tampons to students.
- The program aims to reduce health risks for students by offering them clean products at school that can be changed regularly.
- Students with access to clean products can confidently continue their learning activities at school with others.
- From Term 2 2022, every school will offer students access to free hygiene products in the form of pads and/or tampons.
- The hygiene products will be stored in a clean dispenser. Students will be told by their school where they can conveniently and discretely access the dispensers.
- The hygiene products were tested in 31 schools with students and principals reported a positive experience.

The Youth Advisory Committee have highlighted their enthusiasm for greener sustainable solutions when considering the needs of young people. Given this, the Community Connections Team also reached out to Council's Waste Services team to explore affordable and sustainable access to sanitary products.

The Waste Services team have indicated that they are willing to explore a program similar to the short-term program offered by Penrith City Council, where users of reusable nappy and sanitary items are given the opportunity obtain a once off rebate for the purpose of purchasing reusable nappies and/or sanitary items. Costs, resourcing and limits for the program will need to be explored further.

### Challenges

Aside from the identified need in Sanctuary Point, Share the Dignity have noted that the existing dignity vending machines are not sufficiently utilised to justify additional applications for vending machines in the LGA.

Share the Dignity have identified that lack of awareness in the community could be contributing to the low uptake and identified need, and that advocacy activities could offer a way forward to support community awareness of the availability of free sanitary products in the Shoalhaven.

The existing advocacy pathways have included:

- Sharing flyers regarding the machine's locations and program with local service providers and nearby businesses to promote awareness.
- Networking and distribution at Thrive Together Fair 2022.

Unfortunately, local media outlets have not been willing to date, to share vending machine locations and tend to only share news of Dignity Drives and the 'It's in the Bag' Campaign.

Shoalhaven Libraries have indicated that other sites: Milton Library and Sanctuary Point Library, do not have appropriate facilities to accommodate the vending machines. They have however indicated a willingness to work with Share the Dignity on an application for a new vending machine on completion of the new Sanctuary Point Library.

Shoalhaven Swim Sport and Fitness (SSSF) have indicated that dignity vending machines would be best placed in locations which are staffed. A staff presence acts a deterrent to vandalism and allows for staff to service vending machines as required.

Given these sites are not regularly supervised and experience regular vandalism, SSSF would not recommend placing a dignity vending machine in the amenities. If there is sustained increase in use of the vending machines at the Shoalhaven Libraries and need is identified to provide more locations for the vending machines across the Shoalhaven then SSSF would consider applying for the installation of a vending machine in a supervised public bathroom, such as at a leisure, sport, and/or aquatic centre.

### Advocacy

To progress item 4, *Advocate on behalf of Changemakers to the Federal and State Governments the desire for increased education about mental health and the need for more mental health facilities for our youth.*

Council has written to The Hon Rose Jackson MP, (State Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth) and the Hon Emma McBride MP (Federal Assistant Minister for Mental Health and Suicide Prevention). Copies of the letters can be found at Attachment 1 and 2.

### Next Steps

Given the current availability of vending machines in the Shoalhaven, and challenges regarding awareness, the Community Connections Team will work towards the following in response to this Mayoral Minute:

- The Community Connections Team will link Sonder Youth Changemakers with Share the Dignity to consider partnership opportunities for an awareness raising campaign. Awareness raising could include placing signage for where to go for dignity items in key public areas, such as amenities in parks or at local shopping centres.
- Share the Dignity will support Shoalhaven Libraries to apply for a vending machine at Sanctuary Point Library on completion of the new premises.
- If there is sustained increase in use of the vending machines at the Shoalhaven Libraries and need is identified to provide more locations for the vending machines across the Shoalhaven, then SSSF will be connected with Share the Dignity to apply for additional vending machines.



Address all correspondence to: The Chief Executive Officer,  
PO Box 42, Nowra NSW 2541 Australia  
[shoalhaven.nsw.gov.au/contact](mailto:shoalhaven.nsw.gov.au/contact) | 1300 293 111

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)     

Council Reference: 50252E (D23/117385)  
Your Reference:

19/04/2023

The Hon. Emma M McBride MP  
Federal Assistant Minister for Mental Health and Suicide Prevention  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

By email only: [Emma.McBride.MP@aph.gov.au](mailto:Emma.McBride.MP@aph.gov.au)

Dear Assistant Minister

**Support Request – Shoalhaven Youth Mental Health Education and Service Access**

At Shoalhaven City Council's Ordinary Meeting of on 12 December 2022, following a Mayoral Minute regarding the Sonder Youth led, South Coast Changemakers Forum, Council resolved (MIN22.962) to:

***Advocate on behalf of Changemakers to the Federal and State Governments the desire for increased education about mental health and the need for more mental health facilities for our youth.***

Youth representatives have called for action across several platforms: the South Coast Changemakers Forum with Sonder Youth, Shoalhaven City Council's (SCC) Youth Advisory Committee and through the Office of Regional Youth's 'Youth Insights Report - Shoalhaven'.

The 2022 South Coast Changemakers Forum was a three-day camp which provided young people aged 14 to 18 years the opportunity to connect, build skills and identify opportunities to create positive change for the South Coast. During this forum 45 young people identified the need for mental health education and greater access to mental health services in the Shoalhaven.

This is reflected in SCC's Community Strategic Plan key priority; Resilient, Safe, Accessible & Inclusive Communities which identifies the increased prevalence of mental health issues in the community and the need for supporting community wellbeing by fostering active and healthy communities. To do this, SCC is committed to advocating for improved resourcing to meet the growing mental health needs of the community, particularly for young people in the Shoalhaven.

SCC supports Local Government NSW's call for "increased funding for specialised and appropriate youth and community wellbeing and mental health services to bolster resilience, particularly following disaster". This is a priority issue for regional areas, such as

the Shoalhaven, where data indicates that the mental health experiences of the population are significantly poorer than those in greater cities, particularly for younger people who have long term mental health conditions at 1.4 times the rate for NSW.

The need for greater access to mental health services has also been identified within council's own community needs mapping activities. The Shoalhaven's Community Wellbeing survey 2021 identified that more than half of all respondents said that mental health was one of the top three things impacting on their individual health, and a higher proportion of respondents indicated that their mental health was poorer than their physical health. The Shoalhaven's Flourishing Communities survey 2022 identified that over half of the respondents said that they had difficulty accessing the health services that they need.

In addition, the Illawarra Shoalhaven Local Health District's (ISLHD) Community Needs Assessment 2021 highlighted that out of the five population health areas in the ISLHD with the highest rates of mental health conditions, four are in the Shoalhaven LGA. These areas are also within the highest 20% in the state. Seven of the eight population health areas within the Shoalhaven were also within the highest 40% in the state.

These challenges are compounded for young people in regional areas across the Country. According to Beyond Blue, mental health conditions are experienced by one in seven young people aged four to 17 years in any given year. Half of the mental health conditions we experience at some point in our lives will have started by age 14 and over 75% of mental health problems occur before the age of 25. This indicates that this is a target cohort for early intervention service support and yet young people in regional areas consistently report barriers to accessing mental health services. The Office for Regional Youth's, Youth Insights Report identified that mental health support was one of the top priorities of concern for young people in the Shoalhaven, in particular increased availability and reach of mental health support.

Rural and Remote Mental Health (RRMH) identified that there has been increased inequity and disparity between rural/remote and metropolitan Australia's access to mental health support. Roughly a quarter of the population lives outside major cities, but funding is disproportionately allocated to city-centric organisations. Per capita availability of mental health supports and access to Medicare Benefits Schedule (MBS) funded mental health services decreases with remoteness, this is further impacted by growing populations in regional areas which put further strain on existing health and wellbeing services.

Shoalhaven City Council is calling on the state and federal government to work together to increase funding for specialised and appropriate youth and community wellbeing and mental health services to bolster resilience in the Shoalhaven, particularly for young people.

If you need further information about this matter, please contact Jessica Richardson, City Lifestyles on (02) 4429 3657. Please quote Council's reference 50252E (D23/117385).

Yours faithfully



**Stephen Dunshea**  
Chief Executive Officer



Address all correspondence to: The Chief Executive Officer,  
PO Box 42, Nowra NSW 2541 Australia  
[shoalhaven.nsw.gov.au/contact](http://shoalhaven.nsw.gov.au/contact) | 1300 293 111

[shoalhaven.nsw.gov.au](http://shoalhaven.nsw.gov.au)     

Council Reference: 50252E (D23/117517)  
Your Reference:

17/04/2023

The Hon. Rose Jackson, MLC  
NSW Minister for Mental Health, Minister for Youth  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

By email only: [contactRose@parliament.nsw.gov.au](mailto:contactRose@parliament.nsw.gov.au)

Dear Minister

**Support Request – Shoalhaven Youth Mental Health Education and Service Access**

At Shoalhaven City Councils Ordinary Meeting of on 12 December 2022, following a Mayoral Minute regarding the Sonder Youth led, South Coast Changemakers Forum, Council resolved (MIN22.962) to:

***Advocate on behalf of Changemakers to the Federal and State Governments the desire for increased education about mental health and the need for more mental health facilities for our youth.***

Youth representatives have called for action across several platforms: the South Coast Changemakers Forum with Sonder Youth, Shoalhaven City Council's (SCC) Youth Advisory Committee and through the Office of Regional Youth's 'Youth Insights Report - Shoalhaven'.

The 2022 South Coast Changemakers Forum was a three-day camp which provided young people aged 14 to 18 years the opportunity to connect, build skills and identify opportunities to create positive change for the South Coast. During this forum 45 young people identified the need for mental health education and greater access to mental health services in the Shoalhaven.

This is reflected in SCC's Community Strategic Plan key priority; Resilient, Safe, Accessible & Inclusive Communities which identifies the increased prevalence of mental health issues in the community and the need for supporting community wellbeing by fostering active and healthy communities. To do this, SCC is committed to advocating for improved resourcing to meet the growing mental health needs of the community, particularly for young people in the Shoalhaven.

SCC supports Local Government NSW's call for "increased funding for specialised and appropriate youth and community wellbeing and mental health services to bolster resilience, particularly following disaster". This is a priority issue for regional areas, such as the Shoalhaven, where data indicates that the mental health experiences of the population

are significantly poorer than those in greater cities, particularly for younger people who have long term mental health conditions at 1.4 times the rate for NSW.

The need for greater access to mental health services has also been identified within council's own community needs mapping activities. The Shoalhaven's Community Wellbeing survey 2021 identified that more than half of all respondents said that mental health was one of the top three things impacting on their individual health, and a higher proportion of respondents indicated that their mental health was poorer than their physical health. The Shoalhaven's Flourishing Communities survey 2022 identified that over half of the respondents said that they had difficulty accessing the health services that they need.

In addition, the Illawarra Shoalhaven Local Health District's (ISLHD) Community Needs Assessment 2021 highlighted that out of the five population health areas in the ISLHD with the highest rates of mental health conditions, four are in the Shoalhaven LGA. These areas are also within the highest 20% in the state. Seven of the eight population health areas within the Shoalhaven were also within the highest 40% in the state.

These challenges are compounded for young people in regional areas across the Country. According to Beyond Blue, mental health conditions are experienced by one in seven young people aged four to 17 years in any given year. Half of the mental health conditions we experience at some point in our lives will have started by age 14 and over 75% of mental health problems occur before the age of 25. This indicates that this is a target cohort for early intervention service support and yet young people in regional areas consistently report barriers to accessing mental health services. The Office for Regional Youth's, Youth Insights Report identified that mental health support was one of the top priorities of concern for young people in the Shoalhaven, in particular increased availability and reach of mental health support.

Rural and Remote Mental Health (RRMH) identified that there has been increased inequity and disparity between rural/remote and metropolitan Australia's access to mental health support. Roughly a quarter of the population lives outside major cities, but funding is disproportionately allocated to city-centric organisations. Per capita availability of mental health supports and access to Medicare Benefits Schedule (MBS) funded mental health services decreases with remoteness, this is further impacted by growing populations in regional areas which put further strain on existing health and wellbeing services.

Shoalhaven City Council is calling on the state and federal government to work together to increase funding for specialised and appropriate youth and community wellbeing and mental health services to bolster resilience in the Shoalhaven, particularly for young people.

If you need further information about this matter, please contact Jessica Richardson, City Lifestyles on (02) 4429 3657. Please quote Council's reference 50252E (D23/117517).

Yours faithfully



**Stephen Dunshea**  
Chief Executive Officer

## CL23.149 Easement Acquisition - South Nowra Surcharge Main Upgrade - Lot 350 DP 1068794 59 Warrigal Street Nowra

**HPERM Ref:** D23/96624

**Department:** Technical Services

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

### Reason for Report

This report provides Council with an opportunity to consider the acquisition for a sewer easement over Part Lot 350 DP 1068794, 59 Warrigal Street, Nowra to support part of the South Nowra Surcharge Main upgrade.

### Recommendation

That Council

1. Acquire an easement for the purpose of sewer (S1), 4 metres wide over Part Lot 350 DP 1068794, 59 Warrigal Street, Nowra, being approximately 160m<sup>2</sup> (subject to survey).
2. Pay compensation of \$125,000 plus GST (if applicable) for easement acquisition of Part Lot 350 DP 1068794, 59 Warrigal Street, Nowra plus reasonable valuation and legal costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.
3. Fund all costs associated with the acquisition from Council's Sewer Fund.
4. Delegates authority to the Chief Executive Officer to adjust the compensation in accordance with the area of the easement determined by the final registered plan and to make minor adjustments to the settlement costs, if necessary, in accordance with the settlement figure determined by Council's Solicitor.
5. Authorises the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended

Implications: Acquiring the easement will provide Council with the legal capacity to construct and maintain the underground pipes necessary to cater for the proposed South Nowra Surcharge Main upgrade.

2. Not adopt the recommendation

Implications: The South Nowra Surcharge Main will continue to be under hydraulic pressure and hence will continue to be a health risk to the public and environment.

### Background

In 2020, Shoalhaven Water engaged a consultant to undertake investigations relating to an odour control system and provide an Options Assessment Report to mitigate odour issues generated from the site.

CL23.149

Investigations revealed that local growth in the South Nowra area has placed the system under hydraulic pressure, increasing the risk of overflows and odour generation. Hence, the Options Assessment recommended upgrade works to the existing South Nowra Surcharge Main. The upgrade works will provide increased wet weather storage, improved pumping efficiencies and a reduction in sewage retention times which in-turn will reduce the odours being produced within the existing system.

The upgrade includes a trenchless installation of a new gravity sewer main underneath an existing stormwater pipe at 59 Warrigal Street, Nowra. City Services have been consulted in this regard.

The easement would burden 160 m<sup>2</sup> of 59 Warrigal Street, Nowra. See Diagram 1 – Easement Location, burdened area of proposed easement for drainage outlined in blue and denoted as “S1”.

Diagram 1 – Easement Location



CL23.149

This easement traverses the eastern boundary from Old Southern Road, Nowra through to Warrigal Street and is approximately 40 metres in length by 4 metres wide, resulting in an overall area of approximately 160 square metres.

Council received a Valuation from Walsh & Monaghan dated 6 October 2022 assessing the compensation amount at \$125,000 (excluding GST). The land owners arranged and received their own valuation from Shoalhaven Property Valuers dated 1 November 2022, assessing the compensation amount at \$125,000 (excluding GST) also.

An offer at that amount in accordance with Shoalhaven Property Valuers was made to the owners which was accepted.

### Community Engagement

General community engagement is not required for the purpose of an easement acquisition.

**Policy Implications**

The acquisition of the easement will be undertaken in accordance with Council’s Acquisition of Land by Shoalhaven City Council, POL22/120 and Building Over Water/Sewer Pipelines Policy POL22/123.

**Financial Implications**

The compensation and reasonable valuation and legal costs associated with the acquisition are to be funded from Council’s Sewer Fund.

**Risk Implications**

The acquisition is necessary to secure Shoalhaven Water’s legal rights to access, construct, operate and maintain essential public infrastructure in conjunction with the upgrade of the existing South Nowra Surcharge Main network. If no underground pipework is installed, the risk of overflow and odour generation remains.

## CL23.150 Sewerage Easement Acquisition - Nowra/Bomaderry Wastewater Scheme - Lot 8 DP 232903, 21 Daley Crescent North Nowra

HPERM Ref: D23/127072

Department: Technical Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

### Reason for Report

This report provides Council with an opportunity to consider the acquisition of an easement for sewerage purposes 0.9 metres wide running along the northern side boundary over Lot 8 DP 232903, 21 Daley Crescent North Nowra.

The easement is labelled "S" and highlighted in blue in Diagram 1 below.

### Recommendation

That Council

1. Acquire by agreement, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, an easement for sewerage purposes 0.9 metres wide approximate area of 36.86m<sup>2</sup> (subject to survey) over Lot 8 DP 232903, 21 Daley Crescent, North Nowra.
2. Agrees to pay compensation in the amount of \$7,372 plus GST (if applicable) for acquisition of an easement for sewerage purposes over Lot 8 DP 232903, 21 Daley Crescent, North Nowra plus reasonable valuation and legal costs associated with the acquisition from Project Number 101413 in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Delegates authority to Chief Executive Officer (Executive Manager, Shoalhaven Water) to adjust the compensation in accordance with the area of the easement determined by the final registered plan.
4. Authorises the Chief Executive Officer (Executive Manager, Shoalhaven Water) to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to formalise existing Shoalhaven Water sewer infrastructure. It will provide Council with the legal rights for access and maintenance of the infrastructure.

2. Not resolve as recommended.

Implications: Failure to acquire the easement will lead to a delay in the delivery of future repairs and maintenance of essential public infrastructure.

**Background**

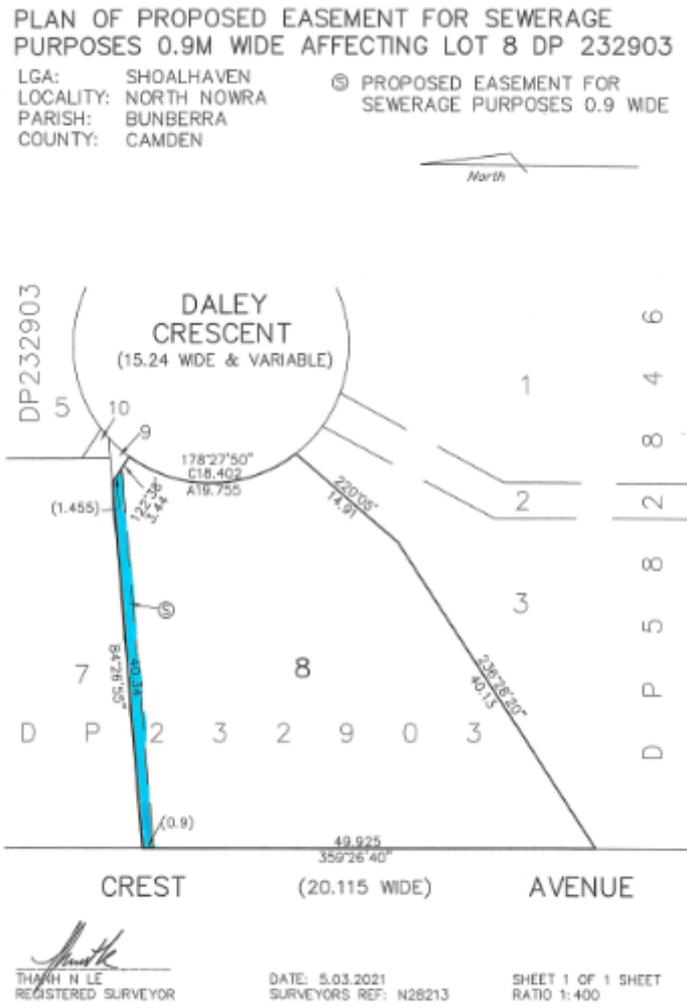
The subject sewer rising main was constructed in 1973 over private land, being Lot 8 DP 232903. At the time, no legal entitlement was created to benefit Council for future repairs, maintenance, and protection of this Shoalhaven Water asset.

A valuation was undertaken on behalf of Council by Walsh & Monaghan Valuers Pty Ltd who assessed compensation for the easement at \$2,250 excluding GST. An offer at that amount was made to the owner which was rejected. A valuation was undertaken on the on behalf of the property owner by Opteon Property Group Pty Ltd who assessed compensation for the easement at \$7,372 excluding GST. The discrepancies were reviewed, and Walsh & Monaghan Valuers reassessed compensation at \$3,700. An offer at that amount was made to the owner, which was rejected.

Due to costs involved in obtaining new valuations along with solicitor’s review, staff have determined that the professional fees involved in that process would outweigh the offer of compensation determined by Opteon Property Group Pty Ltd. An offer of \$7,372 was made to the owner which was accepted.

The easement would burden approximately 36.86m<sup>2</sup> of Lot 8 DP 232903, 21 Daley Crescent, North Nowra. See Diagram 1 – Easement Location, burdened area of proposed easement for sewerage labelled “S”, highlighted in blue.

**Diagram 1 – Easement Location**



CL23.150

**Community Engagement**

Not applicable for operational matters such as easement acquisition.

**Policy Implications**

The acquisition of the easement will be undertaken in accordance with Council's Acquisition of Land by Shoalhaven City Council, POL22/120.

**Financial Implications**

The compensation, reasonable valuation and legal costs associated with the acquisition are to be funded from Council's Sewer Fund.

**Risk Implications**

Acquisition of the easement is necessary to secure Shoalhaven Water's legal operation and maintenance of essential public infrastructure. The proposed action is administrative and has no environmental impact.

## 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.