

## Ordinary Meeting

**Meeting Date:** Monday, 17 July, 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 - 26 June 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

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##### Notices of Motion / Questions on Notice

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##### Reports

CCL23.20	Tenders – St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla
	<i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>
	<i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>

## CL23.211 Report of the Homelessness Taskforce Shoalhaven - 8 June 2023

HPERM Ref: D23/260637

**Attachments:** 1. Terms of Reference - Track Changes - May 2023 [↓](#)  
2. Terms of Reference - With Changes - May 2023 [↓](#)

### HT23.8 Homelessness Taskforce Shoalhaven - Terms of Reference Review

HPERM Ref:  
D23/214337

#### Recommendation

That Council

1. Accept the proposed amendments to the Homelessness Taskforce Shoalhaven Terms of Reference as recommended by the Homelessness Taskforce Shoalhaven.
2. Invite SEARMS and St Vincent De Paul to the next Homelessness Taskforce Shoalhaven Committee meeting on 17 August 2023.

### HT23.12 Additional Item - Council Submission - Rental Rights - Select Committee

#### Recommendation

That Council make a submission in regard to rental rights with the Select Committee.

### HT23.13 Additional Item - Vacant Huskisson Police Station - Temporary Housing Opportunity

#### Recommendation

That Council request that the NSW Government include the vacant Police Station in Huskisson in its audit of public land to be made available for social affordable temporary housing.

CL23.211



# Homelessness ~~Taskforce~~ Advisory ~~Committee~~ Shoalhaven — Terms of Reference

Adoption Date:	
Amendment Date:	
Minute Number:	MIN17.196, MIN17.713, MIN21.638, MIN22.937
Review Date:	
Directorate:	City Lifestyles

Record Number:	
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DRAFT

CL23.211 - Attachment 1

## Committee – Terms of Reference

### 1. Purpose

~~The purpose of the Homelessness Advisory Committee is to provide advice, guided by lived experience and expertise, purpose of the Homelessness Taskforce Shoalhaven is to to Shoalhaven City Council provide appropriate and considered strategic advice on homelessness and related issues that can be dealt with at Council level. The Taskforce Committee will work with Council to address issues and develop identify options strategies and assist with the identification of preferred solutions as part of Council's decision making processes to assist Council in their decision making processes.~~

**Also include reference to relevant driving/guidance documents.**

#### **Strategic Plan Alignment:**

Community Led Plan For Homelessness

1. Early Intervention & Collaborative Support
2. Community Awareness & Education
3. Advocacy and Lobbying
4. Housing & Accommodation

### 2. Interpretation

For the purpose of this document:

- *Member* means a member of the Committee.
- *Council* means Shoalhaven City Council.
- *Chairperson / Chair* means the chairpersons of the Committee.
- *Elected members* mean the elected Councillors of Shoalhaven City Council.
- *The Plan* means the Community Led Plan for Homelessness.
- ~~Add here any other commonly used phrases or acronyms specific to the Committee.~~

### 3. Status of the Committee

The Homelessness ~~Taskforce~~ Advisory Committee Shoalhaven provides non-binding advice to Council for consideration.

### 4. Role

- Provide Council with advice, guided by lived experience and expertise ~~strategic advice~~ on homelessness and related issues that can be dealt with at a Local Government level.
- Work with Council to address ~~issues, develop options and assist with the identification of preferred solutions~~ issues and develop strategies to assist Council in their decision making processes as part of Council's decision making process.
- Advise on the ~~development development, review and application implementation of a Homelessness Strategic Plan~~ The Plan.
- Provide comment on relevant Council policies and strategies.
- Advocate for community ~~views needs~~ on issues relating to homelessness ~~issues in the Shoalhaven.~~
- Continuous monitoring and evaluation of The Plan.

### 5. Delegations

#### Natural Areas Volunteers Group – Terms of Reference

##### ~~Amend as Required~~

Advisory Committees, may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report ~~Manager—insert relevant department~~ by the appropriate manager.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

## 6. Membership

~~The Committee will be Chaired by a nominated member of the Committee.~~ Membership of the ~~Taskforce~~ Committee will consist of members from the community with expertise, lived experience and/or an interest in addressing issues of homelessness across the Shoalhaven, as well as representatives from relevant government/non-government organisations and local services providers. The voting and non-voting members will be as follows:

### Voting Members

- The Mayor.
- Three Councillors (one from each Ward).
- Three community members with lived experience.
- Three community members with an interest in homelessness in the Shoalhaven with representation from North, Central and South of the Shoalhaven LGA.
- Three —crisis/homelessness support organisations: SALT Care, Supported Accommodation & Homelessness Services Shoalhaven Illawarra (SAHSSI), Vinnies.
- Community housing provider; Southern Cross Housing.
- Legal AID NSW.
- An Aboriginal Organisation nominated by the Committee.

### Non-voting Members

Representatives from organisations and local service providers, being either Government/Non-Government agencies/organisations and community members with an interest in addressing homelessness across the Shoalhaven.

### Councillor Representatives

Council appoints the Mayor and three other Councillors (one from each ward) to be voting members on the Committee. All other Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

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

### Community Representatives

Following an expression of interest process, a maximum of six local community representatives, three with lived experience ~~with of~~ homelessness and three with an interest

#### Natural Areas Volunteers Group – Terms of Reference

in homelessness in the Shoalhaven with representation from North, Central and South of the Shoalhaven LGA will be appointed.

~~Only c~~Community representatives with Committee ~~M~~membership have voting rights.

#### Community representative appointments:

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Committee will be for a four-year term with a set commencement and finish date.
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (~~Community Connections Team member~~)(~~Manager — Community Connections~~), the Chairperson of the ~~Taskforce and Committee~~ and one suitably qualified independent representative will assess the applications and make recommendations for appointments to Council based on a set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling. The assessment panel ~~can may recommend~~ ~~to hold~~hold interviews if necessary to reach a consensus.

#### Government Agencies, Community Organisations and Service Providers

Representatives from three crisis/homelessness support organisations, a community housing provider (Southern Cross Housing), Legal AID NSW and an Aboriginal organisation will be sought as voting members of the ~~Taskforce~~Committee.

The Chief Executive Officer (Manager ~~r~~ – Community Connections) invites a range of Government Agencies, Community Organisations and Service Providers to nominate one representatives ~~s~~ each.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members unless they have been nominated for a Committee Membership.

#### Council Officers

Council officers may attend meetings to provide specialist professional advice including but not limited to insert relevant areas Strategic Planning (Affordable Housing Strategy), Council services, facilities and assets, Compliance and Community Development.

~~Council officers do not have voting rights.~~

~~and areas of expertise, however, are non-voting members.~~

#### Chair

The Chair of the ~~Taskforce~~Committee is open to all members of the ~~Taskforce~~Committee.

#### Terms of Office

The term of the Chair will be one year which will be reviewed annually in September. Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the

#### Natural Areas Volunteers Group – Terms of Reference

Committee is disbanded or completes its purpose in accordance with these Terms of Reference (ToR).

### 7. Committee Meetings

#### Agenda

An agenda will be distributed seven days prior to the date of the meeting. Councillors and members ~~can may~~ contribute to the agenda by requesting a report on a particular issue four weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

#### Quorum

Eighty provided that a minimum of one ~~(4)~~ Councillor with voting rights, ~~three two~~ community ~~representatives members~~, and one crisis/homelessness support ~~and one~~ ~~community housing support representative~~ ~~are is are~~ present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

#### Voting

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

#### Meeting Schedule

In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person or electronically. Please note as required the Committee can request to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e. not making recommendation/-resolution.

#### Minutes

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

#### Confidentiality And Privacy

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use, or remove any information unless the member is authorised to do so.

#### Communication

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.

#### Natural Areas Volunteers Group – Terms of Reference

- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.
- The Chair of the Committee is the preferred point of contact for communication between members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

### **8. Council Staff Responsibility**

The Committee's contact within Council is ~~xxx~~ TitleCommunity Capacity Builder, Homelessness, within the ~~xxx~~ City Lifestyles Directorate. This Directorate ~~is considered to be~~ responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report. Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate.

Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes, and notation of apologies.

### **9. Code of Conduct**

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

### **10. Document Control**

These ~~Terms of Reference~~ ToR are reviewed at the commencement of each term of Council. Amendments to these ~~Terms of Reference~~ ToR are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

### **11. Other Relevant Documents List**

Code Of Conduct  
Code of Meeting Practice  
CSP  
Terms Of Reference Template  
Community Led Plan for Homelessness  
Affordable Housing Strategy

# Homelessness Advisory Committee – Terms of Reference

<b>Adoption Date:</b>	
<b>Amendment Date:</b>	
<b>Minute Number:</b>	MIN17.196, MIN17.713, MIN21.638, MIN22.937
<b>Review Date:</b>	
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	

CL23.211 - Attachment 2



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## Committee – Terms of Reference

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### 1. Purpose

The purpose of the Homelessness Advisory Committee is to provide advice, guided by lived experience and expertise, to Shoalhaven City Council on homelessness and related issues that can be dealt with at Council level. The Committee will work with Council to address issues and identify strategies to assist Council in their decision making processes.

#### **Strategic Plan Alignment:**

##### **Community Led Plan For Homelessness**

1. Early Intervention & Collaborative Support
2. Community Awareness & Education
3. Advocacy and Lobbying
4. Housing & Accommodation

### 2. Interpretation

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- *Elected members* mean the elected Councillors of Shoalhaven City Council.
- *The Plan* means the Community Led Plan for Homelessness.

### 3. Status of the Committee

The Homelessness Advisory Committee provides non-binding advice to Council for consideration.

### 4. Role

- Provide Council with advice, guided by lived experience and expertise on homelessness and related issues that can be dealt with at a Local Government level.
- Work with Council to address issues and develop strategies to assist Council in their decision making processes.
- Advise on the development, review and implementation of The Plan.
- Provide comment on relevant Council policies and strategies.
- Advocate for community needs on issues relating to homelessness in the Shoalhaven.
- Continuous monitoring and evaluation of The Plan.

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Advisory Committees may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

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**Natural Areas Volunteers Group – Terms of Reference**

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**6. Membership**

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**Voting Members**

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- Three community members with lived experience.
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- An Aboriginal Organisation nominated by the Committee.

**Non-voting Members**

Representatives from organisations and local service providers being either Government/Non-Government agencies/organisations and community members with an interest in addressing homelessness across the Shoalhaven.

**Councillor Representatives**

Council appoints the Mayor and three other Councillors (one from each ward) to be voting members on the Committee. All other Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

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

**Community Representatives**

Following an expression of interest process, a maximum of six local community representatives, three with lived experience of homelessness and three with an interest in homelessness in the Shoalhaven with representation from North, Central and South of the Shoalhaven LGA will be appointed.

*Only community representatives with Committee Membership have voting rights.*

**Community representative appointments:**

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Committee will be for a four-year term with a set commencement and finish date.
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Community Connections Team member), the Chairperson of the Committee and one suitably qualified

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**Natural Areas Volunteers Group – Terms of Reference**

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**Government Agencies, Community Organisations and Service Providers**

Representatives from three crisis/homelessness support organisations, a community housing provider (Southern Cross Housing), Legal AID NSW and an Aboriginal organisation will be sought as voting members of the Committee.

The Chief Executive Officer invites a range of Government Agencies, Community Organisations and Service Providers to nominate one representative each.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members unless they have been nominated for a Committee Membership.

**Council Officers**

Council officers may attend meetings to provide specialist professional advice including but not limited to Strategic Planning (Affordable Housing Strategy), Council services, facilities and assets, Compliance and Community Development.

*Council officers do not have voting rights*

**Chair**

The Chair of the Committee is open to all members of the Committee.

**Terms of Office**

The term of the Chair will be one year which will be reviewed annually in September. Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference (ToR).

**7. Committee Meetings****Agenda**

An agenda will be distributed seven days prior to the date of the meeting. Councillors and members may contribute to the agenda by requesting a report on a particular issue four weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

**Quorum**

Eight provided that a minimum of one Councillor with voting rights, two community members, and one crisis/homelessness support are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

**Voting**

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

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#### Natural Areas Volunteers Group – Terms of Reference

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Any votes against will be recorded in the minutes.

#### **Meeting Schedule**

In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person or electronically. Please note as required the Committee can request to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e., not making recommendation/resolution.

#### **Minutes**

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

#### **Confidentiality And Privacy**

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use or remove any information unless the member is authorised to do so.

#### **Communication**

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Chairperson.
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- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.
- The Chair of the Committee is the preferred point of contact for communication between members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

### **8. Council Staff Responsibility**

The Committee's contact within Council is through the Community Capacity Builder, Homelessness, within the City Lifestyles Directorate. This Directorate is responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report.

Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate.

Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes, and notation of apologies.

### **9. Code of Conduct**

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**Natural Areas Volunteers Group – Terms of Reference**

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All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

**10. Document Control**

These ToR are reviewed at the commencement of each term of Council. Amendments to these ToR are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

**11. Other Relevant Documents List**

Code Of Conduct

Code of Meeting Practice

CSP

Terms Of Reference Template

Community Led Plan for Homelessness

Affordable Housing Strategy

## **CL23.212 Report of the Aboriginal Advisory Committee - 21 June 2023**

**HPERM Ref:** D23/260131

**Attachments:** 1. Report - AAC Terms of Reference Review 2023 - Aboriginal Advisory Committee 21 June 2023 [↓](#)  
2. AAC TOR Review - Track changes accepted (under separate cover) [⇒](#)

### **AA23.17 Membership Audit 2023 - Resignations & Vacancies - EOI To Progress**

**HPERM Ref:**  
**D23/142010**

#### **Recommendation**

That Council, as recommended by the Aboriginal Advisory Committee:

1. Acknowledge the passing of Uncle Paul Keith (Ulladulla Local Aboriginal Land Council representative) and:
  - a. Note that Council has passed on its condolences to his family.
  - b. Seek a new representative from the Ulladulla Local Aboriginal Land Council.
2. Accept the resignation of Ms Kalinda Wills and request that Council write to Ms Kalinda Wills to thank her for her contribution to the Committee.
3. Receive the audit of membership of the AAC conducted by Council staff and:
  - a. Endorse the Expression of Interest to be conducted to fill the two additional vacant community membership positions being a total of 5 as outlined in the report.
  - b. Nominate Natalie Lloyd and Charlie Ashby to be the 'Aboriginal Committee Representatives' on the assessment panel for the next round of the Expression of Interest.

### **AA23.18 AAC Terms of Reference Review 2023**

**HPERM Ref:**  
**D23/171231**

#### **Recommendation**

That Council as recommended by the Aboriginal Advisory Committee, accept the proposed amendments outlined in the report attached, including the additional amendments made in the following points to the AAC Terms of Reference:

1. Membership:
  - a. Add the provision for a Deputy Chairperson
  - b. Remove the 'One (1) National Parks and Wildlife Services (NPWS) Representative' from the Membership
2. Community representative appointments:
  - a. At the end of the second term, a community member's position will be declared vacant and an EOI process completed. If this process results in no new membership appointments the community member previously occupying the vacant position may re-nominate for their position.

Note by the CEO:

CL23.212

*The Committee have requested that the membership be made up of all Aboriginal people which has resulted in the recommendation to remove NPWS. However, as with all Advisory Committees, these meetings are open to the public, and therefore NPWS will remain welcome to attend as an Observer and can be invited to attend when relevant agenda items are on the agenda.*

CL23.212

## AA23.18 AAC Terms of Reference Review 2023

**HPERM Ref:** D23/171231

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

**Attachments:**

1. Aboriginal Advisory Committee - Current Terms of Reference (under separate cover)
2. AAC TOR Review - Amended Track Changes - 13 April 2023 - PDF (under separate cover)
3. AAC TOR Review - Amended Track Changes Accepted - 13 April 2023 (under separate cover)

### Reason for Report

The purpose of this report is to provide the Aboriginal Advisory Committee (AAC) with the Terms of Reference (ToR) review. An AAC review workshop was held on Monday 13 April 2023. Six members of the AAC attended the workshop to review the ToR put forward these proposed amendments for consideration and acceptance prior to submitting to Council for adoption.

### Recommendation

That Aboriginal Advisory Committee accept the proposed amendments to the AAC Terms of Reference and submit to Council for adoption.

### Options

1. The recommendation is adopted as written:

Implications: The ToR will be updated and provide the AAC an agreed way forward as detailed in this report.

2. The recommendation is not adopted, and an alternative recommendation is provided.

Implications: The proposed ToR will not be updated and the AAC will be required to provide an alternative proposal.

### Background

Shoalhaven City Council has a significant number of Section 355 Advisory Committees that have been established to offer advice and expertise on several subjects. The AAC is one such committee.

Committees are overseen by various teams and directorates across Council. When reviewing the six advisory committees that are overseen by staff in the City Lifestyles directorate it was identified that there was an opportunity for greater consistency in the terms of reference documents for those committees.

In response, a new *Terms of Reference Template* for advisory committees has been developed and endorsed. The use of this template will ensure improved consistency across Council's advisory committees in how they undertake their functions.



The template provides a format to clarify and assist in managing expectations around advisory committees and their roles. This will assist the members in understanding and carrying out their roles and functioning of the advisory committee and any delegation therein.

Council staff have updated the AAC's ToR to align with this new template.

At the 28 February 2023 AAC meeting this new template and proposed amendments to the ToR were presented and the group requested a ToR workshop for a full review of the ToR. The AAC review workshop was held on Monday 13 April 2023. Six members of the AAC attended the workshop to review the ToR and have suggested the below amendments for the group to review and endorse. Governance attended this workshop to provide guidance and advice to the group.

#### Significant changes to the ToR

The following key aspects of the current ToR have been revised and for ease of reading, are summarised below:

- Changes throughout the document to make the language more inclusive.
- Update to the purpose statement on wording around 'matters relating to Aboriginal communities' acknowledging that all Council matters are relevant to Aboriginal people in the LGA.
- Amendments to Role to include culturally appropriate language.
- Adding age specifications to the Youth positions.
- Membership changes around Chair and community membership appointments in particular amendments to expression of interest, application process and interview panel appointees to ensure this is fair and transparent.
- Update to 'end of term' appointments process.
- Government agencies appointments voting rights.

The Following documents are attached to this report so members can compare and review:

- **Attachment 1** Current Terms of Reference (POL22/67).
- **Attachment 2** Tracked changes to the updated format of the ToR (D23/171049).
- **Attachment 3** Updated format of ToR (tracked changes accepted for ease of reading) (D23/171057).

Minor amendments were also made to improve the flow of the document and correct grammar.

#### **Community Engagement**

Members of the AAC will be consulted at the first meeting after ToR workshop 2023 (21 June 2023) regarding the new changes. Governance have been consulted to ensure the edits are commensurate with policy and guidelines.

#### **Policy Implications**

Should the AAC members request changes to any of the proposed amendments, alternate amendments will need to be proposed and agreed to, prior to the ToR being updated. The suggested amendments will be reviewed by Governance and adjustments made if / where necessary. This may require the AAC ToR to be presented to a future advisory committee meeting for endorsement before being considered by Council for adoption.

**Risk Implications**

There is a risk that recommendations are not accepted and cause a delay in the implementation of Terms of Reference policy.

## CL23.213 Report of the Shoalhaven Arts Board - 28 June 2023

**HPERM Ref:** D23/276302

- Attachments:**
1. AB23.16 - Birkett Weatherhead Collection - works by other artists - works to keep - table A - June 2023 (under separate cover) [⇒](#)
  2. AB23.16 - Birkett Weatherhead Collection - works by other artists - works to sell - table B - June 2023 (under separate cover) [⇒](#)
  3. AB23.16 - Birkett Weatherhead Collection - works by other artists - works to hold - table C - June 2023 (under separate cover) [⇒](#)
  4. Acquittal - Albatross Musical Theatre Company - Shoalhaven arts board grant [↓](#)
  5. Acquittal - Sense of Place - Shoalhaven Youth Orchestra - Arts Board Grant - 2020 2021 [↓](#)
  6. Alaska Turner - Acquittal - Arts board Grant - 2020 2021 [↓](#)

### AB23.16 Birkett Weatherhead Gift - Management of works by Artists not Jim Birkett

**HPERM Ref:**  
D23/235524

#### Recommendation

That Council, as recommended by the Shoalhaven Arts Board:

1. Endorse the advice of the Art Acquisition and Collection Subcommittee.
2. Retain the works listed in Table A (Attachment 1) in accordance with the Deed of Gift.
3. Sell the works listed in Table B (Attachment 2) in accordance with the Deed of Gift.
4. Hold the works listed in Table C (Attachment 3) until the remainder of the gift is received and works can be better researched and / or reviewed against the whole.
5. Any funds raised from the sale of works in part 3 to be put into a dedicated Council Reserve fund and used explicitly for the purpose of the care, storage and exhibition of works retained in the Birkett Weatherhead Collection, as noted in part 2 as per the terms of the Birkett Weatherhead Gift.
6. Inform Roy Weatherhead of the outcome of any decisions made.

### AB23.17 Shoalhaven City Art Collection - Acquisition of Works

**HPERM Ref:**  
D23/239344

#### Recommendation

That Council, as recommended by the Shoalhaven Arts Board:

1. Accept the offer of a donation through the Cultural Gifts Program for the work 'Untitled' by Rueben Ernest Brown. Donation by Lisa and Pip Havilah
2. Accept the offer of a donation for the work 'Shellwork slippers' by Esme Timbery. Donation by Lisa Havilah and Glenn Barkley
3. Decline the offer of a donation of the work 'View of Coolangatta Mountain from Old Man Island' by Averil Muller. Donation by Lynne Wiltshire
4. Allocate a maximum of \$3000 from the 2023/24 Art Acquisition budget for the purchase of prints by Robert Dickerson from the Dickerson Gallery.

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**AB23.19 Shoalhaven Arts Board Grants - Acquittals - 2020/21 and 2021/22 Grants****HPERM Ref:  
D23/240380****Recommendation**

That Council, as recommended by the Shoalhaven Arts Board:

1. Accept the Acquittals from
  - a. Albatross Musical Theatre Company
  - b. Shoalhaven Youth Orchestra
  - c. Alaska Turner
2. Request invoices are supplied for monies unspent to
  - a. Albatross Musical Theatre Company – \$331.75
3. Request Shoalhaven City Council to allocate returned funds to the Arts Grants program for 2023/24 and ensure funds are given back to the arts community through the Grants program.
4. Note that an outstanding acquittal is yet to come through from artist Joanna Thomas.

**AB23.22 Additional Item - Signage - Shoalhaven Entertainment Centre****Recommendation**

That Council, as recommended by the Shoalhaven Arts Board, provides funding for conspicuous signage for the Shoalhaven Entertainment Centre which is visible from the Princes Highway.

**Note by the CEO:**

This is currently a consideration of the Shoalhaven Entertainment Centre Councillor Reference Group pending finalisation of the compliance works, and is contingent upon remaining project budget and the Councillor Reference Group priorities.

A suggested alternate recommendation is *“That Council, as recommended by the Shoalhaven Arts Board, consider a future report on options for conspicuous signage for SEC which is visible from the Princes Highway, on completion of compliance works and availability of remaining budget.”*

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**Acquittal for the Shoalhaven arts board grant – Professional Development Courses for 4 AMTC members. \$2710 received from SCC June 2021.**

The following was our original plan:

To train members to take on the roles of Director and Producer since our company has individuals with considerable experience but no formal training in these areas. We wanted to train 2 members to attend each of the following NIDA courses in 2021: “Directing for the Stage” and “Producing for the Stage”. Our original proposal included accommodation in the Kensington area for the duration of the course for the 4 participants. The outcomes of these courses were described in our original grant application.

The course provider did not run in-person courses as anticipated in 2021. The 5-day Directors Course was not offered at all and the Producers 3 day course was offered as Face to face via Zoom: 4 × 2 hour sessions. We chose 2 members, Wendy Bilbey and Angelique Riou to do the Producers Course online. Angelique has since been an Assistant Producer for one AMTC production and Wendy has since been the Producer for 2 AMTC productions.

Since the Directors course was not being offered in the foreseeable future, we chose 2 people, Julie Fraser and Paul Fraser to attend the Face to face via Zoom: 4 × 2.5 hour sessions - “Lighting Design Essentials”. The outcomes were described as follows:

- dramaturgically analyse a dramatic source for a lighting design.
- Knowledge of lighting equipment, its uses and safe practise.
- Competence realising a lighting design using professional equipment.

After the zoom lessons began it began apparent that the last 2 outcomes had been replaced with less practical outcomes and the course was now described as “The Art of Lighting Design”:

- Understanding of the collaborative nature of the design process
- Exposure to the storytelling potential of design
- Ability to imagine and articulate design concepts

Julie and Paul completed the course but found limited practical application for the technical use of lighting, but the course had some useful knowledge from a potential Director’s perspective.

These online courses were considerably less expensive than the face-to-face version and obviously did not require accommodation. With the permission of Bronwyn Coulston we held on to funds until face to face person courses resumed. Eventually limited face to face courses resumed and we chose Graham Dyer to participate in the 5 day “Technical Theatre” course. Not for Directors or Producers, but a technical course in sound, lighting and stage management benefiting our productions.

Here is a summary of the course and what was achieved:

- WHS standards and effective communication strategies associated with the roles and responsibilities of the Stage Manager.
- All other technical roles in the theatre environment and an in-depth look at each role and its associated responsibility.

- Stage Management hands-on practice exercises including stage prompt calling and spiking of sets and props.
- Theatre Lighting design, rigging and operation, with practical exercises.
- Theatre Sound design and rigging with practical exercises.

This was approved as a variation on our original proposal. Unfortunately, the course was postponed a number of times and the cost was increased in each incarnation. We negotiated some discount for some of the price increases. Ultimately Graham Dyer attended the 5-day face to face course in April 2023, 13 months after we originally paid for the course in 2022.

Insights from Graham Dyer: This course was a fantastic insight into everything behind the scenes in a theatre environment. Getting an awareness of all the different roles backstage, and how to communicate effectively to achieve a high standard for a production was very valuable for me and I can't wait to insert and share my new knowledge within AMTC and our future production. All practical exercises and hands on activities were invaluable, and it was great doing this course with other people from various other roles and companies to get a deeper understanding of how each role may vary across other performing arts platforms.

Below is a screen capture of our accounting "Xero" program of all spending related to the NIDA courses. All travel, petrol and meal costs were absorbed "in kind" by the members involved.

Expenditure of Grant money							
18 Nov 2021	Spend Money	NIDA - Reimburse Wendy Bilbey for NIDA course fees from Grant SCC	Reimburse Wendy Bilbey - NIDA course fees	250.00	-	250.00	250.00
18 Nov 2021	Spend Money	NIDA - Reimburse Julie and Paul Fraser for NIDA course fees from Grant SCC	Reimburse Julie and Paul Fraser - NIDA course fees	600.00	-	850.00	600.00
18 Nov 2021	Spend Money	NIDA - Reimburse Angelique for NIDA course fees from Grant SCC	Reimburse Angelique - NIDA course fees	250.00	-	1,100.00	250.00
9 Mar 2022	Spend Money	NIDA - SCC Grant - Reimburse Graham Dyer for NIDA course	SCC Grant - Reimburse Graham Dyer	472.50	-	1,572.50	472.50
22 Oct 2022	Spend Money	NIDA - Payment for upgrade of Graham Dyer's NID course	SCC Grant - Extra payment to NIDA for Graham Dyer course	75.75	-	1,648.25	75.75
3 Apr 2023	Spend Money	Meriton Suites - Accommodation for Graham Dyer to attend NIDA course	Reimburse Graham Dyer	720.00	-	2,368.25	720.00
Total Expenditure of Grant money				2,368.25	-	2,368.25	2,368.25

There is \$331.75 unspent of the original grant.



## Shoalhaven Youth Orchestra Inc

P.O. Box 820, Nowra NSW 2541

### ACQUITTAL

**Name of Organisation:** Shoalhaven Youth Orchestra Inc ABN 82 454 019 217

**Name of Event:** Sense of Place  
Arts Grant 2021/2022 – Shoalhaven Regional Gallery  
Project: CD production - South Coast Sketches

**Dates of Event:** Commenced April 2022 and completed December 2022

#### Income

Shoalhaven Arts Board Grant	\$10,000	
Create NSW Arts Restart Regional Initiative	9,600	
In-Kind contributions:		
Choirs	400	
Commissioning music costs discounted	2,000	
Shoalhaven Youth Orchestra receipt from general funds	<u>3,305</u>	
	<b>\$25,305</b>	<b>Total</b>

#### Expenditure

Cost of Contractors - Tutors & Conductors		
Rehearsal time x 8 sessions		
Recording time over 2 days	\$10,460	
Choirs for backup vocals	400	
Commissioning Music costs		
Composed music commissioned – 10 pieces	6,000	
Video Recordist including hire cists all equipment over 2 days	6,061	
Photographer – photos for pictorial record of the event	250	
Venue Hire over 2 days	720	
Administration Costs		
Printing – sheet music	59	
Manager costs for preparation, rehearsals, and final recording	900	
CD production costs	<u>455</u>	
	<b>\$25,305</b>	<b>Total</b>

Acquittal prepared 01 February 2023

#### Alaska's Scholarship

Activity	Associated Cost	Price
Sydney Opera House Internship June 2022 (5 days)	Accommodation 5 nights in city centre	\$1008
	Travel- Petrol and then trains in the city	\$115
	Food	\$150
	Internship	Free
NIDA Course Musical Theatre	Accommodation	\$2232 (Parents paid excess to stay with her)
	Course cost	\$486
	Travel to Sydney	\$100
	Food	\$125
Total		\$4216

After much disappointment with her trip to Broadway America (Due to Covid) Alaska contacted various theatres and was able to secure an internship at the Sydney Opera House and attending in June 2022. As a 16 year old, her hotel accommodation dictated an adult was needed to stay with her.

As per her original application she was trying to develop skills both backstage and onstage and so she divided her money between two very different experiences.

Alaska would like to thank the Shoalhaven Arts Board for her opportunities and would like to ensure they know she is continuing to support the theatre industry in the Shoalhaven Region by recently volunteering to support charities as Assistant Stage Manager for both Zonta Women's Award night and Stars of Nowra, both held at the Shoalhaven Entertainment Centre. She is performing onstage this weekend in Anastasia for Nowra Anglican College as Young Anastasia. She has recently been nominated as Shoalhaven Entertainment Student of the Year.

She is eager to enrol in a Bachelor of Theatre at the University of Wollongong next year and then hopes to specialise in Lighting Design.



## **CL23.214 Nebraska Estate, St Georges Basin - Potential Recommencement of Planning Proposal**

**HPERM Ref:** D23/190868

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

**Attachments:** 1. Draft Planning Proposal - Nebraska Estate, St Georges Basin (under separate cover) [⇒](#)  
2. Updated Constraints Summary Map (2023) [↓](#)

### **Reason for Report**

The purpose of this report is to seek Council's endorsement to recommence the Planning Proposal (rezoning) process for Nebraska Estate, St Georges Basin.

This was one of five 'legacy' Planning Proposals (PP's) terminated by the NSW Department of Planning and Environment (DPE) in December 2020 despite the level of work that had gone into them.

### **Recommendation**

That Council

1. Reaffirm its commitment to resolving this longstanding paper subdivision, wherever possible and acknowledging:
  - a. The environmental and land capability constraints identified in a range of studies undertaken since the 1990s, and the social and financial complications associated with historic paper subdivisions being in fragmented private ownership.
  - b. The need for a comprehensive package of planning controls, including a site-specific development control plan (DCP) chapter.
  - c. The role that Council would need to take in coordinating the provision of essential infrastructure, subject to recouping the costs from the benefitting landowners consistent with the special rate arrangements in place for Jerberra and Verons Estates, and Council's longstanding position.
  - d. The potential environmental and social benefits, including the voluntarily acquisition and permanent conservation of residual C2-zoned land, under Council's *Voluntary Acquisition of Residual C2 Environmental Conservation Land* policy.
  - e. The landowners' financial contribution toward the rezoning costs.
2. Endorse the draft Planning Proposal (PP) that is attached to this report 'in principle' for progression, update the PP as outlined in this report and submit it to the NSW Department of Planning and Environment (DPE) for a Gateway determination.
3. Formally commence the process of preparing the supporting DCP chapter and supporting Environmental Management Plan (EMP) with the aim of exhibiting these concurrently with the PP.
4. Receive a report on the PP and draft DCP for endorsement prior to public exhibition.

### **Options**

1. As recommended - submit the draft PP to DPE for Gateway determination.

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Implications: This will allow the PP process to restart and potentially progress to public exhibition, subject to a favourable Gateway determination and satisfaction of any relevant conditions. The draft PP has been updated and refined with the aim of enabling it to be exhibited and finalised within DPE's maximum benchmark timeframes, to minimise the risk of the process being terminated again.

The Estate's environmentally sensitive land is proposed to be rezoned from *RU2 Rural Landscape* to *C2 Environmental Conservation* and the remaining land is proposed to be rezoned to a mix of *R5 Large Lot Residential* and *C4 Environmental Living*. The PP package will include:

- LEP maps informed by a conceptual subdivision and development plan showing where dwellings are proposed to be located to manage bushfire risk, protect environmental values etc.
- Site-specific development control plan (DCP) will be prepared and exhibited concurrently with the PP. Like the Jerberra Estate there will also be a supporting Environmental Management Plan (EMP).
- Council policy [Voluntary Acquisition of Residual C2 Environmental Conservation Land - Jerberra & Nebraska Estates](#) will apply to the rezoned land, enabling Council to potentially acquire residual environmental-zoned lots and manage them for conservation in perpetuity, in accordance with the EMP.

If the land is ultimately rezoned, Council will need to play a coordinating role in upgrading the Estate's infrastructure, subject to a funding arrangement being in place to recoup the costs from the benefiting landowners. This is consistent with Council's previous position and approach to resolving other paper subdivisions.

The PP would provide a legal framework in combination with Council's Voluntary Acquisition Policy, to resolve the Estate's tenure and management in the long term.

2. Not proceed further and submit a PP for Gateway determination.

Implications: Unless a PP is progressed and finalised, this longstanding planning matter will remain unresolved. The environmentally sensitive land will continue to be subject to a range of disturbances. The ongoing issues associated with paper subdivisions that are in fragmented private ownership will persist and continue to impact on Council resources (e.g., dealing with compliance issues, inappropriate/unauthorised occupation of the land, clearing and/or development, environmental degradation issues, unpaid rates etc).

3. Make changes to the PP before submitting it for Gateway determination.

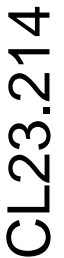
Implications: The options are very limited due to the constraints and complexities. For example, if the proposed C2-zoned area is expanded, it may not be economically viable for Council to acquire and manage environmentally sensitive land.

The PP is designed to protect the important environmental values in conjunction with allowing a limited amount of development in those parts where this is considered appropriate. The proposed residential footprint is based on detailed analysis of the environmental and land capability assessments.

## Background

Nebraska Estate is an unresolved 1919 'paper subdivision' east of Grange Road and north of The Wool Road at St Georges Basin – see **Figure 1**. The subject land currently comprises approximately 98 lots held in 50 separate ownerships and has a total area of approximately 33 ha.

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In 1992, Council resolved to investigate the potential for the Estate to be rezoned to enable low density residential development. Rezoning investigations undertaken in the 1990's were ultimately interrupted in 1999 by a NSW State Government moratorium on rezoning land in the Jervis Bay area pending gazettal of the Jervis Bay Regional Environmental Plan, 1996 (JBREP) and subsequently, completion of the Jervis Bay Settlement Strategy.

The moratorium was lifted when the Jervis Bay Settlement Strategy (JBSS) prepared by Council and endorsed by the State Government, was finalised in 2003. The JBSS states that Nebraska Estate will be investigated for rural residential opportunities through a review of lot sizes and configuration to accommodate onsite effluent disposal.

Council recommenced a thorough investigation of the constraints and land capability in 2006, funded by the Estate's landowners, via a 10-year special rate arrangement. This included a detailed Threatened Biodiversity Survey and Assessment by Eco Logical Australia P/L (ELA) for which the fieldwork was undertaken from December 2006 to May 2008; and a review of previous studies and desktop constraints analysis.

From December 2009 to April 2010, Council considered several reports on the constraints and land capability assessments. On 13 April 2010, Council resolved that there are three areas with limited development potential and that the remaining areas are unsuitable for development (MIN10.376) due to a range of environmental and land capability constraints.

An updated combined constraints analysis map and the areas initially identified with limited development potential are shown in **Attachment 2**. The constraints include:

- Watercourses and associated riparian land that is subject to flooding, partly affected by Acid Sulfate Soils, and is of high biodiversity value (see below)
- Swamp Sclerophyll Forest Endangered Ecological Community (EEC)<sup>1</sup> and *Melaleuca biconvexa*<sup>2</sup> (approx. 1000 individuals) corresponds closely with the flood prone land.
- A large population of the 'critically endangered' orchid *Pterostylis ventricosa* (*P. ventricosa*)<sup>3&4</sup> and an individual endangered Leafless Tongue Orchid (*Cryptostylis hunteriana*) in the north-eastern corner – depicted by the overlapping blue circles (a 50 m buffer was recommended for threatened orchids). Darker shading indicates multiple overlapping buffers.
- Several hollow-bearing trees, Yellow-bellied Glider sap-feeding trees, Glossy Black-cockatoo feed trees. A 20 m buffer was recommended around these features, which are collectively shown by the smaller blue circles.

The subject land is understood to have been extensively logged in the 1970s and more recently, has been disturbed to varying degrees and some lots have been under scrubbed or totally cleared (BES, 2009). Much of the existing understorey vegetation is advanced regrowth which helps explain the relatively low number of hollow-bearing trees. There are several unauthorised structures that ultimately need to either be regularised or removed.

A Planning Proposal (PP) was subsequently prepared and submitted to DPE in late 2014. The PP included two density options for the NW Sector. In March 2015, DPE issued a Gateway approval allowing the PP to be progressed subject to a range of matters being addressed, including consultation with the Estate's landowners to determine the preferred option for the NW Sector, and preparation of a water cycle (stormwater management) assessment to ensure that downstream water quality is protected.

The Estate's landowners were engaged in relation to the two density options and on 5 April 2016, Council resolved (MIN16.230) to:

<sup>1</sup> Swamp Sclerophyll Forest is listed as an Endangered Ecological Community (EEC) under Part 2, Schedule 2 on the *NSW Biodiversity & Conservation Act 2016* and also on the *Environment Protection & Biodiversity Conservation Act 1999* (Cwlth).

<sup>2</sup> *Melaleuca biconvexa* is listed as vulnerable on the *NSW Biodiversity & Conservation Act 2016* and the *Environment Protection & Biodiversity Conservation Act 1999* (Cwlth).

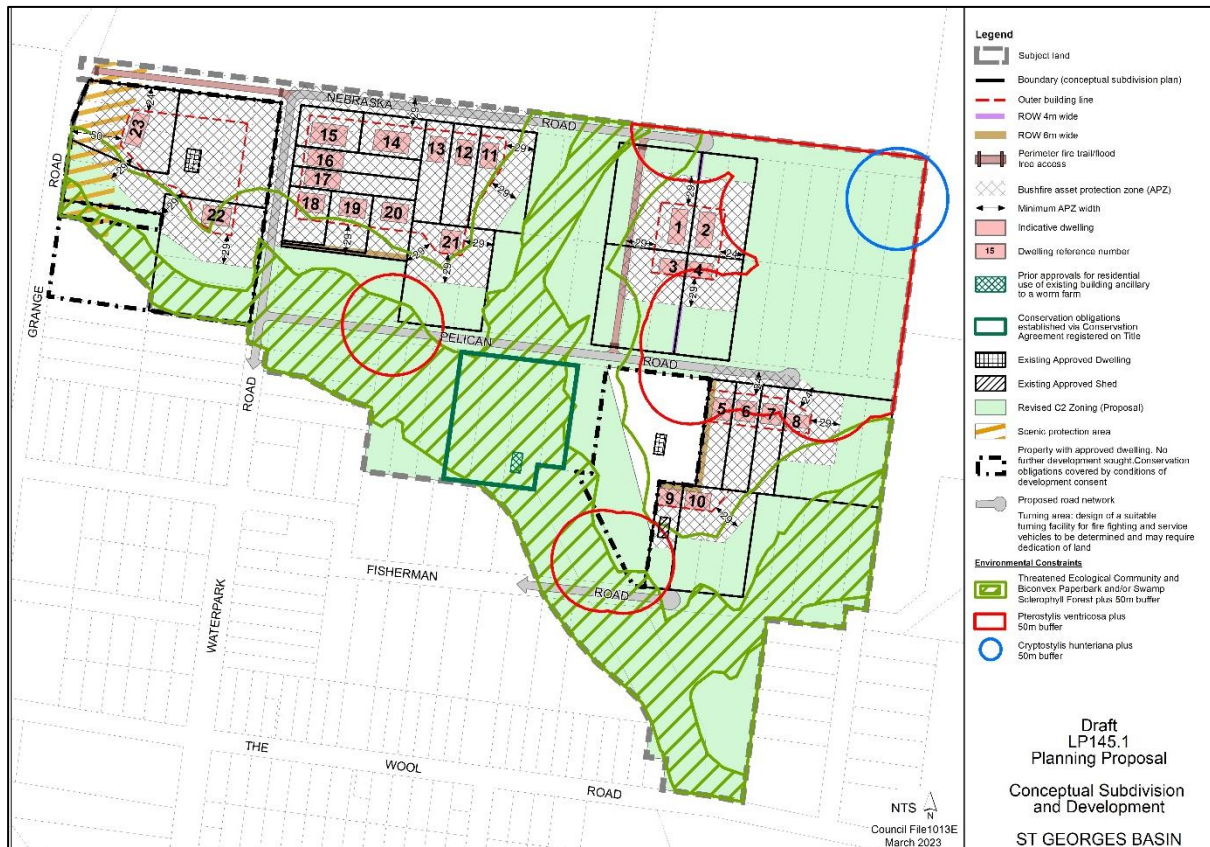
<sup>3</sup> *Pterostylis ventricosa* (*P. ventricosa*) was discovered in 2000 (in Nebraska Estate) and was formally recognised as a new species in 2008. The species was originally published as *Speculantha ventricosa* (Jones 2008) but was subsequently renamed *P. ventricosa*.

<sup>4</sup> *P. ventricosa* is listed as critically endangered on the *NSW Biodiversity & Conservation Act 2016*.



- Adopt revised version 2 of Option 1 – Lower Density Residential Development outlined in this report and provided in Attachment D, as the preferred option to move forward with, and the Planning Proposal be amended accordingly.
- Prepare the required water cycle assessment.
- On completion of a) and b) publicly exhibit the Planning Proposal.

A conceptual subdivision and development plan was prepared in accordance with part a) of this resolution and has been updated based on the latest information. See **Figure 2**.



**Figure 2** - Updated Conceptual Subdivision and Development Plan Nebraska Estate - Option 1.v2 (2023). Note: the concept plan is a working draft and is subject to change.

The required water cycle assessment was prepared, however progression of the PP to public exhibition, stalled due to complications arising from the NSW biodiversity law reforms.

### Complications arising from the NSW biodiversity law reforms

The *NSW Biodiversity Conservation Act 2016* (BC Act) and supporting Regulations commenced on 25 August 2017. A consequence of the BC Act was/is that the biodiversity offsetting scheme would be triggered at development application (DA) stage for most, if not, all the proposed dwelling entitlements within the Estate. The costs associated with preparing the necessary reports and securing the required biodiversity offsets, would potentially make development of the individual lots unviable.

This could potentially be resolved via Clause 34A of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*. Clause 34A is a 'savings provision' that allows development applications in certain areas that have been certified by the NSW Minister for the Environment, to be assessed under the previous legislation.

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The planning controls for Jerberra and Verons Estates have been certified as 'relevant planning arrangements' under Clause 34A since 2019. However, the potential use of Clause 34A in Nebraska Estate was more complicated for two reasons:

1. The draft planning controls for the Estate had not been prepared at that time.
2. A large proportion of the Estate's important biodiversity values would be on 'residual C2-zoned land' that is in fragmented private ownership. As discussed later in this report, this makes it more difficult to ensure the biodiversity values as a whole are proactively managed and protected to satisfy Clause 34A.

The PP stalled while the potential use of Clause 34A was explored in consultation with DPE's Biodiversity Conservation Division (BCD).

### Termination of the previous PP

The Nebraska Estate PP was one of five 'legacy' PPs terminated by DPE on 15 December 2020 as part of its focus on 'unblocking the planning system'. On 18 January 2021, Council resolved in respect of Nebraska Estate, to:

*seek a new Gateway determination at the appropriate point once the policy is adopted that will help resolve the tenure and management of the proposed E2 land (as per Council resolution MIN20.885) to help secure certification for the new planning controls under Clause 34A of the NSW Biodiversity Conservation (Savings and Transitional) Regulation 2017. **Note:** the policy referred to above and Clause 34A certification are discussed further below.*

### Clause 34A eligibility criteria

Clause 34A (4) of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, sets out the following eligibility criteria for "relevant planning arrangements" [emphasis added]:

- a) *that the proposed development the subject of a development application is part of a relevant planning arrangement and the **biodiversity impacts of the proposed development were satisfactorily assessed** before the commencement of the Act as part of the relevant planning arrangement, and*
- b) *that **conservation measures have been secured into the future** (by a planning agreement, a land reservation or otherwise) to offset the residual impact of the proposed development on biodiversity values after the measures required to be taken to avoid or minimise those impacts.*

In respect of part (a), the biodiversity impacts for the PP were assessed prior to commencement of the BC Act, generally to the satisfaction of the relevant NSW Government agencies.

In respect of part (b), the [Voluntary Acquisition of Residual C2 Environmental Conservation Land - Jerberra & Nebraska Estates](#) policy adopted by Council in October 2021 **allows Council to potentially acquire residual C2 properties (subject to landowner agreement) and manage them for conservation in perpetuity.**

In summary, part (b) of the Clause 34A savings provision could be satisfied in two key ways:

1. Biodiversity values on land that forms part of an overall development parcel would be legally secured via consent conditions (which are legally binding) framed around the DCP and accompanying Environmental Management Plan.
2. Environmental land that is unable to be incorporated into an overall development parcel (i.e. 'residual' C2 land) would be eligible for voluntary acquisition by Council (i.e. willing buyer, willing seller) under the residual C2 acquisition policy. Land

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acquired under this policy is classed as community land and managed for conservation in perpetuity.

While DPE's Biodiversity Conservation Division (BCD) have been consulted to seek certainty on the potential use of Clause 34A in Nebraska, it is not guaranteed; Council would need to apply for certification if/when the planning controls are in place.

### Updated draft PP

The PP has been reviewed and updated to address changes to the legislative and policy framework and potentially enable it to progress within DPE's new maximum benchmark timeframes. The key changes are outlined below and a draft Gateway request version of the PP is provided as **Attachment 1** (under separate cover). The draft PP includes links to the support studies, previous Council reports etc.

#### Refinements to be made prior to public exhibition.

No significant changes to the intended outcomes are anticipated and the draft PP is generally 'exhibition ready'. If the recommendations of this report are adopted, some refinements and improvements will be required prior to public exhibition (subject to a favourable Gateway determination) including:

- Incorporating Council's resolution arising from this report.
- Incorporating the findings of a Phase 1 contamination assessment (yet to be commissioned).
- Incorporating feedback from Council's Floodplain Management team and City Services (stormwater infrastructure asset custodian) to ensure the proposed stormwater approach aligns with DCP Chapter G2 (stormwater management).
- Incorporating any feedback from Government agencies and Aboriginal stakeholders.
- Updating indicative infrastructure costings.
- Responding to any changes in the policy and statutory planning framework.
- Addressing any conditions of the Gateway determination.
- Other minor changes to improve general readability.

The draft PP seeks to amend LEP map overlays including the land use zoning (LZN) map overlay - see below.

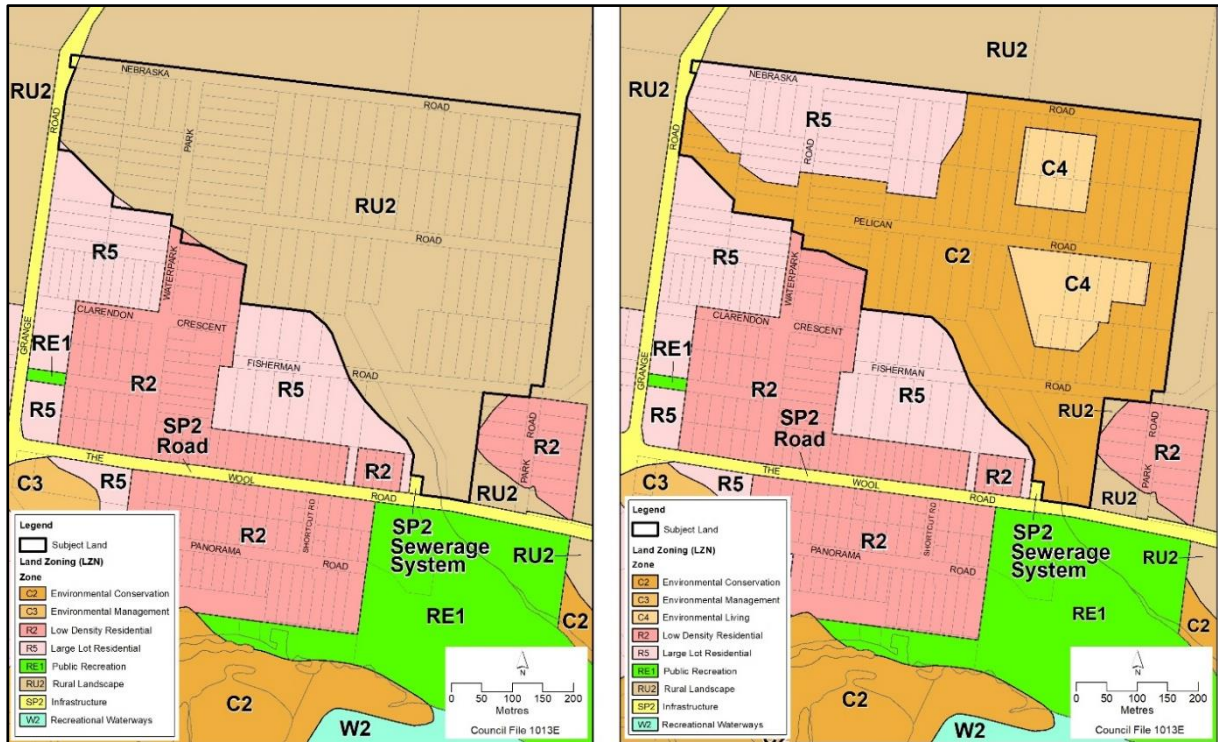


Figure 3 – Land Use Zoning Map (LZN) - Existing (left) and proposed (right)

The proposed changes to the LEP map overlays have been prepared to facilitate the conceptual subdivision and development plan (**Figure 2**) which shows how the land could ultimately be developed if the LEP is ultimately amended.

### Proposed DCP framework

A supporting site-specific chapter in the overall Shoalhaven DCP 2014 will be needed to resolve complexities associated with developing the Estate and to help achieve intended outcomes. The site-specific DCP chapter would provide additional objectives, performance controls and acceptable solutions covering the following themes.

- Subdivision layout
- Conservation management
- Desired Future Character
- Bushfire protection planning
- Building Design and Location
- Aboriginal Cultural Heritage
- Stormwater management
- Infrastructure works
- Flooding & Emergency access
- Soil Management

### Community Engagement

The PP has evolved over a long period in consultation with landowners and the relevant Government agencies. Council reports documenting this process can be accessed from the links provided in the [Nebraska Estate Fact Sheet](#) that is available on Council's [paper](#)

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[subdivisions webpage](#). A detailed report on landowner consultation undertaken in 2015-2016 that was considered by Council on 5 April 2016 is also available at [this link](#).

Formal community feedback on the PP and draft DCP will be sought during public exhibition phase, subject to Council endorsement. Subject to resourcing, it is intended that the PP and draft DCP will be exhibited concurrently.

Early input will be sought from the Jerrinja Local Aboriginal Land Council (LALC) and other local Aboriginal stakeholders, subject to receiving a favourable Gateway determination from DPE.

### Policy Implications

On 5 October 2021, Council adopted a Policy titled '[Voluntary Acquisition – Residual C2 Environmental Conservation Land - Jerberra & Nebraska Estates](#)'. Part 4 of the resolution to adopt the Policy (MIN21.699) included the following note:

- a. *The Policy will also **only apply to land in the Nebraska Estate, St Georges Basin if/when the Planning Proposal (LP145.1) for the Estate has been finalised and the land rezoned** [emphasis added] ...*

### Financial Implications

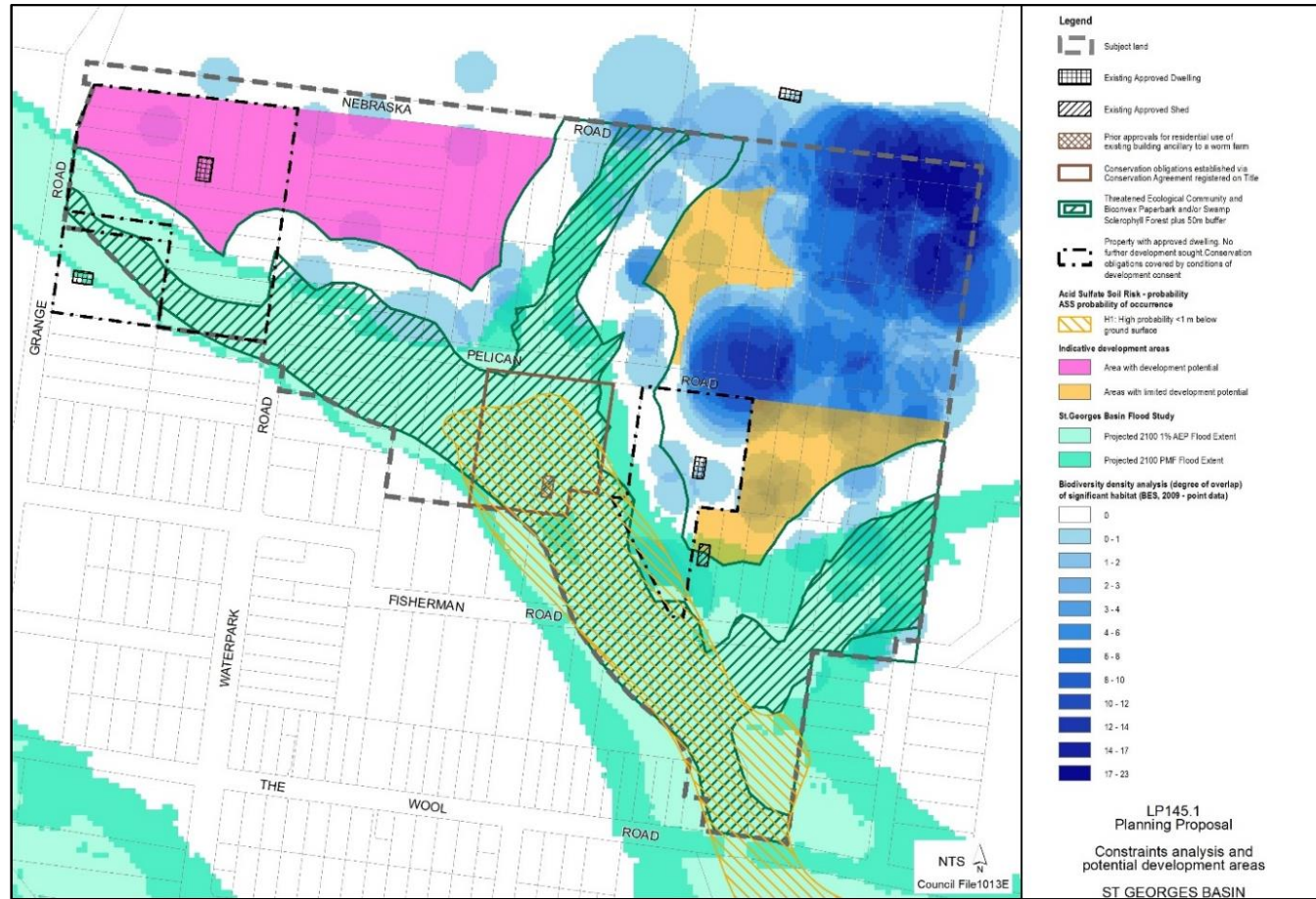
Costs associated with preparing the PP (including the supporting studies) have been funded by a \$200,000 Council loan that was repaid by the benefitting landowners over 10 years through special rates.

At the time of writing this report, \$32,777 remains unspent and is available to assist this project. Any funds remaining at the conclusion of the PP process are intended to be utilised for designing the necessary upgrades to the subdivision infrastructure, for which a new special rate (or equivalent funding arrangement) will be required.

### Risk Implications

The draft PP has been funded by the landowners via special rates collected over 10 years. While Council has no legal obligation to seek a new Gateway determination, a decision to not do this would trigger a strong reaction from the Estate's landowners, who have an expectation that the Estate's planning status will be resolved one way or another. It is also likely that if the planning future of the Estate is not resolved that the area may continue to be impacted by unauthorised activities and speculative land sales will also continue.

CL23.214



Nebraska Estate - Updated constraints analysis (incorporating the findings of the St Georges Basin Flood Study 2022) and potential development areas adopted by Council in 2010.

## CL23.215 EV Charging Stations on Public Land - Update on Council Approach

**HPERM Ref:** D23/206662

**Department:** Technical Services

**Approver:** Craig Exton, Manager - Technical Services

### Reason for Report

To provide an update and advice regarding Council's strategic approach to the location and installation of Electric Vehicle Charging Stations across the Shoalhaven.

### Recommendation

That Council

1. Notes Council's Policy position with regard to the provision of EV charging stations on public land, as outlined in the report below.
2. Notes the approach staff are currently taking to identify, assess, and progress the installation of EV charging infrastructure, to ensure:
  - a. Sites meet the requirements of Council's Policy, are within Council's jurisdiction to approve, are in the public interest, and have the electrical capacity to support the infrastructure proposed.
  - b. Council licensing agreements, fees and conditions for the installation of EV charging on council land are consistent and equitable.
  - c. Council provides equal opportunity for Charge Point Operators to express interest or apply for a license to install EV charging infrastructure on Council land.
3. Notes the key issues and considerations regarding Council's role in the provision of EV charging infrastructure, including:
  - a. Industries are responding to address charging gaps; Council needs to consider the appropriate and long-term role for local government in the provision of EV charging stations.
  - b. Allocating carparking spaces for EV charging, particularly in car parks where spaces are already in high demand (such as the CBD) presents an equity issue.
  - c. Standard licensing terms, fees and conditions are important to ensure Council does not grant commercial advantage to a specific party or Charge Point Operator.

### Options

1. Note the updates and information as outlined in this report.

Implications: Staff will continue to explore opportunities for EV charging and follow the approach outlined in this report to ensure EV charging on public land meets Council's policy requirements and provides an equitable and transparent process for Charge Point Operators seeking to license Council sites for this purpose.

2. Request further information or recommend alternative actions.

Implications: Further information can be provided or alternative recommendations investigated/actioned.

CL23.215

## Background

At the 13 March 2023 Ordinary Meeting it was resolved that:

1. *In relation to Electric Vehicle Charging Stations in the Nowra CBD, the CEO (Director City Services), Council investigate and report back to the Committee targeting the May 2023 meeting on the following:*
  - a. *Council's Policy position on Electric Vehicle charging stations and how it relates to the Nowra CBD*
  - b. *Options available to engage with Electric Vehicle charging station providers*
2. *Council receive a report on installing and implementing EV parking stations city wide.*

A report was provided to the Nowra CBD Revitalisation Committee on 20 June 2023 to address points 1a and 1b above. This report addresses point 2.

## Council's Policy

In 2022, Council reviewed and updated its [EV Charging Stations on Public Land Policy](#). The purpose of this Policy is to provide criteria for the provision, installation, management, maintenance, and removal of EV charging stations on public land in the Shoalhaven City Council LGA, and to support the selection of the correct type of infrastructure at the right location. The Policy seeks to support and encourage increased uptake of EVs and outlines the principles for planning EV charging infrastructure on public land. Under this Policy, Council is committed to undertake community consultation when planning to install EV charging infrastructure on public land.

As stated in the Policy, it is not considered Council's core business to own and manage vehicle charging infrastructure, however Council may support the installation of charging infrastructure on public land through a leasing or licensing arrangement with Charge Point Operators (CPOs) where proposed locations serve the public interest. The provision of EV charging stations on public land must be fair and equitable, and any provision of EV charging stations on public land will be subject to licensing/leasing arrangements in accordance with Council's *Occupation of Council Owned or Managed Land Policy*.

## EV charging opportunities

To support the uptake of EVs across NSW and address charging blackspots, the NSW Government has released an [Electric Vehicle Strategy](#) and [NSW EV Fast Charging Master Plan](#) identifying optimal zones where fast charging infrastructure will be prioritised. Both Nowra and Ulladulla have been identified as optimal zones for EV fast charging in this Master Plan.

Council has been closely monitoring advice and funding opportunities to identify how it can support EV charging and the transition to low emissions vehicles for its community, while considering the appropriate role of local government in this transition.

## Actions undertaken and progress to date

- In February 2022, SCC identified 20 initial locations across the Shoalhaven where EV fast charging could be explored as part of a submission under the NSW Expression of Interest to host fast EV charging sites.
- The EOI submission nominated a key staff contact at Shoalhaven City Council that Charge Point Operators could contact to discuss EV fast charger installation in the Shoalhaven LGA.

- Locations were selected with consideration to their proximity to the optimal zones identified in the [NSW EV Fast Charging Master Plan](#), as well as adequate parking provision, and safety and public lighting considerations.
- Council has received interest in several sites and staff have provided letters of support to Charge Point Operators to submit applications under the NSW EV fast charging grants.
  - Applications must first progress through site feasibility studies, and the letters of support provided by Council are non-binding and provided under the condition that if the site is feasible, meets Council Policy criteria, and if parties are able to agree on suitable commercial and operational terms, the letter of support may be nullified by formal site agreements, subject to Council approval.
- One site at 85 South St, Ulladulla has progressed through the first stage of the NSW fast charging grant approvals process to proceed with feasibility studies and proposed design. In line with Council's Policy requirement that community consultation be undertaken on any proposed installation of EV charging infrastructure on public land, the proposed site was exhibited on Council's Get Involved page in May 2023 to determine if the site would be supported by the community. The site was widely supported by 95% of 114 survey respondents (further information is provided below).
- Staff are also exploring grant opportunities to support destination charging, and Council was successful in applying for grant funding to install a destination charger at its Lake Tabourie Holiday Haven. The project is currently on hold to enable required electrical upgrades, and the outcome of this project will determine future applications in later rounds of these grants. Staff are also in conversation with Endeavour Energy regarding a potential trial of pole-mounted destination chargers across the Shoalhaven.
- To ensure that any agreement with a Charge Point Operator to install EV charging infrastructure on public land will be fair and equitable, staff are preparing for Council's consideration, a standard leasing/licensing agreement for this purpose. This will ensure that the terms and conditions of any agreement will be consistent between CPOs seeking a license to install and operate EV charging infrastructure on public land.

#### Proposed approach moving ahead.

- EV charging is a new and rapidly evolving space that councils have not previously been strongly involved in. Since the initial identification of potential sites across the Shoalhaven, it has become apparent that some of these will not be suitable for EV charging due to complexity of ownership and management, and other site constraints such as electrical capacity to support EV charging.
- To address this, staff have conducted a review of the initial sites identified in 2022 to ensure that all the sites have adequate electrical capacity, are suitable for EV charging, meet the criteria of Council's EV Charging Stations on Public Land Policy, and meet the funding criteria of NSW and Federal grants.
- An initial electrical study has been undertaken for these sites, and an internal review process has been conducted to develop a final list of sites that are supported by relevant teams across council and considered suitable for EV charging.
- It is proposed that a full list of sites be prepared in consultation with Councillors and then published for community consultation to enable feedback in line with Council's

CL23.215



Policy requirements. Community feedback would be presented to Council for consideration and adoption of an agreed list of sites.

- Subject to Council approval, it is proposed that the final list of sites be listed under a public Expression of Interest process for Charge Point Operators (CPOs) seeking to install EV charging infrastructure, along with standard fees and conditions for occupation and use of public land for this purpose.

#### Key considerations for Council with regard to EV charging

Under its [EV Charging Stations on Public Land Policy](#), Council recognised that Electric Vehicles powered by renewable energy present a significant opportunity to reduce transport emissions and contribute towards Council and state targets to achieve net zero emissions.

A key objective of the Policy is to support and encourage the increased uptake of EVs. However, when determining Council's role in this transition, there are some key issues that need to be considered.

- Council's role in providing EV charging on public land needs to be considered as part of a broader industry landscape. During this early phase of the transition to electric vehicles, councils can play an important role in helping to address gaps in the charging network by supporting the installation of EV chargers across carparks and assets. This aligns with Council's Sustainability and Climate Policy objectives, and actions in the adopted Sustainable Energy Strategy. However, in the long term, it is anticipated that the commercial sector will ultimately play the key role in the provision of EV charging infrastructure. For example, petrol retailers and service stations are already positioned to provide fuel services to vehicles and are strategically located along transport routes for this purpose. Companies such as Ampol and Shell have committed to progressively install EV charging across their sites (E.g., Shell has committed to add 500,000 charge points by 2025). Similarly, commercial businesses and corporations such as supermarket chains and hotel venues are also entering the EV charging space as they have large privately owned parking areas and can attract additional revenue through charging fees and increased shopping/patronage at their premises. Given these industries are responding to address charging gaps, Council needs to consider the appropriate and long-term role for local government in the provision of EV charging stations.
- Allocating carparking spaces for EV charging, particularly in carparks where spaces are already in high demand (such as the CBD), presents an equity issue as standard carparking spaces are available to all types of vehicles, while electric vehicle charging spaces are only available to electric vehicle drivers. EV charging stations need to be located where carparking is adequate to meet current and future demand in order to limit the loss of carparking.
- During this stage of early adoption and transition to support EV charging, Charge Point Operators who approach councils are often proposing peppercorn leases with low to no leasing or licensing fees for a period of 10 years, citing the significant investment costs of installing such infrastructure. It is important to note that these are commercial operators, and for the purpose of ensuring equitable terms and conditions for all Charge Point Operators, it is advised that the licensing fee should be determined by a valuation of the carpark area. By following this process and using a standard licensing agreement with consistent fees, terms and conditions, Council can ensure that agreements with Charge Point Operators seeking to install EV charging infrastructure on public land are equitable and Council does not grant commercial advantage to any party.

## Community Engagement

In line with Council's *EV Charging Stations on Public Land* Policy, Council is committed to undertake community consultation when planning new EV charging infrastructure on public land. Community consultation will be undertaken using Council's Get Involved page, with any proposed charging stations published online to enable community feedback.

In May 2023, community consultation was undertaken around a proposed EV charging station at 85 South Street Ulladulla. The results of this consultation indicate that the community is supportive of EV charging stations, particularly where these projects are not funded by Council.

- Over the one-month exhibition period for the 85 South Street Ulladulla site, Council received 114 survey submissions on the proposal.
- 44.5% of respondents drove a standard vehicle but were interested in purchasing an Electric Vehicle in future.
- 95.6% of the respondents were supportive of the EV charging station being installed.
- Of the seventeen responses who did not support the project, thirteen of these were not supportive due to the perceived cost to the ratepayer. This was also the most common negative response on social media responding to the project.
- Given the project is cost neutral to council (installation would be funded by the CPO and grant, and council would receive a licensing fee for the site) these concerns can be addressed through greater communication around council's financial role and contribution to these projects.

## Policy Implications

Council's *EV Charging Stations on Public Land* Policy is the primary policy which outlines the requirements for the provision of EV charging stations on public land. The installation of EV charging infrastructure on public land must comply with this Policy and Council's *Occupation of Council Owned or Managed Land* Policy.

CL23.215

## CL23.216 Policy - Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land

**HPERM Ref:** D23/181823

**Department:** Technical Services

**Approver:** Craig Exton, Manager - Technical Services

**Attachments:** 1. Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy [↓](#)

### Reason for Report

This report summarises proposed updates to the Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy.

### Recommendation

That Council adopts the revised Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy (POL22/103).

### Options

1. Resolve as recommended.

Implications: Council will retain a contemporary policy for the creation of Asset Protection Zones over Council Owned or Managed Land.

2. Resolve to not adopt as recommended.

Implications: Adopted policy POL20/103 will remain and applications will be assessed in accordance with the policy.

### Background

The Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy was reported to Council at the Ordinary Meeting held on the 12 December 2022 as part of the requirement for the policy to be reviewed within the first 12 months of the election of a new council. The item was deferred to a Councillor Briefing (MIN22.966). A Councillor briefing was held on the 20 April 2023.

The 'Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy' was first implemented in 2019. At the time, Council staff were considering a number of Development Applications seeking APZ's over Council owned or managed land and a policy was developed to provide a consistent assessment of these requests.

The policy was updated in 2020 in accordance with the introduction of the legislated Planning for Bush Fire Protection 2019. The policy was again reviewed in 2021 with Council resolving to retain the policy.

Property Services has reviewed the policy and recommends the following minor administrative changes:

1. Update references to refer to current legislation.



2. Update references to Departments and Directorates – based on Council's current organisational structure and asset custodian responsibility.
3. More clearly state that this policy applies to existing lots and is not applicable to subdivision stage developments.
4. Update the Policy to be applicable to Dual Occupancy or Multi-Dwelling Developments where APZ Responsibility is non-ambiguous or not likely to become ambiguous.
5. Added a provision for reporting the approval of an APZ to Council where it will require a change to the management and/or the presentation of Council open space.

### **Community Engagement**

The amendments are minor in nature and are to update the policy in accordance with legislative amendments. Staff consider that it does not need to be put on public exhibition as the changes are administrative amendments.

### **Policy Implications**

The policy is due for review within one year of the election of a new Council. No substantial policy changes will result from the recommended changes to the policy.

### **Financial Implications**

There are nil financial implications as a direct result of adopting this amended policy.

CL23.216



## Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land

Adoption Date:	20/04/2019
Amendment Date:	5/05/2020
Minute Number:	MIN19.247, MIN20.319
Review Date:	01/12/2020
Directorate:	City Services
Record Number:	POL22/103

CL23.216 - Attachment 1

Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy.DOCX

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### 1. Purpose

The purpose of this policy is to provide clear guiding principles to regulate the use of land owned or managed by Council for private use as an Asset Protection Zone (APZ) to mitigate the threat of loss from bushfire.

### 2. Statement

This policy has application in those cases where, on merit, some concession may be appropriate to assist a proposed development to meet the requirements of *Planning for Bushfire Protection 2019 (PBP2019)*.

Permission to establish APZs which benefit adjoining freehold land on Council Owned or Managed Land, will only be considered where the application meets all requirements set out below:

- The proposal is infill development (see Definitions),
- The APZ cannot be wholly contained on the private land by the consideration of other options and/or reconfiguration by design and siting (acceptance of such proof at Council's sole discretion),
- Applicants Bushfire Attack Level (BAL) rating has been assessed at 'Flame Zone' and the BAL cannot be reduced through the use of other bushfire protection measures.

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All approved APZs must be created by way of Positive Covenant in accordance with Section 88D or 88E or the *Conveyancing Act 1919*. Interests will only be registered on Council's Owned or Managed land title at Council's sole discretion.

Any proposal to establish APZs on Council Owned or Managed Land for new freehold subdivisions will **NOT** be supported under this policy.

### 3. Scope

Development or redevelopment on land that is mapped as Bushfire Prone under the *Environmental Planning & Assessment Act 1979* (EP&A Act) triggers compliance with PBP2019.

One of the identified Bushfire Protection Measures (BPMs) to improve property protection is the provision of an APZ. The APZ provides a buffer between the asset (new dwelling/s or dwelling additions) and the bushfire hazard. This is to ensure that there is a progressive reduction of bushfire fuels between the hazard and any asset.

It is acknowledged that, in some circumstances, site attributes can constrain the ability to provide an APZ wholly within the development allotment and conversely the same principles apply to Council Owned or Managed Land.

APZs over Council Owned or Managed Land will not be considered where:

- Council Owned or Managed Land is categorised as Community Land (see Definitions);

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Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy.DOCX

- Land subject to a Native Title Claim or Aboriginal Land Claim;
- Vegetation management is not likely or cannot be legally granted (e.g. council bushland reserve i.e., Community Land categorised as Natural Area) or is likely to result in environmental harm or the activity will be carried out in an unsatisfactory manner or is an environmental protection offence (as defined by the Protection of the Environment Operations Act 1997);
- Applicants BAL rating is assessed at BAL-40 or lower (excluding Jerberra Estate);
- Applications to extend the maintenance area to provide a greater reduction below BAL-29 (excluding Jerberra Estate);
- The proposed development is for the creation of dual occupancy or multi-dwelling developments, unless the responsibility for the APZ is non-ambiguous or not likely to become ambiguous (at Council Discretion);
- Applications within Jerberra Estate where the APZ area extends beyond the mapped "development area" as shown on the Development Area Map that forms part of the Shoalhaven LEP (Jerberra Estate) 2014;
- The adjoining existing land-use is not compatible with vegetation management (e.g. environmental protection, endangered ecological communities, riparian corridors etc);
- The onus for management/maintenance of the APZ rests other than with the registered proprietor(s) of the benefiting land; and
- Areas of coastal wetlands and littoral rainforests or areas of proximity to coastal wetlands and littoral rainforests as identified in the State Environmental Planning Policy (Resilience and Hazards) 2021 or where areas of Critical Habitat are involved or the land is the subject of a biodiversity stewardship or conservation agreement.

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#### 4. Background

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes a system for requiring bushfire protection measures on bushfire prone land to be presented at Development Application (DA) stage, as follows:

- i. By requiring Councils to map bushfire prone land. If any part of a development site is within a bushfire prone area, bushfire related assessment requirements apply to the DA.
- ii. Section 4.14 of the *EP&A Act* requires compliance with *PBP2019* and, where a proposal is located within Flame Zone then consultation with the Rural Fire Service (RFS) is mandatory. In other cases, Council Officers can determine the level of compliance or they can rely upon a report prepared by a suitable qualified bushfire consultant.

*PfBP2019* outlines planning considerations that need to be taken into account when a development application is to be determined in bushfire prone areas.

#### 5. Provisions

Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy.DOCX

All proposed APZs over Council Owned or Managed Land must be lodged as part of a Development Application. The Development Application must demonstrate that the requirements outlined in [this Policy](#) apply to the development proposal prior to Council considering approval for the establishment of an APZ on Council Owned or Managed Land. All relevant documentation must be provided with the development application including but not limited to a plan detailing the proposed APZ area and Bushfire Assessment.

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Where the DA proposes an APZ that involves the clearing or modification of native vegetation on Council Owned or Managed Land, the applicant will need to provide a *NSW Biodiversity Conservation Act 2016 (BC Act)* compliant biodiversity impact assessment. Applications for development in Jerberra Estate that comply with the biodiversity conservation provisions in the Jerberra Estate LEP and DCP (Chapter N20) will be assessed under the legislation that applied prior to the commencement of the *Biodiversity Conservation Act 2019*.

Referrals will be made to internal stakeholders to investigate the creation of the proposed APZ. The consideration will involve assessment against matters identified [in this Policy](#) and whether there are proposals to use such land for a public purpose which may be incompatible with the proposed positive covenant.

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The requirement, if approved, will then be included in the conditions of approval for the issuing of a Development Consent (additional fees may apply in accordance with Council's Fees & Charges).

All positive covenant documentation must ensure that:

The registered proprietor(s) of the land which is benefited by the positive covenant shall:

1. be responsible for maintenance of the APZ and any ongoing associated costs
2. Indemnify Council against any loss, injury or damages incurred undertaking the activities defined in the APZ Management Plan or from failure to maintain the APZ to the RFS approved standards.

All costs associated with the creation of the positive covenant must be met by the applicant including but not limited to legal costs, survey costs and registration fees.

Where the impact of the APZ on Council Owned or Managed Land triggers entry into the [Biodiversity Conservation Act](#) "offset scheme", the cost of the Biodiversity Assessment Report by an "accredited person" and the retirement of credits is the responsibility of the applicant. All other biodiversity impact assessment and mitigation costs post approval are also the responsibility of the applicant. This could include costs for ecologist supervision of clearing and for the hollow-bearing tree removal and associated wildlife rescue.

If an APZ request has potential to change the management and/or presentation of vegetation on unmanaged Council open space, the request will be reported to Council after seeking feedback from the local community.

## 6. Definitions

### Asset Protection Zone (APZ)

**Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy.DOCX**

Development on bush fire prone land will normally require the implementation of a setback distance which is referred to as an asset protection zone. An APZ is also known as a fire protection zone and aims to protect human life, property and highly valued public assets. It is a buffer zone between a bush fire hazard and an asset or dwelling/s, which is managed to minimise fuel loads and reduce the potential radiant heat levels, flame contact, ember and smoke impact on life and property. The width of the APZ will vary with slope, vegetation and construction level.

An APZ can consist of an area maintained to minimise fuel loads and can be comprised of a combination of perimeter roads (subdivision), fire trails and managed lands so that a fire path is not created between the hazard and the new dwelling or addition to an existing dwelling.

**Bush fire attack Level (BAL)**

Means of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact using increments of radiant heat (expressed in kilowatts/m<sup>2</sup>). This is the basis for establishing the requirements for construction under AS3959-Construction of buildings in bushfire prone areas. The following BAL construction requirements apply in AS3959.

BAL-LOW	insufficient threat to warrant specific construction requirements
BAL-12.5	ember attack with heat flux to 12.5kW/m <sup>2</sup>
BAL-19	increased ember attack, ignition of debris & heat flux to 19kW/m <sup>2</sup>
BAL-29	increased ember attack, ignition of debris & heat flux to 29kW/m <sup>2</sup>
BAL-40	increased ember attack, ignition of debris, heat flux to 40kW/m <sup>2</sup> & flame exposure
Flam Zone	direct flame exposure, ember attack & heat flux greater than 40kW/m <sup>2</sup>

**Bush fire prone land/area**

Is an area of land that can support a bush fire or is likely to be subject to bush fire attack, as designated on a bush fire prone land map that identifies vegetation types and associated buffer zones.

**Bush fire prone land map**

A map prepared in accordance with NSW RFS requirements and certified by the Commissioner of the NSW RFS under Section 10.3 of the EP&A Act.

**Bush fire protection measures (BPMs)**

A range of measures used to minimise the risk from a bush fire that need to be complied with. BPMs include APZs, construction provisions, suitable access, water and utility services, emergency management and landscaping. BPMs are defined in Chapter 3 of Planning for Bushfire Protection 2019.

**Community Land**

Land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

**Council Owned or Managed Land**

Land which is Council owned or managed, developed or otherwise. Including but not limited to Community Land, Operational Land, Crown land managed as Crown Land Manager under the Crown Land Management Act 2016, Devolved Care Control and Managed Crown land and public unmade Council road and Council road reserves.

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#### In Fill Development

Refers to the development of land by the erection of or addition to a building, which is within an existing allotment and does not require the spatial extension of services. Existing services may include public roads, electricity, water or sewerage.

#### Jerberra Estate

Land identified as Development Area on the Development Area Map that forms part of the Shoalhaven Local Environmental Plan (Jerberra Estate) 2014.

### 7. Related Documentation

- Environmental Planning and Assessment Act 1979
- Rural Fires Act 1997
- Planning for Bush Fire Protection 2019
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy (Resilience and Hazards) 2021Coastal Management Act 2016
- Biodiversity Conservation Act 2016
- Australian Standard: 3959 Construction of buildings in bushfire-prone areas 2009 (AS3959)
- National Construction CodeCouncil Plans of Management
- Council's Foreshore Reserves Policy
- Local Government Act 1993
- Crown Land Management Act 2016
- Native Title Act 1993
- Aboriginal Land Rights Act 1983
- Other relevant statutory plans and policies

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### 8. Implementation

City Services implements this policy as part of its function as Property Manager of Council owned and managed lands.

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### 9. Review

This Policy will be reviewed within 12 months of the election of a new council and where circumstances arise that warrant a review, such as amendments to relevant *Development Control Practice Notes* and/or *Planning for Bushfire Protection 2019* published by the NSW Rural Fire Service.

**Deleted:** The Technical Services Section will review this policy within one year of the election of every new Council in consultation with relevant land managers and asset custodians. A review of this policy may also be triggered by amendments to relevant *Development Control Practice Notes* and/or *Planning for Bushfire Protection 2019* published by the NSW Rural Fire Service.

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## CL23.217 Land Acquisition for Road Widening - Part Lots 542-547 DP 8399 The Wool Road, Basin View

**HPERM Ref:** D23/225096

**Department:** Technical Services

**Approver:** Craig Exton, Acting Director - City Services

**Attachments:** 1. Sketch Plan of Proposed Acquisition - Part Lots 542-547 DP 8399 The Wool Road, Basin View [↓](#)

### Reason for Report

This report provides Council with opportunity to consider the acquisition of part of Lots 542-547 DP 8399, The Wool Road, Basin View from various private landholders, under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 for the purpose of road requirements.

### Recommendation

That Council:

1. Acquire part Lot 542 DP 8399 for \$1,100 (one thousand one hundred dollars) plus GST if applicable; part Lot 543 DP 8399 for \$11,100 (eleven thousand, one hundred dollars) plus GST if applicable; part Lot 544 DP 8399 for \$12,350 (twelve thousand three hundred and fifty dollars) plus GST if applicable; and part Lot 546 DP 8399 for \$5,750 (five thousand, seven hundred and fifty dollars) plus GST if applicable; as shown hatched in the attached Sketch Plan, by agreement from the private landowners for road requirements in accordance with the Land Acquisition (Just Terms Compensation) Act 1991;
2. Fund all costs associated with the land acquisition from Finance Project Number 106127 Strategic Land Acquisition, Capital Work Order C0006282;
3. Upon registration of the acquisition plan and settlement, authorise by notice in the Government Gazette, the dedication of part Lots 542, 543, 544 and 546 of DP 8399 as Public Road in accordance with Section 10 of the Roads Act 1993;
4. Continue negotiations with landowners of Lots 545 and 547 of DP 8399, with the aim of acquisition by agreement, subject to further Council report;
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 in consultation with 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 will have legal ownership of the parts of the lots that are affected by constructed road.

2. Not adopt as recommended.

CL23.217



Implications: Staff will cease negotiations and the constructed road will remain over privately owned land. The land affectation by the public purpose of road will not be in accordance with provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

## Background

The subject lots are located between the villages of Basin View and St Georges Basin, with frontage to The Wool Road. The lots present as densely vegetated vacant land, varying in size from 1128 – 1449sqm, and have an overlay applying to the land requiring 1 Ha (10,000sqm) minimum lot size for dwelling entitlement. The nearest formed intersections to The Wool Road are with Atherton Street to the west, and Grange Road to the east.

It has been identified that constructed road exists over the front part of the subject privately-owned lots. The map below shows Lots 542-547 DP 8399 (With street addresses of 95, 97, 99, 101, 103 and 105 The Wool Rd, Basin View) highlighted in yellow, and parts affected by road highlighted in red:



The size in sqm of the affected parts as identified by draft survey are summarised below:

Lot number of DP 8399	Size in sqm of affected part (as per survey)
Lot 542	18.42
Lot 543	154.8
Lot 544	224.2
Lot 545	185.1
Lot 546	97.57
Lot 547	29.17

CL23.217

These lots were included as part of Shoalhaven LEP 1985 (Amendment No 28), gazetted 4 August 1989. Amongst other objectives, the LEP aimed to rezone the subject parts of Lots 542-547 Lot 8399 to '5(e) Local Road – Widening', and the associated map indicated these parts for 'proposed road closure'.

The lots were also affected by Development Control Plan 44 adopted by Council on 2 October 1990. Amongst other objectives, it included the intention 'to provide for the dedication of land in subdivision for the widening of The Wool Road', and 'to improve driver sight distance to and from the Atherton Street intersection'.

It seems that whilst some of the planning objectives outlined in the LEP and DCP came to fruition, others did not. The referenced zoning proposal and the road construction over the identified parts of Lots 542-547 DP 8399 appears to have taken place, however the dedication of the land as road has not occurred and remains a legacy issue.

In order for the identified land to be dedicated as road, it must be acquired from the private landowners under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

Council considered independent valuations and claimable disturbance items consistent with the Act, and has reached agreement, pending Council resolution, with the landowners at compensation figures of;

- \$1,100 + GST (if applicable) for part Lot 542;
- \$11,100 + GST (if applicable) for part Lot 543;
- \$12,350 + GST (if applicable) for part Lot 544;
- \$5,750 + GST (if applicable) for part Lot 546.

Formal responses from the remaining two affected landowners have not yet been finalised, and ongoing communication is anticipated to take further time. Therefore, it is intended to proceed with acquisition and road dedication over Lots 542, 543, 544 and 546, whilst negotiations continue for the remaining lots, to be the subject of a further report in due course.

Acquisition of the affected parts of Lots 542-547 DP 8399 and dedication as road will formalise Council's legal ownership of the land where the constructed road exists.

### **Community Engagement**

Community engagement is not required for operational purposes. Adequate consultation with the landowners and Council's asset custodian for roads has been undertaken.

### **Policy Implications**

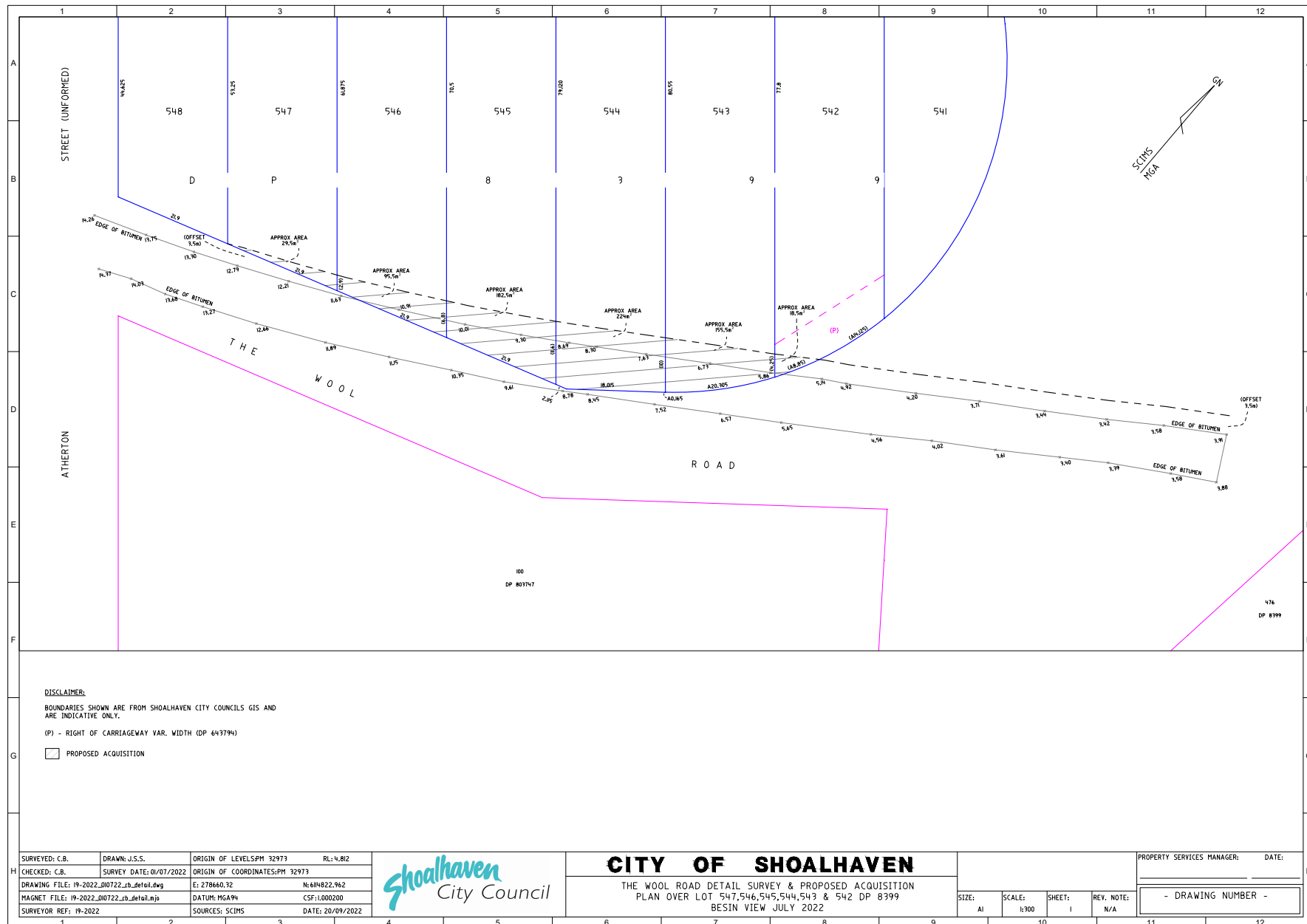
The acquisition process is in accordance with policy POL22/120 – Acquisition of Land by Shoalhaven City Council.

### **Financial Implications**

Compensation and all associated costs to the acquisitions are to be funded from Council's Strategic Land Acquisition budget, Finance Project Number 106127, Capital Work Order C0006282.

### **Risk Implications**

Not acquiring the identified land would leave constructed road in the title of private ownership. The proposed action is administrative only and has no environmental impact.



## CL23.218 Callala Bay - Widen Ramp and New Walkway - Lackersteen Street

**HPERM Ref:** D23/74272

**Department:** Works & Services

**Approver:** Craig Exton, Acting Director - City Services

**Attachments:**

1. Consultation Design [↓](#)
2. Consultation Cost Estimate [↓](#)
3. Particulars of Project - Project Scope, Project Schedule and Funding Schedule [↓](#)

### Reason for Report

To seek determination on a grant funded project which has significant cost increase due to site constraints and inflation. The project has been designed to concept level and community consultation completed via Council's Get Involved.

### Recommendation

That Council:

1. Withdraws project FN105925 - Callala Bay - widen ramp and new walkway – Lackersteen Street from the Boating Now Round 3 Program;
2. Redirects the grant and associated Council funding to the Myola Boat Ramp Project under the same Boating Now Round 3 Program;
3. Retain the Callala Bay Boat Ramp Project within the 10-year CAPEX for and be considered for future grant submissions to secure funding.

### Options

#### Option 1 - As per the recommendation

Funds allocated from the Boating Now Round 3 program, along with Council's contribution, will be reallocated into the Myola Boat Ramp Upgrade Project and the Myola project will be able to proceed to tender.

The Callala Bay boat ramp project would be retained within a future year within the 10-year CAPEX and would be considered for future grant submissions to secure funding.

#### Option 2 – Reject the merging of the funds into the Myola project

This would effectively cause Council to have to withdraw both projects from the Boating Now Round 3 program because there are insufficient funds available to complete either project.

### Background

In the Strategy and Assets Committee on 15 August 2017 – Callala Bay Boat Ramp Project was identified as priority project to be submitted in the Boating Now Round 2 Program and consequently a grant was submitted under Boating Now Round 2 in August 2017. In January 2018, the successful Boating Now Round 2 projects were announced and Callala Bay was not included.

The project was resubmitted by Council in March 2020 under Boating Now Round 3 Program and in August 2020 it was announced successful in receiving \$270,750 of grant funding with

CL23.218

\$90,250 approved as Council co-funding. The project was scheduled to start design in July 2021 and as scheduled for construction completion in June 2022 as per the deed of agreement.

Design commenced in August 2021 with preliminary investigations and survey being completed. Shorter boat ramps were considered during the initial concept design stage, however, this required dredging to reach adequate depth for launching which was not considered a feasible option due to environmental and social concerns, in conjunction with ongoing budgetary constraints.

Further amendments included designing the ramp on concrete piles rather than placing the ramp on fill and armour rock. This would allow the movement of sand along the bay rather than further build-up of sand which is evident on the existing reclaimed land.

At the end of the concept stage the cost estimate was a total of \$1,803,375, which included a 25% contingency, which is standard at this stage of design. The cost increase was discussed with TfNSW (Grant body) on a cost variation to cover the cost increase. Feedback from the grant body was the \$1,412,025 cost variation would be unlikely to be supported but reallocation of remaining funds to Myola to help cover the smaller \$551,000 cost increase will be supported. The additional shortfall for Myola will be sought in a cost variation through TfNSW once construction tenders have been received.

### Community Engagement

Community consultation was undertaken from 4 July 2022 to 1 August 2022 via the Get Involved page for the project. The consultation plans included the extended boat ramp that meets minimum width and depth as per the guidelines, a proposed floating pontoon and elevated boat ramp to ensure sand movement. There were 177 responses in the consultation with majority (87.2%) of voters supportive of the upgrade. Some residents noted that fund would be better spent on Myola upgrade rather than Callala Bay

Some community concerns raised included:

- Harm to seagrass
- Wave energy impact and floating pontoon suitability
- Reversing challenges
- Parking challenges
- Grade and depth issues
- Boat storage requirement
- Jetty safety

These issues were tabulated and addressed by staff in the design review.

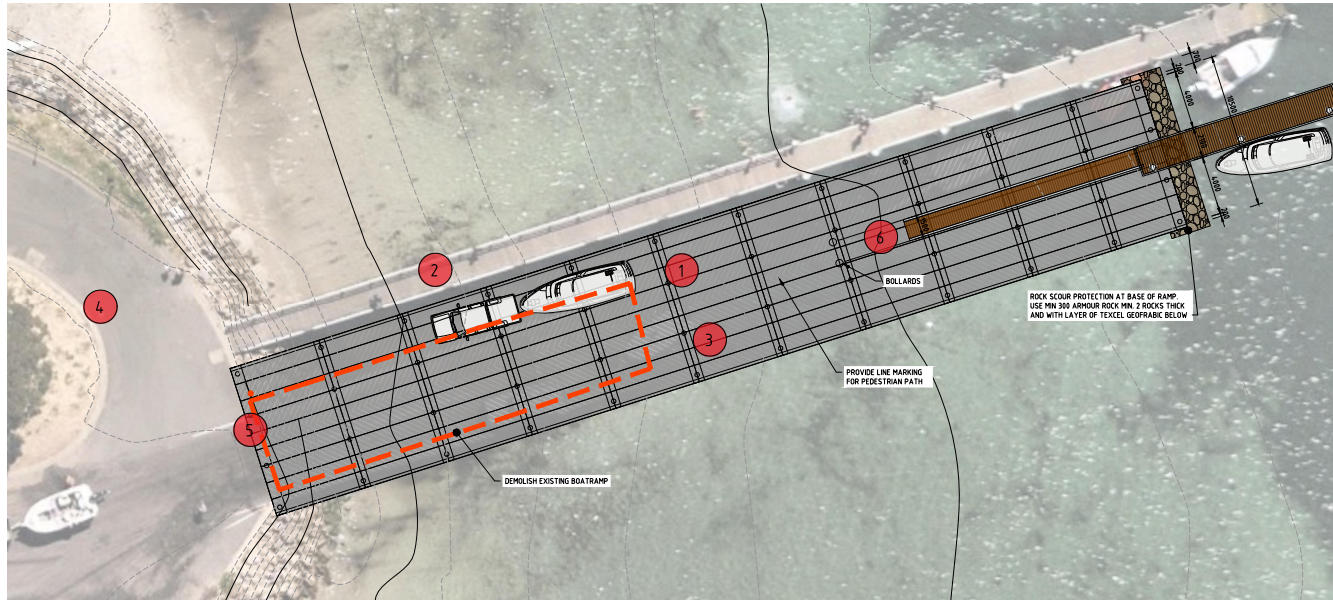
### Financial Implications

There are minimal costs associated with withdrawing the project and reallocating both Council and grant funds towards the Myola Boat Ramp Project. The expenses to date will be claimed under the 75% grant funding 25% council funding agreement as per the deed.

Inclusion of detailed design and construction capital bid funding for the Callala Bay Boat Ramp Project will be submitted in future financial year's budget based on current estimates assuming a future grant funding ratio of 75% Grant funding and 25% Council Funding.

A grant application into a future suitable grant stream (most likely Boating Now) would be applied for. Depending on the grant stream there may be a requirement for Council to co-fund the project. The above-mentioned capital bid funding submission will be used as the required co-funding.



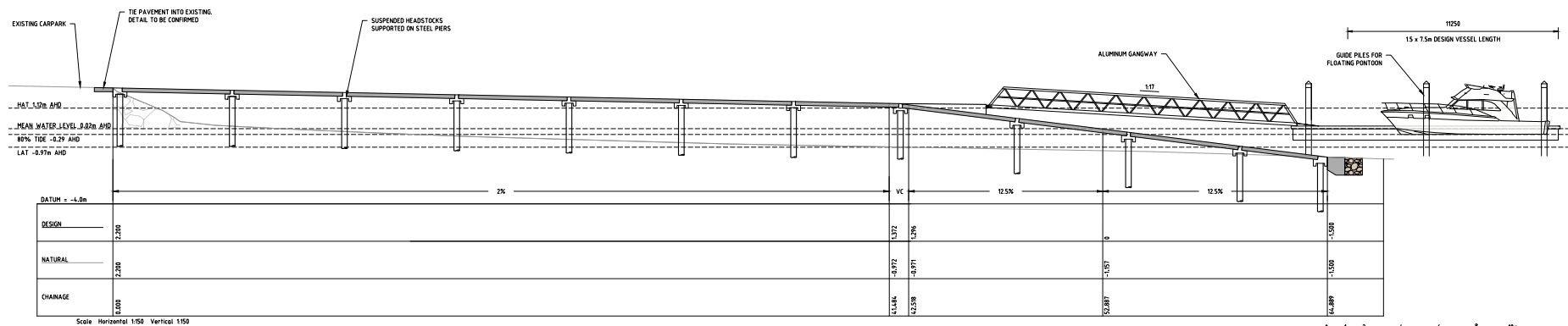


NOTES:

1. PROVIDE 4m WIDE BOATRAMP COMPLIANT WITH NEW BOAT RAMP FACILITY GUIDELINES. 1.5m WIDE PRECAST PLANKS ON REINFORCED CONCRETE HEADSTOCKS ON STEEL PIERS TO +1.5 AHD. PROVIDE 0.2m WIDE KERB ON OUTSIDE EDGE OF RAMP TO BE FORMED AFTER PLANK INSTALLATION.
2. EXISTING TIMBER JETTY TO REMAIN.
3. PROVIDE 4m WIDE BOATRAMP COMPLIANT WITH NEW BOAT RAMP FACILITY GUIDELINES. 1.5m WIDE PRECAST PLANKS ON REINFORCED CONCRETE HEADSTOCKS ON STEEL PIERS TO +1.5 AHD. PROVIDE 0.2m WIDE KERB ON OUTSIDE EDGE OF RAMP TO BE FORMED AFTER PLANK INSTALLATION.
4. EXISTING CARPARK AREA AND ROAD TO REMAIN.
5. TIE INTO EXISTING ASPHALT SEAL.
6. PROVIDE NEW ALUMINUM GANGWAY TO FLOATING PONTOON WITH GUIDE PILES AND HDPE CAP.

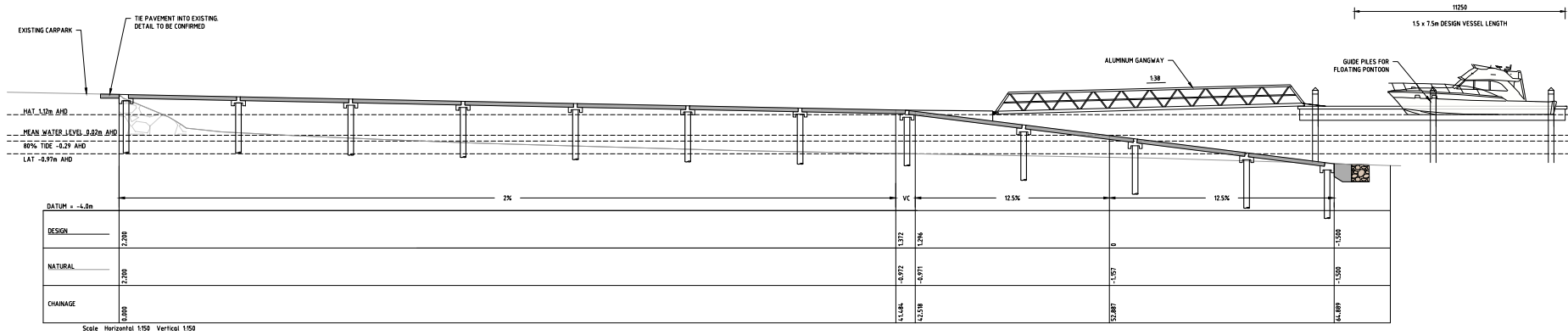
0 5 10 15m  
SCALE 1:150 (A1, 1:300 (A3))

BOATRAMP CONCEPT PLAN  
SCALE 1:150



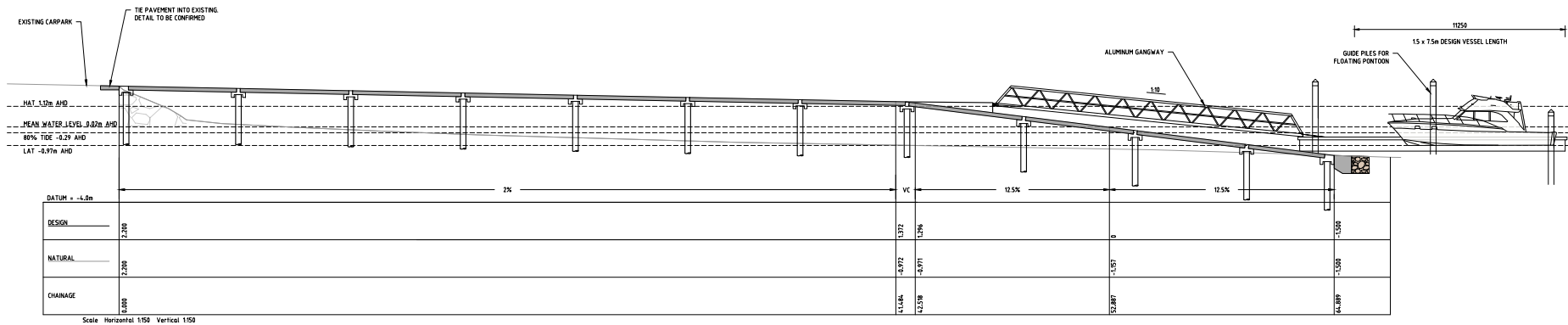
SECTION 1  
BOATRAMP LONG SECTION (80% LOW)

SHEET  
SCALE 1:100



SECTION 1  
BOATRAMP LONG SECTION (HAT)

SHEET  
SCALE 1:100



SECTION 1  
BOATRAMP LONG SECTION (LAT)

SHEET  
SCALE 1:100

0 1 2 4 6 8 10m  
SCALE 1:100 (A1), 1:200 (A3)

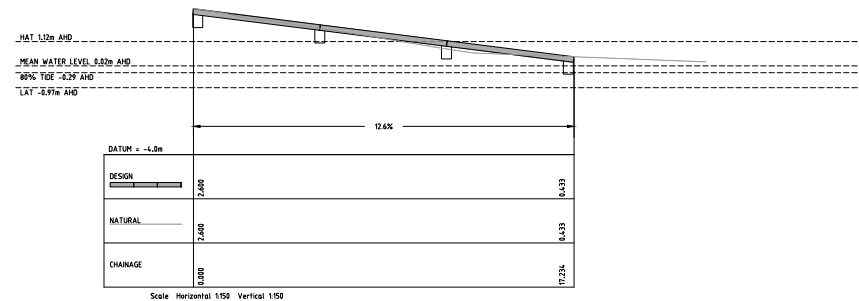


NOTES:

- 1 EXISTING CALLALA JUNIOR SAILING SCHOOL
- 2 NEW SAILING CLUB BOAT RAMP CONSTRUCTED OF EXISTING BOAT RAMP PRECAST CONCRETE PANELS ON REINFORCED CONCRETE STRIP FOOTINGS.
- 3 EXISTING PATH TO REMAIN.

0 5 10 15m  
SCALE 1:150 (A1), 1:300 (A3)

BOATRAMP CONCEPT PLAN  
SCALE 1:150



SECTION 1  
BOATRAMP LONG SECTION

SHEET  
SCALE 1:100





## **CALLALA BAY BOAT RAMP AND SAILING CLUB RAMP CONSULTATION PACKAGE COST ESTIMATE**

**Project Location: CALLALA BAY  
Prepared For: SHOALHAVEN CITY COUNCIL**

Please Note: All costs shown are estimates only and are based on relative unit rates from previous projects of similar size and scope. This cost estimate provided does not constitute a bid or offer to undertake the physical construction works and is an estimate of possible costs for construction only. This cost estimate has been prepared based on the currently available information and may not reflect additional costs associated with unforeseen site conditions or future amendments to plans, specifications, finishes or additions. Although every effort has been made to provide complete and accurate information, Westlake Punnett makes no warranties, express or implied, or representations as to the accuracy of content provided in this cost estimate. Westlake Punnett assumes no liability or responsibility for any errors or omissions in the information contained in this document.

**Cost Estimate Summary**

Item	Description	Total
1	Preliminaries	\$40,500.00
2	Demolition & Site Preparation	\$187,500.00
3	Precast Pannel Main Boatramp	\$1,101,950.00
4	Precast Panel Sailing Club Ramp	\$30,350.00
6	Pontoons	\$82,400.00
	CONTINGENCY (25%)	\$360,675.00
	<b>Total Estimate</b>	<b>\$1,803,375.00</b>

#### Schedule of Rates

Item	Description	Qty	Unit	Rate	Total
<b>1.0</b>	<b>Preliminaries</b>				
1.1	Site establishment including site office, amenities, storage facilities compound fencing, temporary barriers, pedestrian management, signage, compliance with all OH&S Acts and Regulations, site supervision and removal of all upon completion	1	item	\$ 15,000.00	\$ 15,000.00
1.2	Preconstruction documents including preparation of Construction Environmental Management Plan, Site Management Plan, WHS management plan, quality management plan, Safe Work Methods Statements and Inspection and Test Plans.	1	item	\$ 2,500.00	\$ 2,500.00
1.3	Provision for traffic including preparation and implementation of traffic management plan for all site access, including all application fees for Council S138, drawings, revisions, Council liaison as required, installation & maintenance of all traffic management for the duration of construction.	1	item	\$ 5,000.00	\$ 5,000.00
1.4	Implementation of all sediment and erosion control measures in accordance with the approved engineering plans and Landcom's "Blue Book" - Managing Urban Stormwater: Soils and Construction - Volume 1. Contractor is to allow for inspection and maintenance of all sediment and erosion control devices for the duration of construction.	1	item	\$ 5,000.00	\$ 5,000.00
1.5	Service location and protection including obtaining Dial Before You Dig information, provision of electronic service locating, non-destructive service locating and liaison with service authorities as required for the duration of works.	1	item	\$ 1,000.00	\$ 1,000.00
1.6	Survey - including services locations, services connection points, set out works and the provision of engineering survey control for all aspects of the Works (incl. WAE survey)	1	item	\$ 6,000.00	\$ 6,000.00
1.7	Insurances: including project works insurance to an amount of 130% of total contract sum.	1	item	\$ 1,000.00	\$ 1,000.00
1.8	Demobilisation from site upon practical completion of works including restoration of all disturbed areas, rectification of all damage to existing assets, removal of all rubbish, removal of temporary service connections, removal of all site amenities and access tracks, cleaning of all surfaces etc.	1	item	\$ 5,000.00	\$ 5,000.00
	<b>Subtotal - Preliminaries</b>				<b>\$ 40,500.00</b>
<b>2.0</b>	<b>Demolition &amp; Site Preparation</b>				
2.1	Careful removal of existing boat ramp precast concrete panels including installation of new lifting lugs and stockpiling on site for re-use.	1	Item	\$ 15,000.00	\$ 15,000.00
2.2	Demolition of remainder of existing boatramp (headstocks, piles etc) and demolition of existing sailing club ramp, including disposal of all demolition waste at a licenced facility.	1	Item	\$ 10,000.00	\$ 10,000.00
2.3	Installation of silt curtain and requirements of REF	1	Item	\$ 5,000.00	\$ 5,000.00
2.4	Installation of sheet piling to project perimeter with 800mm freeboard	110	m	\$ 1,250.00	\$ 137,500.00
2.5	Allowance for dewatering.	1	item	\$ 20,000.00	\$ 20,000.00
	<b>Subtotal - Demolition and Site Preparation</b>				<b>\$ 187,500.00</b>
<b>3.0</b>	<b>Precast Pannel Main Boatramp</b>				
3.2	Armour rock using 300-450 sized rock	90	t	\$ 150.00	\$ 13,500.00
3.3	Geofabric under armour rock	20	m <sup>2</sup>	\$ 20.00	\$ 400.00
3.4	Supply and install 1100 x 6000 x 250mm precast planks.	99	each	\$ 5,200.00	\$ 514,800.00
3.5	Construction of 200 wide x 150 high kerbs to edge of boatramp lanes.	50	m	\$ 75.00	\$ 3,750.00
3.6	Supply and instal steel screw piers.	48	item	\$ 10,000.00	\$ 480,000.00
3.7	Construction of reinforced concrete headstock	90	m	\$ 850.00	\$ 76,500.00

3.8	Allowance for linemarking and signposting	1	item	\$ 10,000.00	\$ 10,000.00
3.9	Supply and install bollards	2	item	\$ 1,500.00	\$ 3,000.00
	<b>Subtotal - Concrete Structures</b>				<b>\$ 1,101,950.00</b>
<b>4.0</b>	<b>Precast Panel Sailing Club Ramp</b>				
4.1	200mm thick base course of 50-100mm sized basalt rock on non-woven geotextile underlay	100	t	\$ 100.00	\$ 10,000.00
4.2	Provisional allowance for piers under footings assuming inadequate bearing capacity of sand at depth	8	item	\$ 450.00	\$ 3,600.00
4.3	Construction of concrete strip footings under intersection of precast panels	13.5	m	\$ 500.00	\$ 6,750.00
4.4	Installation of existing precast panels stockpiled onsite	1	item	\$ 10,000.00	\$ 10,000.00
	<b>Subtotal - Concrete Structures</b>				<b>\$ 30,350.00</b>
<b>6.0</b>	<b>Pontoons</b>				
6.1	Supply and install piles including pile protection and HDPE cap - driven into sand - pile length approx. 6m total	2	item	\$ 12,500.00	\$ 25,000.00
6.2	Supply and install plastic floating pontoons	18	m <sup>2</sup>	\$ 1,800.00	\$ 32,400.00
6.3	Supply and install aluminium gangway.	25	m <sup>2</sup>	\$ 1,000.00	\$ 25,000.00
	<b>Subtotal - Piling and Pontoon</b>				<b>\$ 82,400.00</b>

NSW Boating Now – Particulars of Project

**ATTACHMENT A –PARTICULARS OF PROJECT - PROJECT SCOPE, PROJECT SCHEDULE AND FUNDING SCHEDULE -**

**Revised version 03/11/2020 (FUNDING SCHEDULE ONLY)**

**Revised version 17/12/2021 (PROJECT SCOPE FOR SI3-08)**

**PROJECT SCOPE**

ID	PROJECT SCOPE
SI3-04	Investigation and concept design for the upgrade of the existing Crookhaven Heads boat ramp facility, and preparation of a masterplan for the boat ramp facility which includes the layout of access roads and car-trailer parking area.
SI3-05	Provision of two visiting berths at Ulladulla Harbour as part of a floating marina development.
SI3-06	Stage 1 works for the construction of a new boat ramp facility at Lake Conjola, including the construction of a boat ramp, pontoon and a gravel car-trailer parking area.
SI3-07	Reconstruction of the Woollamia boat ramp toe to make it safer, especially for use by larger car and boat-trailer combinations, particularly at low tide.
SI3-08	Widening of the existing non-compliant two lane ramp and improvements to access that could include construction of a dividing walkway between the two launching lanes - Subject to user/community consultation.
SI3-09	Replacement of the existing single lane boat ramp at Myola with a new two lane boat ramp and pontoon.
SI3-10	Provision of additional pontoons and gangways upstream of the existing boat ramp at Woollamia and reconstruction of revetment seawall adjacent to the existing boat ramp.

*NSW Boating Now – Particulars of Project*

**PROJECT SCHEDULE**

MILESTONE		DESIGN AND APPROVALS / DEVELOPMENT OF SCOPE OF SERVICES		PROCUREMENT		CONSTRUCTION / DELIVERY OF SERVICES	
ID	PROJECT	START	END	START	END	START	END
SI3-04	Crookhaven Heads Boat Ramp Facility Investigation and Design for Upgrade Works	01/07/21					30/06/22
SI3-05	Ulladulla Harbour Marina Visitor Pontoons	01/09/20	30/06/21	01/07/21	01/12/21	10/01/22	30/06/22
SI3-06	Havilland Street, New Boat Ramp Facility (Stage 1), Lake Conjola	01/09/20	31/12/20	03/01/21	01/04/21	01/04/21	30/06/21
SI3-07	Woollamia Boat Ramp Facility Upgrade, Currambene Creek	01/09/20	01/10/20	01/09/20	01/11/20	01/12/20	30/06/21
SI3-08	Callala Bay Boat Ramp Facility Upgrade, Jervis Bay	01/07/21	31/12/21	01/01/22	31/03/22	01/04/22	30/06/22
SI3-09	Myola Boat Ramp Facility Upgrade, Currambene Creek	01/07/21	31/12/21	1/01/22	31/3/22	01/04/22	30/06/22
SI3-10	Woollamia Boat Ramp Facility Additional Pontoons, Currambene Creek	01/09/20	01/03/21	01/07/21	01/09/21	01/10/21	31/12/21

*NSW Boating Now – Particulars of Project*

**FUNDING SCHEDULE - Revised version 03/11/2020**

ID	PROJECT	TARGET PROJECT COST	DELIVERY PARTNER CONTRIBUTION	NSW BOATING NOW GRANT FUNDING ALLOCATION
SI3-04	Crookhaven Heads Boat Ramp Facility Investigation and Design for Upgrade Works	\$ 40,000	\$ 10,000	\$ 30,000
SI3-05	Ulladulla Harbour Marina Visitor Pontoons	\$ 1,766,700	\$ 1,679,000	\$ 87,700
SI3-06	Havilland Street, New Boat Ramp Facility (Stage 1), Lake Conjola	\$ 961,000	\$ 600,000*	\$ 361,000
SI3-07	Woollamia Boat Ramp Facility Upgrade, Currumbene Creek	\$ 115,000	\$ 28,750	\$ 86,250
SI3-08	Callala Bay Boat Ramp Facility Upgrade, Jervis Bay	\$ 361,000	\$ 90,250	\$ 270,750
SI3-09	Myola Boat Ramp Facility Upgrade, Currumbene Creek	\$ 395,000	\$ 98,750	\$ 296,250
SI3-10	Woollamia Boat Ramp Facility Additional Pontoons, Currumbene Creek	\$ 440,350	\$ 110,088	\$ 330,262

\*Note that this amount includes \$300,000 of unused Boating Now grant funding from the Round 2 project SI2-03 - Improve existing boating access facilities on Lake Conjola



## CL23.219 Tenders - St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla

**HPERM Ref:** D23/209221

**Department:** Works & Services

**Approver:** Craig Exton, Acting Director - City Services

### Reason for Report

To inform Council of the tender process for St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla.

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

### Recommendation

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

### Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter

2. Council make a different resolution

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

### Details

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

Council is seeking to engage a contractor to carry out the proposed upgrade of the South Street & St Vincent Street intersection to traffic signals and construction of a raised pedestrian crossing on Camden Street with shared user path link along South Street.

This project has funding under the Federal and State Government's Road Safety Program, School Zone Infrastructure Sub program for further Ulladulla High School Safety Improvements.

#### ***Tendering***

Council called tenders for St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla on 15 March 2023 which closed at 10:00am on 26 April 2023.

CL23.219

Three (3) tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Cleary Bros (Bombo) Pty Ltd	Port Kembla
Fulton Hogan Pty Ltd	Minto
Kingsline Pty Ltd	Greenfield Park

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

**Community Engagement:**

Transport for New South Wales and Shoalhaven City Council developed this project in consultation with Ulladulla High School, Kellam Bus Lines, Ulladulla Bus Lines, directly affected residents and the broader community.

**Policy Implications**

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

**Financial Implications:**

Sufficient funds have not been allocated in the St Vincent St / South St Intersection Upgrade (Traffic Signals) & South St Shared User Path, Ulladulla budget for 2022/23 & 2023/24. The funding strategy is contained in the confidential report.

**Risk Implications**

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

CL23.219

## CL23.220 Variations to Development Standards - June Quarter 2023

**HPERM Ref:** D23/266567

**Department:** Development Services

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

**Attachments:** 1. Planning Circular [↓](#)

### Reason for Report

This report is submitted to the Ordinary Meeting due to the requirement (Department of Planning and Environment) that the information contained in the report is to be reported to the full elected Council and to the Department on a quarterly basis. All reports to the Department must be submitted through the NSW Planning Portal.

Council is required to consider variations to development standards (contained in an environmental planning instrument such as the *Shoalhaven Local Environmental Plan 2014*) which exceed 10%, with lesser variations able to be dealt with by staff, under delegation.

Council is also required to publish the variations in addition to reporting the variations to the full Council and the Department of Planning, Industry and Environment.

This is a regular information report.

Given that there was only one Development Application with a clause 4.6 variation in the last quarter, the spreadsheet that is forwarded to the Department has not been attached to this report. A summary of the matter is provided at the end of the report.

### Recommendation

That That Council receive the Variations to Development Standards – June Quarter Report 2023 for information.

### Options

1. Receive the report for information.

Implications: Council will be complying with the reporting provisions as detailed in *Circular PS20-002 Variations to development standards*. (Attached.)

2. Resolve an alternative and provide details to staff.

Implications: Depending on what is resolved, the Council would need to ensure compliance observing that the Department undertakes periodic audits.

### Background

#### ***Procedural and reporting requirements***

To ensure transparency and integrity in the planning framework, the Department requires monitoring and reporting measures.

- A written application (by an applicant) must be made to support a variation.
- An online register of all variations to be maintained. (Council's website.)

CL23.220

- A report must be submitted through the Portal.
- A report of all variations from a Council must be provided to a meeting of the Council at least once a quarter. (This report.)

### **Summary of reportable variations**

The table below is based on the spreadsheet template provided by the Department but is simplified for easier reading. The spreadsheets are viewable on Council's webpage and are published quarterly as soon as possible after the last day of the month.

There was one reportable variation for the June Quarter.

**Table – Variations June Quarter 2023**

DA	Lot	DP	Street Name	Suburb	Post Code	Description	Standard Varied	Extent of Variation	Decision	Date
DA22/1935	1&2	1093409	Fegen	Huskisson	2540	Residential	Height	4.6%	Assumed concurrence. Delegation.	01/06/2023

In summary:

The proposal includes:

- Construction of a 4-storey residential apartment building containing 18 apartments and 1 level of basement parking with 30 car parking spaces; and
- Associated earthworks and landscaping.

The apartment breakdown is as follows:

- 8 x 3-bedroom apartments;
- 8 x 2-bedroom apartments; and
- 2 x 1-bedroom apartment.

Vehicular access to the basement is proposed from Bowen Street.



**Figure 1 – Proposed Development**

The subject site comprises 2 lots described as Lot 1 and Lot 2 DP1093409, otherwise known as 1 Fegen Street, Huskisson, located at the corner of Fegen Street and Bowen Street. The site contains an older style 2-storey residential apartment building.

The site is regular in shape and has an area of 1,517.5m<sup>2</sup>, with frontages of 60.35m to Fegen Street and 25.145m to Bowen Street.

CL23.220

A clause 4.6 Variation Request accompanies application to vary the maximum building height applicable to the site (13m) under clause 4.3 of the *Shoalhaven Local Environmental Plan 2014*.

The variation is limited to non-habitable spaces and occurs at the rooftop plant areas, lift overruns and roof parapet. The maximum extent of the variation is 600mm (or 4.6% of the 13m standard)—at the northern lift overrun.

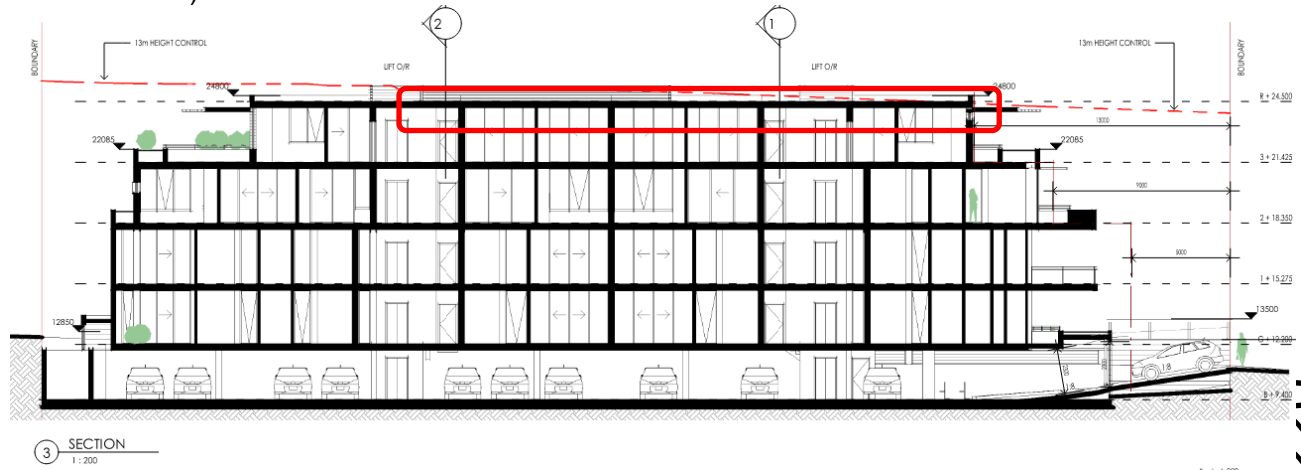


Figure 2 Section of Development showing area of variation in red.

The application was assessed independently by a consultant and found to be satisfactory, subject to conditions of consent.

Approved documentation is viewable on Council's tracking website.

### Conclusion

- The variations and applications approved during the June quarter have been (or will be) uploaded to the Department of Planning and Environment Portal site and published on Council's website.
- This report to Council, combined with the report (via the Portal) to the Department and website publication satisfies the requirements for the Department's reporting regime for clause 4.6 matters.

CL23.440



## Planning circular

### PLANNING SYSTEM

Varying Development Standards

<b>Circular</b>	PS 20-002
<b>Issued</b>	5 May 2020
<b>Related</b>	Revokes PS 18-003 (February 2018), PS 19-005

## Variations to development standards

This circular is to advise consent authorities of arrangements for when the Secretary's concurrence to vary development standards may be assumed (including when council or its Independent Hearing and Assessment Panel are to determine applications when development standards are varied) and clarify requirements around reporting and record keeping where that concurrence has been assumed.

### Overview of assumed concurrence

This circular replaces Planning Circular PS 18-003 and issues assumed concurrence, governance and reporting requirements for consent authorities. It also advises that council reports are to come through the Planning Portal, and of the repeal of SEPP 1.

All consent authorities may assume the Secretary's concurrence under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards* for land included in an old Interim Development Order (IDO) or Planning Scheme Ordinance (PSO).

However, the assumed concurrence is subject to conditions (see below).

The assumed concurrence notice takes effect immediately and applies to pending development applications.

Any existing variation agreed to by the Secretary of Planning, Industry and Environment to a previous notice will continue to have effect under the attached notice.

### Assumed concurrence conditions

#### Lot size standards for dwellings in rural areas

The Secretary's concurrence may not be assumed for a development standard relating to the minimum lot size required for erection of a dwelling on land in one of the following land use zones, if the lot is less than 90% of the required minimum lot size:

- Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone

RU4 Primary Production Small Lots, Zone RU6 Transition

- Zone R5 Large Lot Residential
- Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living
- a land use zone that is equivalent to one of the above land use zones

This condition will only apply to local and regionally significant development.

### Numerical and non-numerical development standards

The Secretary's concurrence may not be assumed by a delegate of council if:

- the development contravenes a numerical standard by greater than 10%; or
- the variation is to a non-numerical standard.

This restriction does not apply to decisions made by independent hearing and assessment panels, formally known as local planning panels, who exercise consent authority functions on behalf of councils, but are not legally delegates of the council (see section 231).

The purpose of the restriction on assumed concurrence for variations of numerical and non-numerical standards applying to delegates is to ensure that variations of this nature are considered by the council or its independent hearing and assessment panel and that they are subject to greater public scrutiny than decisions made by council staff under delegation.

In all other circumstances, delegates of a consent authority may assume the Secretary's concurrence in accordance with the attached written notice.

### Independent hearing and assessment panels

From 1 March 2018, councils in Sydney and Wollongong were required to have independent hearing and assessment panels that will determine development applications on behalf of councils (see section 231).

The attached notice allows independent hearing and assessment panels to assume the Secretary's concurrence because they are exercising the council's functions as a consent authority.

Independent hearing and assessment panels established by councils before 1 March 2018 also make decisions on behalf of councils. The attached notice applies to existing panels in the same way as it applies to panels established after 1 March 2018.

### Regionally significant development

Sydney district and regional planning panels may also assume the Secretary's concurrence where development standards will be contravened.

The restriction on delegates determining applications involving numerical or non-numerical standards does not apply to all regionally significant development. This is because all regionally significant development is determined by a panel and is not delegated to council staff.

However, the restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will continue to apply to regionally significant development. The Secretary's concurrence will need to be obtained for these proposals in the same way as it would for local development.

### State significant development and development where a Minister is the consent authority

Consent authorities for State significant development (SSD) may also assume the Secretary's concurrence where development standards will be contravened. This arrangement also applies to other development for which a Minister is the consent authority for the same reasons.

Any matters arising from contravening development standards will be dealt with in Departmental assessment reports.

The restriction on assuming concurrence to vary lot size standards for dwellings in rural areas will not apply to SSD or where a Minister is the consent authority for the same reasons.

### Notification of assumed concurrence

Under clause 64 of the *Environmental Planning and Assessment Regulation 2000*, consent authorities are notified that they may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the SILEP (or any other provision of an environmental planning instrument to the same effect).

The notice takes effect on the day that it is published on the Department of Planning, Industry and Environment's website (i.e. the date of issue of this circular) and applies to pending development applications.

### Procedural and reporting requirements

In order to ensure transparency and integrity in the planning framework the below Departmental monitoring and reporting measures must be followed when development standards are being varied:

- Proposed variations to development standards cannot be considered without a written application objecting to the development standard and dealing with the matters required to be addressed by the relevant instrument.
- A publicly available online register of all variations to development standards approved by the consent authority or its delegates is to be established and maintained. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- A report of all variations approved (including under delegation) must be submitted through the NSW Planning Portal at <https://www.planningportal.nsw.gov.au/reporting/online-submission-planning-data> within four weeks of the end of each quarter (i.e. March, June, September and December) in the form provided by the Department.
- A report of all variations approved under delegation from a council must be provided to a meeting of the council meeting at least once each quarter.

Councils are to ensure these procedures and reporting requirements are carried out on behalf of Independent Hearing and Assessment Panels and Sydney district or regional planning panels.

### Audit

The Department will continue to carry out random audits to ensure the monitoring and reporting measures are complied with. The Department and the NSW Independent Commission Against Corruption will continue to review and refine the audit strategy.

Should ongoing non-compliance be identified with one or more consent authorities, the Secretary will consider revoking the notice allowing concurrence to be assumed, either generally for a consent authority or for a specific type of development.

### Repeal of *State Environmental Planning Policy No 1 – Development Standards (SEPP 1)*

The repeal of SEPP 1 came into effect from 1 February 2020 as part of the SEPP Review Program to update and simplify the NSW Planning system.

SEPP 1 is repealed in circumstances where a standard instrument LEP applies in a local council



Department of Planning, Industry and Environment – Planning Circular PS 20-002

area. The amendments included the insertion of two clauses into the *SEPP (Concurrences and Consents) 2018*. Clause 6 provides for the continued operation of SEPP 1 where an Interim Development Order (IDO) or a Planning Scheme Ordinance (PSO) is in effect. Clause 7 is a savings provision which continues to apply SEPP 1 for applications that were made prior to the repeal but are yet to be determined.

### Further information

*A Guide on Varying Development Standards 2011* is available to assist applicants and councils on the procedures for managing SEPP 1 and clause 4.6 applications to vary standards.

Links to the Standard Instrument can be found on the NSW Legislation website at:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

For further information please contact the Department of Planning, Industry and Environment's information centre on 1300 305 695.

Department of Planning, Industry and Environment circulars are available at:  
[planning.nsw.gov.au/circulars](http://planning.nsw.gov.au/circulars)

### Authorised by:

**Marcus Ray**  
**Group Deputy Secretary,**  
**Planning and Assessment**  
**Department of Planning, Industry and Environment**

**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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**Disclaimer:** While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000**

**Assumed concurrence notice**

I, Carolyn McNally, Secretary of the Department of Planning and Environment, give the following notice to all consent authorities under clause 64 of the *Environmental Planning and Assessment Regulation 2000*.

**Notice**

All consent authorities may assume my concurrence, subject to the conditions set out in the table below, where it is required under:

- clause 4.6 of a local environmental plan that adopts the *Standard Instrument (Local Environmental Plans) Order 2006* or any other provision of an environmental planning instrument to the same effect, or
- *State Environmental Planning Policy No 1 – Development Standards*.

No.	Conditions
1	<p>Concurrence may not be assumed for a development that contravenes a development standard relating to the minimum lot size required for the erection of a dwelling on land in one of the following land use zones, if the variation is greater than 10% of the required minimum lot size:</p> <ul style="list-style-type: none"> <li>– Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition</li> <li>– Zone R5 Large Lot Residential</li> <li>– Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living</li> <li>– a land use zone that is equivalent to one of the above land use zones</li> </ul> <p>This condition does not apply to State significant development or development for which a Minister is the consent authority</p>
2	<p>Concurrence may not be assumed for the following development, if the function of determining the development application is exercised by a delegate of the consent authority:</p> <ul style="list-style-type: none"> <li>– development that contravenes a numerical development standard by more than 10%</li> <li>– development that contravenes a non-numerical development standard</li> </ul> <p><b>Note.</b> Local planning panels constituted under the <i>Environmental Planning and Assessment Act 1979</i> exercise consent authority functions on behalf a council and are not delegates of the council</p> <p>This condition does not apply to State significant development, regionally significant development or development for which a Minister is the consent authority</p>

This notice takes effect on the day that it is published on the Department of Planning's website and applies to development applications made (but not determined) before it takes effect.

The previous notice to assume my concurrence contained in planning system circular PS 17–006 *Variations to development standards*, issued 15 December 2017 is revoked by this notice. However, any variation to a previous notice continues to have effect as if it were a variation to this notice.

Dated: 21 February 2018



**Carolyn McNally**  
Secretary, Department of Planning and Environment

## CL23.221 Membership Appointment - Youth Advisory Committee

**HPERM Ref:** D23/168471

**Department:** Community Connections

**Approver:** Sarah Taylor, Manager - Library Services

**Attachments:**

1. Youth Advisory Committee - Terms of Reference [↓](#)
2. Nelani Botha - EOI YAC - Application 2023 - Redacted (councillors information folder) [⇒](#)
3. Adam-John Clear - EOI YAC - Application 2023 - Redacted (councillors information folder) [⇒](#)

### Reason for Report

The purpose of this report is to seek endorsement from Council to appoint new members to the Youth Advisory Committee, following the recent call for Expressions of Interest to fill five vacant community youth representative positions.

### Recommendation

That Council:

1. Appoint Nelani Botha as a member of the Youth Advisory Committee for a 2-year term, to expire in June 2025.
2. Appoint Adam-John Clear as a member of the Youth Advisory Committee for a 2-year term, to expire in June 2025.
3. Note that the Expression of Interest will remain open until all three remaining community youth representative positions are filled.

### Options

1. Adopt the recommendations as written.

Implications: Appointing the above members will fill two of the five membership vacancies.

2. Provide an alternative recommendation.

Implications: These will depend upon the nature of the recommendation.

### Background

Council ran an Expression of Interest (EOI) to fill five vacant community youth representative positions on Councils Youth Advisory Committee (YAC) from 12 April 2023 to 2 May 2023. Two applications were received during this period from Nelani Botha and Adam-John Clear.

As per the Terms of Reference (ToR) (see **Attachment 1**), each member of the EOI assessment panel, consisting of a Council staff member (Manager – Community Connections), one Committee member representative and one suitably qualified independent representative, received a copy of the applications to review. All panel members gave their vote on making a recommendation to Council for the appointment for Nelani Botha and Adam-John Clear.

CL23.221

The Panel recommended that Council appoint these applicants as both Nelani and Adam-John will bring valuable insight into the discussions held by the YAC, particularly in regard to the YAC Priority Area: Mental Health and Wellbeing, as this was raised as a key area of advocacy for both applicants.

Nelani will be able to draw on her insights as a representative of young adults and peer workers in the Shoalhaven area through her experience working with the Youth Insearch Foundation. Adam-John will bring valuable insight to the committee in advocating for inclusion of all peoples, drawing on his experience initiating the A-Z Club at Ulladulla High School and working with Muck Up Ulladulla. These applicants will also be able to draw on experiences living in both the northern and southern areas of the Shoalhaven.

It has been determined that the EOI will remain open until the remaining three vacant community youth representative positions are filled so the Committee will have adequate membership to reach quorum and representation from youth in the community. The three remaining vacant positions will continue to be advertised on Council's Youth Advisory Committee Webpage, see: <https://www.shoalhaven.nsw.gov.au/Council/Meetings/Council-Committees/Youth-Advisory-Committee>

### **Community Engagement**

The first EOI was open from 12 April 2023 to 2 May 2023 (20 days) and advertised in local newspapers, via social media platforms and distributed to relevant Community Connections networks.

### **Policy Implications**

The recommendation is in accordance with the Youth Advisory Committee ToR adopted by Council on 27 March 2023.

CL23.221

# Youth Advisory Committee – Terms of Reference

<b>Adoption Date:</b>	22/11/2016
<b>Amendment Date:</b>	22/08/2017, 7/02/2018, 21/08/2018, 29/06/2021, 11/04/2022, 5/12/2022, 27/03/2023
<b>Minute Number:</b>	MIN16.919, MIN17.748, MIN18.620, MIN21.413, MIN22.247, MIN22.937, MIN23.153
<b>Review Date:</b>	01/12/2024
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL23/14

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## Committee – Terms of Reference

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### 1. Purpose

The purpose of the committee is to represent the interests and views of young people to Council and the Community.

The Committee will also seek to influence Council's support and intent in achieving their objectives for the current Shoalhaven City Council Community Strategic Plan 2032 (SCC CSP).

### 2. Interpretation

For the purpose of this document:

*Member* means a member of the Committee

*Council* means Shoalhaven City Council

*Chairperson / Chair* means the chairpersons of the Committee

*Elected members* mean the elected Councillors of Shoalhaven City Council

*Youth/ Young People* refers to people aged 12 to 25 years at time of appointment (if a Committee member turns 26 years during their term they are permitted to remain on the Committee until the end of their term).

### 3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

### 4. Role

- To represent the interests and views of young people to Council and the Community
- To provide an opportunity for young people to discuss issues of concern to young people
- To provide a mechanism for young people to make representations to organisations and various spheres of Government requesting appropriate action to improve facilities and services available to young people
- To give young people experience in Local Government and community affairs
- To create greater awareness and appreciation within the general community of the needs and talents of young people
- To provide a mechanism for young people to address youth issues themselves

### 5. Delegations

Advisory Committees may make recommendations to Council on all matters within the role outlined above.

This does not include substantial issues and recommendations (possibly including expenditure) that will be reported to Council by a separate report Manager – Community Connections.

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**Youth Advisory Committee – Terms of Reference**

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The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

**6. Membership**

The Committee is expected to act in accordance with the Role of the Committee as defined above in Section 4. The Committee will comprise the following:

**Voting Members:**

- A maximum of eighteen (18) Secondary School Student Representatives
- A maximum of five (5) Tertiary Education Student Representatives
- A maximum of six (6) community youth representatives

**Non-Voting Members**

- Representatives from other relevant Government Agencies, Community Organisations and Service Providers, with preference for youth representatives
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama, with preference for youth representatives
- All available Councillors
- Council's Chief Executive Officer (CEO) or nominee

***Secondary School Student Representatives***

- A maximum of eighteen (18) Secondary School Student Representatives: two (2) students selected as voting members, and up to three (3) other students from each local secondary school are invited to join. Schools include: Nowra Christian School, Shoalhaven High School, Vincentia High School, St John the Evangelist High School, Nowra Anglican College, Bomaderry High School, Ulladulla High School, Nowra High School and Shoalhaven River College.

***Tertiary Education Student Representatives***

- A maximum of five (5) Tertiary Education Student Representatives: one (1) student representative invited to join from each of the local tertiary education institutions, including: University of Wollongong – Shoalhaven Campus, TAFE NSW Nowra and Ulladulla Campus's, Country Universities Centre Southern Shoalhaven and Kiama Shoalhaven Community College.

***Community Youth Representatives***

Following an expression of interest process, a maximum of six (6) local community youth representatives, being young people aged 12 – 25 years with representation from the North, Central and South of the LGA, will be appointed that meet the following criteria:

- A broad interest and understanding of youth issues in the Shoalhaven.
- A commitment to raising awareness and appreciation within the general community of the needs and talents of young people
- Local resident living or working within the Shoalhaven.
- Aboriginal and Torres Strait Islander people are encouraged to apply

Community representatives with Committee membership have voting rights.



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**Youth Advisory Committee – Terms of Reference**

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**Community Youth Representative Appointments:**

- Nominations should be advertised throughout the community via an Expression of Interest (EOI) process.
- Appointments to the Committee will be for a two (2) year term with a set commencement and finish date.
- Vacancies will be advertised locally via media and Council communication networks.
- To promote and encourage a diverse, inclusive and accessible Committee of young people Expressions of Interest for new members will be widely promoted across multiple platforms to include targeted promotions to reach young people with a disability, CALD communities, Aboriginal and Torres Strait Islander young people and young people identifying as LGBTQIA+
- Council will manage the application process.
- An assessment panel consisting of a Council staff member (Manager – Community Connections), one (1) Committee member representative and one (1) suitably qualified independent representative will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

**Government Agencies, Community Organisations and Service Providers**

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each. Government Agencies, Community Organisations and Service Providers representatives will be invited to join, with a request to nominate a youth representatives (aged 12-25 years), this may include:

- Representatives, preference for youth representatives, from the community and social service sector, including but not limited to Headspace Youth Reference Group and Pride Space, Aboriginal Land Council's Youth Advisory Groups, Disability Service Providers, Care South, Nowra Youth Centre, Mission Australia Ulladulla Youth Centre, Firefly Bay and Basin, Defence Force Cadets, Young Parents Groups.

The nominated agency representatives provide advice in relation to their functions and areas of expertise. Government Agencies, Community Organisations and Service Providers representatives with Committee membership do not have voting rights.

**Member of Parliament Representatives**

- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

The nominated representatives provide advice in relation to their functions and areas of expertise. The Member of Parliament representatives with Committee membership do not have voting rights.

**Councillor Representatives**

Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but do not have voting rights.

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**Youth Advisory Committee – Terms of Reference**

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**Council Officers**

Council officers may attend meetings to provide specialist professional advice in relevant areas identified by the committee that relate to youth issues. Council officers do not have voting rights.

**Chairperson**

- a) A Chairperson will be voted in by the group at the end of each meeting to be in place for the next meeting.
- b) A member of Council staff (Community Connections) will meet with the nominated young person one week prior to each meeting to train them for the role of Chairperson; talk them through how the meetings are run, explain the Agenda, and answer any questions they may have,

**Terms of Office**

The advisory committee will run on a minimum two (2) year term with a biennial review. The purpose of the biennial review is to ensure the Committee are still addressing the goals set by the group, as well as identifying opportunities for improvement and setting future direction.

To maintain momentum, at the end of each membership term, the membership will be reviewed to allow members to assess their membership and the committee to appoint new members in vacant positions.

Committee members who are absent for three (3) consecutive meetings of the YAC without submitting an apology will be requested in formal correspondence from Council to confirm their intention regarding their membership of the committee. Failure to respond may result in removal from this committee.

**7. Committee Meetings****Agenda**

Agenda will be distributed 7 days prior to the date of the meeting. Councillors and members can contribute to the agenda by requesting a report on a particular issue four (4) weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

**Quorum**

Six (6) provided that the Chair with voting rights and five (5) committee representatives with voting rights (being Secondary School, Tertiary Education and Community Youth representatives) are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

**Voting**

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

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**Youth Advisory Committee – Terms of Reference**

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**Meeting Schedule**

In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person or electronically. Meetings to be held Monday – Thursday during school terms and between 10am – 12pm or 2pm – 4pm.

Please note as required the Committee can request, via Council Staff (Community Connections), to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e., not making recommendation / resolution.

**Minutes**

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

**Confidentiality And Privacy**

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use or remove any information unless the member is authorised to do so.

**Communication**

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by Council Staff.
- Where approval has been given by Council Staff, views and opinions expressed are those of the Individual and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.

**8. Council Staff Responsibility**

The Committee's contact within Council is the Community Capacity Builder, within the City Lifestyles Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committees role and presenting the Action Table Report.

Reports requested by or presented to the Committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

**9. Code of Conduct**

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

#### [Youth Advisory Committee – Terms of Reference](#)

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### **10. Document Control**

These Terms of Reference are reviewed at the commencement of each term of Council.  
Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

### **11. Other Relevant Documents List**

[Code of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

Terms Of Reference Template

## CL23.222 Membership Appointment - Inclusion and Access Advisory Committee

**HPERM Ref:** D23/274900

**Department:** Community Connections

**Approver:** Sarah Taylor, Manager - Library Services

**Attachments:** 1. Membership Application Forms - IAAC 2023 - Redacted (councillors information folder) [⇒](#)  
2. Inclusion and Access Advisory Committee - Terms of Reference [↓](#)

### Reason for Report

The purpose of this report is to seek endorsement from Council to appoint new members to the Inclusion and Access Advisory Committee, following the recent call for Expressions of Interest to fill all positions on the committee.

### Recommendation

That Council Elect the following members (or their representative) until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with the Inclusion and Access Advisory Committee Terms of Reference.

1. Hayden Fineran as a member in the category of family, friend or carer.
2. Frederick Oberg as an Aboriginal representative.
3. Jackie Kay as a community member who lives with disability.
4. Karen Akehurst as a member in the category service provision.
5. Kate Kinch as a member in the category of family, friend or carer.
6. Kylieanne Derwent as a community member who lives with disability.
7. Leslie Coster as a member in the category service provision.
8. Veronica Rawlinson as a community member who lives with disability.
9. Lily Wright as a youth representative.
10. Aaron Trott as a member in the category service provision.
11. Bill Deaves as a community member who lives with disability.
12. Chris Mitchell as a member in the category of family, friend or carer.

### Options

1. Adopt the recommendations as written.

Implications: Appointing the above members will fill all membership vacancies.

2. Provide an alternative recommendation.

Implications: These will depend upon the nature of the recommendation.

## Background

Following a review of the 6 advisory committees that are overseen by staff in the City Lifestyles directorate, it was identified that there was an opportunity for greater consistency in the terms of reference documents for those committees. In response, a review of the Terms of Reference (ToR) for the Inclusion and Advisory Committee (IAAC) was conducted, resulting in significant updates, including to the membership. Following endorsement of these changes at Council's Ordinary Meeting on March 13 2023 all positions were declared vacant and an expression of interest process commenced to fill these vacancies.

The Expression of Interest (EOI) process to fill all vacant positions ran from 20 April 2023 to 1 June 2023. Seventeen applications were received during this period.

An assessment panel consisting of a Council staff member (Community Capacity Builder), a Councillor (in the absence of the Chairperson) and one Community member assessed the applications and made recommendations for appointments to Council based on set criteria. Each member of the assessment panel voted on recommendations with a majority ruling.

The Panel recommended that Council appoint the above mentioned applicants as they collectively bring lived experience of a diverse range of disabilities, service provision knowledge and previous committee membership experience. The recommendations include 1 Youth Representative and 1 Aboriginal Community Member, both of whom have lived experience of disability and who have previously represented the IAAC.

## Community Engagement

The EOI was open from 20 April 2023 to 1 June 2023 (41 days) and advertised in local newspapers, via social media platforms and distributed to relevant Community Connections networks.

## Policy Implications

The recommendation is in accordance with the Inclusion and Access Advisory Committee ToR adopted by Council on 13 March 2023.

CL23.222

# Inclusion and Access Advisory Committee – Terms of Reference

<b>Adoption Date:</b>	27/03/2018
<b>Amendment Date:</b>	22/09/2020, 11/04/2022, 26/09/2022, 14/11/2022, 5/12/2022, 13/03/2023
<b>Minute Number:</b>	MIN18.224, MIN20.688, MIN22.248, MIN22.673, MIN22.871, MIN22.937, MIN23.115
<b>Review Date:</b>	01/12/2024
<b>Directorate:</b>	City Lifestyles
<b>Record Number:</b>	POL23/12

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## Inclusion and Access Advisory Committee – Terms of Reference

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### 1. Purpose

Guided by lived experience and expertise, provide advice and guidance to Shoalhaven City Council to promote an accessible, inclusive and welcoming community that respects independence and human dignity by:

- Ensuring that all residents can participate actively in all aspects of community and civic life and ensure that Council recognises and values the diversity of its community.
- Identifying and addressing barriers preventing people from participating in programs, services and facilities across the City.

And advocate for:

- Adherence to the principles of the Disability Discrimination Act 1992 and the NSW Disability Inclusion Act 2014 which will benefit the community.
- Inclusion in our community through recommendations to improve the built environment, changes in community attitudes and behaviours, and creating better systems and processes for meaningful participation of people of all abilities.

### Strategic Plan Alignment

#### Disability Inclusion Action Plan (2022-26)

1. Create positive attitudes and behaviours within community
2. Create accessible and liveable communities
3. Improve access to our systems and processes
4. Support access to meaningful employment.

#### Community Strategic Plan 2032

##### Resilient, Safe, Accessible and Inclusive Communities

- 1.1 - Support inclusive, safe and connected communities
- 1.2 - Preserve, support and develop cultural and creative vitality across our communities
- 1.3 - Support community wellbeing through fostering active and healthy communities

### 2. Interpretation

For the purpose of this document:

- *Member* means a member of the Committee
- *Council* means Shoalhaven City Council
- *Chairperson / Chair* means the chairpersons of the Committee
- *Elected members* mean the elected Councillors of Shoalhaven City Council

### 3. Status of the Committee

The Committee provides non-binding advice to Council for consideration.

### 4. Role

To receive and disseminate information and updates to and from the community about regarding issues of accessibility and inclusion in the Shoalhaven.

To provide and receive information to Council staff and Councillors regarding the reports and presentations made to the Committee.



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#### Inclusion and Access Advisory Committee – Terms of Reference

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### 5. Delegations

Advisory Committees, may make recommendations to Council on all matters within the role outlined above. These recommendations may be submitted via the minutes of each meeting to Council for consideration.

This does not include substantial issues and recommendations (possibly including expenditure or operational matters) that will be reported to Council by a separate report by the appropriate manager.

The Committee does not have the power to incur expenditure (directly or indirectly), or the power to bind Council.

### 6. Membership

The Committee will be chaired by a Councillor, elected by Council. The Committee will comprise the following:

- One (1) Appointed Chair (Councillor)
  - Three (3) nominated Councillors, additional Councillors may attend as observers, four (4) Councillors in total
- Note: Any non-voting Councillor in attendance at a meeting may act as an alternate voting member in circumstances where achievement of a quorum is required.
- Council's Chief Executive Officer (CEO) or nominee

A maximum of twelve (12) community members which includes:

- Five (5) community members who live with disability (with representation from across the Shoalhaven).
- A maximum of five (5) family, friends and/or carers of people living with disability who have an interest in advocating for improved access and inclusion for all.
- An Aboriginal representative living with disability or their family, friends and/or carer of a person living with disability
- A Youth representative (18 – 25 years) living with disability

Note: Council encourages the appointment of two (2) Indigenous representatives, male and female, on all Advisory Committees.

A maximum of thirteen (13) non-voting Government and Non-Government Organisations which includes:

- Relevant Government Agencies ((e.g., DCJ, NSW Health, NDIA, Service NSW)
- Service providers/community organisations that support a broad range of people with disabilities (e.g., Flagstaff, Autism NSW, First Peoples Disability Network Australia and Multicultural Disability Advocacy Association).
- One representative for each of the Federal Member for Gilmore and the State Members for South Coast and Kiama

*Members must live or work within the Shoalhaven City Council Local Government Area*

#### **Councillor Representatives**

Council appoints one (1) Councillor to be the voting Chair of the Committee. An additional three (3) Councillors can be nominated to attend the meeting as voting members, All other Councillors are welcome to attend meetings of the Committee as observers and contribute to discussions but are not entitled to vote.

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**Inclusion and Access Advisory Committee – Terms of Reference**

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If no Councillors are appointed as members, the Chief Executive Officer or nominee represents the elected member to chair the meeting.

**Community Representative Appointments**

- Parents/carers of people with disability.
- Person who has lived experience of disability
- Person who is passionate about advocating for access & Inclusion

Following an expression of interest, members will be appointed that meet the section 5 membership criteria.

- An Expression of Interest (EOI) process will be conducted to appoint new members into vacant positions
- Vacancies will be advertised locally via media and Council communication networks.
- Council will manage the application process
- An assessment panel consisting of a Council staff member (Community Capacity Builder), the Chairperson of the Committee and one (1) Community member will assess the applications and make recommendations for appointments to Council based on set criteria. Each member of the assessment panel will vote on recommendations with a majority ruling.

**Council Officers**

Council officers may attend meetings to provide specialist professional advice in the area of inclusion and accessibility. Council officers do not have voting rights.

**Government Agencies, Community Organisations and Service Providers**

The Chief Executive Officer (or nominee) invites a range of Government Agencies, Community Organisations and Service Providers to nominate representatives each.

The nominated agency representatives provide advice in relation to their functions and areas of expertise, however, are non-voting members.

**Chair and Deputy Chair**

Council appoints one (1) Councillor to be the Chair of the Committee. In the absence of the nominated Chair at a particular meeting, the members shall elect a Chair for that meeting.

**Terms of Office**

The term of the Chair will be one Council term (4) years. Elected members (or their representative) continue as members of the Committee until the next ordinary election of the Mayor, or the next general election of Council, or until the Committee is disbanded or completes its purpose in accordance with these Terms of Reference.

**7. Committee Meetings****Agenda**

Agenda will be distributed 7 days prior to the date of the meeting. Councillors and members can contribute to the agenda by writing and submitting a report on a particular

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**Inclusion and Access Advisory Committee – Terms of Reference**

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issue four (4) weeks prior to the meeting, subject to the approval of the Chair and the relevant Director.

**Quorum**

Quorum will be seven (7) voting members provided that a minimum of one (1) Councillor as Chair or acting chair with voting rights and six (6) community representatives are present. No proxy votes are permitted. If a quorum is not present within 30 minutes of the scheduled commencement time, the meeting lapses.

**Voting**

It is expected that the Committee, and any working group, develop recommendations by consensus. If voting is required, a majority shall prevail with the Chair having a casting vote in the case of a tie.

Any votes against will be recorded in the minutes.

**Meeting Schedule**

In general, meetings should be held quarterly or otherwise as determined by the Chair and conducted either in person and/or electronically. Please note as required the Committee can request to meet informally via teams or in person without formal agenda or minutes for the purpose of receiving information only i.e. not making recommendation / resolution.

**Minutes**

The Committee shall provide advice to the Council for consideration. The Committee's advice shall be posted on the Council website with minutes reported to the elected Council. Following consideration of the advice from the Committee, any resolution determined by Council, will be posted on the Council website.

**1.1. Confidentiality And Privacy**

Members who may have access to confidential or personal information retained by Council are required to maintain the security of such confidential or personal information and therefore shall not use, or remove any information unless the member is authorised to do so.

**1.2. Communication**

In relation to the communication functions of Committee, the following apply:

- Members of the Committee are not permitted to speak to the media as Council representatives of the Committee unless approved by the Chairperson.
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Committee and not of Shoalhaven City Council.
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes.
- The Chair of the Committee is the preferred point of contact for communication between members and Council staff.
- Council will endeavour to utilise the Chair as the primary point of contact to communicate with Committee members.

**8. Council Staff Responsibility**

The Committee's contact within Council is holds the position of Community Capacity Builder, within the City Lifestyles Directorate. This Directorate is considered to be responsible for ensuring the agenda and presentations remain relevant to the Committee's role and presenting the Action Table Report .

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**Inclusion and Access Advisory Committee – Terms of Reference**

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Reports requested by or presented to the committee from other departments/Directorates outside of the responsible contact department will be the responsibility of said Directorate. Updates on these actions in the Action Table will be the sole responsibility of said department and Directors will ensure these updates are finalised in a timely manner.

Governance is responsible for administrative support functions of the committee such as collating and distributing the agenda, minutes and notation of apologies.

**9. Code of Conduct**

All members of the Committee are required to observe the provisions of Council's Code of Conduct and any other policy or requirement applicable to the proper functioning of the Committee.

A breach of the Code of Conduct may lead to the member being expelled from the Committee.

**10. Document Control**

These Terms of Reference are reviewed at the commencement of each term of Council. Amendments to these Terms of Reference are to be reported to Council for approval.

A version history (footnote on front page) is included if amendments have been approved.

**11. Other Relevant Documents List**

[Code Of Conduct](#)

[Code of Meeting Practice](#)

[CSP](#)

[Terms Of Reference Template](#)

[DIAP](#)

**12. Review**

To be reviewed within one (1) year of the election of a new Council, or earlier at the direction of Council.

## CL23.223 NSW Local Roads Congress Communique 2023

**HPERM Ref:** D23/248642

**Submitted by:** Clr Patricia White  
Clr John Wells

**Attachments:** 1. NSW Local Roads Congress Communique - 2023 [↓](#)

### Purpose / Summary

To provide a report from Clr Patricia White and Clr John Wells on the NSW Local Roads Congress Communique 2023 held on the Monday 5 June 2023 at the NSW Parliament House in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Clr Patricia White on the NSW Local Roads Congress Communique 2023 for information.

### Options

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

### Background

Clr White, on behalf of Shoalhaven City Council, attended the Local Roads Congress on Monday 5 June 2023 at NSW Parliament House.

The Congress hosted over 100 senior council staff, councillors, and ministers at this year's event, under the theme of 'Sustainable Investment'.

Keynote addresses were made by Ministers John Graham, Jenny Aitchison, and Shadow Ministers Natalie Ward and Sam Faraway. Ministers held respectful and cooperative discussions with attendees during the ministerial panel discussion.

Five technical experts gave presentations and engagement through the technical panel discussion. The need for resilience and betterment of the local road network was one of the common themes to emerge from the congress. Copies of the presentations from each of our technical experts are available.

NSW Local Roads Congress Communique for 2023 is attached. The priorities outlined in this document will form the core of our advocacy efforts over the next 12 months.

CL23.223



## 2023 NSW Local Roads Congress Sustainable Investment

The NSW Roads and Transport Directorate, a partnership between Local Government NSW (LGNSW) and the NSW Division of the Institute of Public Works Engineering Australasia (IPWEA NSW and ACT), is proud to present the 2023 Local Roads Congress Communiqué.

Local and regional transport infrastructure is critical to the safety, resilience, prosperity, and social well-being of NSW communities. The Local Roads Congress (Congress) emphasises the pivotal role of Local Government in shaping local and regional transport infrastructure in partnership with State and Federal Governments.

The last four years have seen massive disruption to NSW communities, the local road network and associated services, due to extensive damage from natural disasters. These issues have been exacerbated by the impacts of COVID-19, skills and supply shortages, and cost inflation rates significantly outstripping rate pegging and Government funding support. The Congress celebrates the efforts of NSW councils to recover damaged local road infrastructure in challenging times of unprecedented workloads.

The Australian Government reported that without action, the economic cost of natural disasters will increase from \$38B to \$73B per annum by 2060 (National Climate Resilience and Adaptation Strategy 2021-25). Local Government must play a major role in improving the resilience of the local road network, recognising that this requires immediate action to facilitate network-wide changes over the medium-long term. Improving the resilience of local roads on a network basis will mitigate the traumatic impacts of natural disasters on affected communities and reduce future costs to all levels of Government. The current overall Government funding models are reactive, insufficient for the scale of the task, inherently inefficient, and poorly aligned to the function of Local Government. The base funding levels do not support the development and retention of a sustainable workforce within Local Government due to an over-reliance on competitive grants. These arrangements do not support proactive infrastructure planning or efficient delivery of projects and services due to funding uncertainty.

The Congress unanimously agreed that a new watershed partnership between Local Government and the NSW and Australian Governments is warranted. This will enable the progression of the local road network toward a sustainable future with the specific goals of improving the safety, social equity, prosperity, liveability, and resilience of NSW communities. The Congress acknowledges this is a shared responsibility and that Local Government must act as a proactive partner to deliver positive outcomes.



## 2023 NSW Local Roads Congress

### Sustainable Investment

#### NSW Local Government

The Congress acknowledges the need to develop improved network-wide plans to address road safety, resilience, productivity, freight movement, and liveability inclusive of all modes of road-related transport.

The Congress identifies that the current funding model is insufficient to meet the needs of NSW local communities and places unprecedented pressure on the current resources within NSW Local Government. The current inequitable and uncertain Government funding arrangements also creates significant challenges in infrastructure planning over the medium term.

The Congress supports a commitment from Local Government to:

- i) Continue to partner with the NSW and Australian Governments to address current and future challenges to deliver fit-for-purpose local transport infrastructure.
- ii) Develop and implement road network safety plans based on a safe systems approach with specific actions to lower road-related trauma.
- iii) Develop and implement critical infrastructure and resilience plans, including reducing the adverse impacts of natural disasters on local roads and associated infrastructure.
- iv) Integrate the outcomes of road network safety and critical infrastructure resilience plans into local transport network plans, asset and risk management plans, community strategic plans, delivery programs, and operational plans, by reporting to the community via annual reports.
- v) Develop and implement improved workforce plans to address the current and future skills shortages in the professional engineering and skilled infrastructure worker disciplines.
- vi) Work with IPWEA NSW & ACT, LGNSW, the NSW Roads and Transport Directorate, tertiary education, and other providers to ensure the development of suitable training programs focussed on managing overall local road networks as well as efficient delivery of maintenance, renewal, and construction activities to local communities.
- vii) Local government continue to report annually on the State of their Assets as per the ALGA agreed performance measures and verify the accuracy of the data included in the reporting.
- viii) Collaborate with NSW Government to formulate a program dedicated to the replacement of causeways, with the primary objective of enhancing natural disaster resilience through betterment.



## 2023 NSW Local Roads Congress Sustainable Investment

### NSW Government

The Congress calls on the NSW Government to:

- i) Continue the Fixing Country Bridges Program with a priority on replacing timber bridges. Expand the program to allow for flexibility to improve the resilience of the local road network by including other structures, such as the replacement of major culverts, as well as aging concrete and steel structures.
- ii) Collaborate with Local Government to formulate a program dedicated to the improvement and upgrading of causeways, with the primary objective of enhancing natural disaster resilience through betterment.
- iii) Continue the Fixing Local Roads Program with an annual allocation aligned to the Roads to Recovery distribution formula to provide greater certainty and allow improved short-medium term infrastructure planning by NSW Local Government.
- iv) Continue to provide competitive grants for the improvement of freight outcomes by addressing first and last-mile challenges on the local and regional road network.
- v) Work with LGNSW to negotiate the removal of emergency services levy charges from NSW Councils for the NSW Rural Fire Service, State Emergency Service, and NSW Fire and Rescue to assist councils to maintain and improve the resilience of Councils roads infrastructure.
- vi) As a matter of urgency, finalise the Regional Roads Transfer and Reclassification Review to provide certainty to Local Government.
- vii) Facilitate an audit of the long-term financial plan of each local government to ensure alignment with the asset management plan lifecycle forecasts that communicate the trade-offs on performance, cost, and risk.
- viii) Work with Local Government to develop a program to strengthen the maintenance, safety, and resilience of the State highway network, giving particular attention to sections that are prone to flooding or experience access limitations during fire incidents.
- ix) Commit to ongoing support for Road Safety initiatives across the entire road network. In particular, to support the development and implementation of Road Safety Strategic Plans at all NSW councils.





## 2023 NSW Local Roads Congress Sustainable Investment

### Australian and NSW Government

The Congress calls on the Australian and NSW Governments to work together with NSW Local Governments to address the following:

- i) A more sustainable long-term funding model for Local Government with a higher level of base funding support and reduced reliance on individual competitive grants.
- ii) A proactive strategy to address the skills shortage in skilled professional Engineers and infrastructure workers.
- iii) A more sustainable model for Natural Disaster Funding Arrangements in New South Wales for all NSW councils focusing on equity and building back better.
- iv) Develop new guidelines for the Natural Disaster Funding Arrangements to allow increased flexibility to build back better with fast, efficient approval mechanisms that enable timely recovery work post-disaster.
- v) Work with Local Government to ensure improved arrangements are put in place for the provision and ongoing care of roads servicing large-scale green power projects such as wind and solar farms, as well as forestry and mining projects, to reduce the cost shift to Local Government.
- vi) Reduce red tape and provide additional Government resources to enable faster approvals for road infrastructure construction, maintenance, and management, including during disaster recovery works.
- vii) Continue to collaborate with Local Governments, businesses, and the international community to address longer-term climate change.

### Australian Government

The Congress calls on the Australian Government to:

- i) Increase the Roads to Recovery Program to \$1B per annum from 2024-25 onwards, as this funding program is regarded by Local Government as the most efficient mechanism and source of funding for local roads.
- ii) Increase the annual Roads to Recovery Program allocations to align with the construction cost index and the growth in the road asset base, ensuring maintenance of funding levels in real terms.
- iii) Revise the Roads to Recovery Statement of Intent to include the development of local road safety and resilience plans, as well as the integration of natural disaster



## 2023 NSW Local Roads Congress Sustainable Investment

- adaptation strategies into council transport, asset management, long-term financial plans, delivery programs, and annual budgets.
- iv) Allow councils to utilise Roads to Recovery funding to assist in the development of Road Resilience, Road Safety Strategic, and Road Network Management Plans. Funds would be allocated as a one-off 50/50 funding model with a maximum limit of \$50,000 per Council (subject to increasing the overall Roads to Recovery funding).
  - v) As a minimum, double the Australian Government's Bridge Renewal Program from \$85m per annum to \$170m per annum to target improving the resilience of local road routes. Prioritise funding for the replacement of timber and hybrid bridges, and other vulnerable structures.
  - vi) Provide a financial incentive program to assist Local Government to employ, train and develop new Cadet Engineers.
  - vii) Work with professional bodies such as IPWEA Australasia to increase the capacity and skills of public works personnel, with a specific focus on road network planning, road drainage, road pavements, road surfacing, and asset management.
  - viii) Work with universities to increase the focus on the whole of road network planning, road drainage, road pavements, road surfacing, and asset management in future Engineering degree course curriculum.
  - ix) Continue to support apprenticeship programs to develop new and existing workers in the operational skills required to build and maintain roads.
  - x) Support ongoing research into cost-effective, resilient road materials and independent product reviews by specialist organisations such as the National Transport Research Organisation (NTRO). Provide appropriate guidelines and training programs to put this research into practice.
  - xi) Promote circular economy principles in road infrastructure by incorporating sustainable and innovative technologies that prioritise environmental sustainability. This includes using renewable resources, adopting advanced construction methods, and promoting the use of recycled materials while setting specific targets for reducing carbon emissions and other environmental impacts.
  - xii) Provide direct financial assistance to local governments to enable them to adapt their asset management systems to the requirements of HVRR. Specific targets should be established for integrating HVRR into Local Government operations to ensure the efficient use of these resources.



## 2023 NSW Local Roads Congress Sustainable Investment

- xiii) Develop robust capacity-building programs and training sessions for Local Government staff engaged in asset management. These programs should focus on improving the understanding of HVRR and its implications for asset management. Measurable outcomes, such as the number of staff trained or improvements in asset management efficiency, can help gauge the success of these programs.
- xiv) Proactively engage with NSW Local Government and the Roads and Transport Directorate in developing the NSLS and HVRR. By setting clear channels for communication and consultation, the needs and experiences of local communities can be better represented in these standards and reforms.

The 2023 NSW Local Roads Congress, under the banner of 'Sustainable Investment', underscores the necessity of strategic investment in local road infrastructure that ensures safety, efficiency, and resilience both now and into the future. We call on all levels of government to take decisive action towards these goals for the ultimate benefit of all NSW residents.

In addition to the key strategies and objectives outlined in this communiqué, the 2023 NSW Local Roads Congress emphasises the importance of continued dialogue and consistent follow-up actions. Sustainable investment is not a one-time decision but a continuous commitment, and the successful implementation of these proposals relies on consistent collaboration and evaluation.

The NSW Local Roads Congress concludes with a strong call to action, urging all stakeholders to unite in their efforts to enhance the local road network, improve safety, foster economic prosperity, and ensure the resilience and well-being of NSW communities. Through this collective commitment and shared responsibility, we can create lasting positive change for the benefit of all.

## CL23.224 LGNSW Tourism Conference 2023

**HPERM Ref:** D23/274061

**Submitted by:** Cllr Patricia White

**Attachments:** 1. Cllr White - LGNSW Tourism Conference 2023 Report [↓](#)

### Reason for Report

To provide a report (Attachment 1) from Cllr Patricia White on the LGNSW Tourism Conference 2023 held in Manly NSW from Monday 29 May to Wednesday 31 May in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation

That Council receive the report from Cllr Patricia White on the LGNSW Tourism Conference 2023 for information.

### Options

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

CL23.224



#### **Clr Patricia White – Summary of the LGNSW Tourism Conference 2023**

The 2023 LGNSW Destination and Visitor Economy Conference was held from 29<sup>th</sup> to 31<sup>st</sup> May in Manly, Sydney supported by Northern Beaches Council.

The three-day event brought together local government Staff, Councillors, key industry stakeholders and local operators to discuss insights and the ever-changing world facing future visitors, tourism economy and recovery from COVID.

The Conference was officially opened by Cr Darriea Turley AM LGNSW President and offered a very warm welcome to everyone in attendance at the 2023 LGNSW Destination & Visitor Economy Conference. The conference is a wonderful opportunity to come together to celebrate our successes and learn about new innovations and trends available to build on that foundation.

According to Destination NSW's Key Statistics Report reflecting visitation numbers to September 2022, NSW remains number one in Australia for total volume of international and domestic overnight and day trip visitors, nights, and expenditure.

Cr Turley stated that it is important that LGA's and industry stakeholders do not become complacent and with a new State Government in place, there is a need to ensure that the tourism sector in NSW continues to grow with State and Local Governments working in partnership.

That is why this year's Destination and Visitor Economy Conference came at a critical time. Now more than ever, local councils are looking for ways to renew tourism opportunities; to find new innovations to attract visitors and highlight local businesses, all while supporting our local communities. Cr Turley believed this annual conference will equip councils with the right tools to achieve these goals.

The program offered insights to tourism in New South Wales following COVID and how tourism is recovering. Speakers included:

Keynote address	<b>John Graham MLC</b> , NSW Minister for Jobs and Tourism, Minister for Roads, Minister for Arts, Music and the Night-time Economy, Special Minister of State, Deputy Leader of the Government in the Legislative Council
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Keynote Address	<b>Dominic Mehling, Tourism Australia</b> - International Market update - Tourism Australia Dominic Mehling joined Tourism Australia in 2017 and acts as the primary link between domestic tourism product and the Australian Government agency responsible for promoting Australia to the world as a destination for leisure and business travel. Dom will provide an update on the recovery of international markets, Tourism Australia's campaigns, and the latest consumer insights
Keynote Address + Q&A	<b>Clarence Slockee, Jiwah Pty Ltd</b> - Sharing the Journey – developing and delivering unique cultural tourism experiences Clarence Slockee is a Cudgenburra/Bundjalung Aboriginal man with a long family history of bushmen, farmers and fishermen growing up in the lush Tweed Valley. Clarence intertwines his love of plants, education, culture, design, and the arts into his role as Director and founder of Jiwah, a 100% Aboriginal-owned company that delivers a range of collaborative projects including urban native species green space. Learn more about recent projects with metro and regional councils in NSW, including bike and nature trails, rooftop gardens and creation of tourism experiences throughout NSW.
Keynote Address + Q&A	<b>Steve Cox, Destination NSW</b> - Steve Cox is the Chief Executive Officer of Destination NSW, the lead agency, champion, and voice for the NSW Visitor Economy. Destination NSW also owns, manages, and produces Australia's largest event, VIVID Sydney. Steve is a passionate and energetic champion for Sydney and regional NSW. He drives the strategic direction of Destination NSW, including the delivery of the Visitor Economy Strategy 2030 to ensure NSW is the premier visitor economy of the Asia Pacific by 2030. Steve will also update delegates about the Destination NSW partnerships with Local Councils throughout NSW.
Keynote Address + Q&A	<b>Adele Labine-Romain, Deloitte Access Economics</b> - The Visitor Economy on the other side Adele is passionate about the potential for tourism to create stronger economies and better lives. Adele has supported the development of state, territory, and destination tourism strategies, delivered the national regional tourism satellite account model, and undertook a year-long look at how to encourage visitor regional dispersal. She will share her deep understanding of the tourism landscape, trends impacting her government and private sector clients across the tourism spectrum, including aviation and transport, hotels, business events, sports and major events and attractions
Keynote Address	<b>Layne Beachley AO</b> - is regarded as one of the most successful female surfers in history. Her dedication to success led her to be the only surfer, male or female, to claim six consecutive world titles between 1998 and 2003. Layne went on to win a seventh world title in 2006 before retiring from the World Tour in 2008. Layne is an ambassador for various charities, a passionate

environmental campaigner, and chairperson of Surfing Australia and champion of mental wellness. Layne will share information on trends on wellbeing and wellness tourism, her model of sustainable success, mental health and wellbeing, and tips and tools to turn ideas and intentions into actions

Break Out Sessions

***Marketing (Basic and Advanced)***

***Tourism Experiences***

***Business of Tourism Showcase***

PANEL SESSION + Q&A

***Reimagining Tourism in your LGA and leveraging the 24-hour Economy***

**24-hour Economy – Michael Rodrigues**, NSW 24-hour Economy Commissioner Michael was announced as NSW's inaugural 24-Hour Economy Commissioner in February 2021. Prompted by the challenges facing Sydney's night-time economy, he launched and chaired the Nighttime Industries Association, which was instrumental in lifting the lockout laws and shaping the State of NSW's 24-Hour Economy Strategy. Michael will provide us with a current update on the strategy, resources, and toolkits for Councils.

**24-hour Airport – Anthea Hammon**, Board member Western Sydney Airport and MD Scenic World Hear about the latest developments and opportunities on Sydney's new international 24-hour airport, under construction and due to open in late 2026.

**Sustainable Tourism – Stewart Moore**, CEO, EarthCheck Stewart is the founder and CEO of EarthCheck, the world's leading certification, consulting and advisory group for sustainable destinations and Tourism organisations. With over 30 years' experience in a wide range of disciplines, including business and strategic planning, policy development, tourism destination management and marketing, sustainability, risk management and corporate and social responsibility, Stewart will share his view on reimagining tourism and leveraging the 24-hour economy

***Visit to MANLY WHARF TO QUARANTINE BEACH AND NORTH HEAD***

For the site visit I travelled by bus to North Head, part of Sydney Harbour National Park. It was a clear stunning day in Sydney and a wonderful experience to take in the incredible ocean views and spectacular panorama of the harbour and Sydney skyline from the new state-of-the-art lookout on the Fairfax track at North Head. The tour then ventured down to the old Quarantine Beach at Q Station where we explored around the Q Station and wharf followed by a delightful afternoon tea, before travelling by bus to Manly. This is certainly a place to visit following the new lookout and work undertaken on North Head and the upgrade of Q Station.

PANEL SESSION + Q&A

***What is the secret to successful and sustainable events tourism? Events-based Tourism***

- **Alina Azar**, Mid-Western Regional Council Mid-Western Regional Council's engagement with Sports Tourism
- **Tiffany Steel**, Parkes Shire Council Mid-Western Regional Council Parkes Shire Council's Elvis Festival – Attracting metro and regional visitors and key learnings over 30 years

- **Lisa Dowsett**, Northern Beaches Council Sydney Marquee Events - showcasing Play Manly and Taste of Manly
- **Kate Wickett**, Sydney WorldPride 2023 + WorldPride Human Rights Conference – Hear how this event attracted worldwide attention

PANEL SESSION + Q&A **Technology Trends and Tourism • The Future of visitor Servicing**

**Mark Greaves** The Tourism Group Mark will share his future vision for Visitor Information Centres, trends, and future “Gold Standard” for VICs, Accreditation and Visitor Centre apps.

**Catherine Shields** Destination Sydney Surrounds South Catherine will present a case study on the Southern Highlands Pilot Project on Futureproofing Visitor Servicing in NSW.

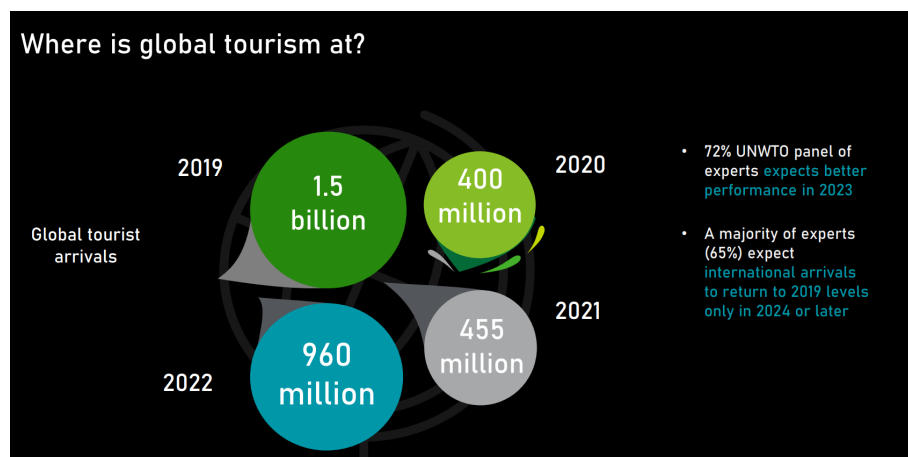
**Clair Mudaliar** Eden Visitor Information Centre Clair will present a case study on Eden Visitor Information Centre's success moving to a not-for-profit and volunteer model.

**Lee Hickin** Microsoft Australia & New Zealand Lee will share the latest technology trends in artificial intelligence, including ChatGPT.

**Key Outcomes & take-home messages: -**

There was one clear theme that emerged over the three days – “tourism is recovering” and the need for Local Government to work together with Federal & State Governments and the Tourism industry to ensure it continues. Critical to this is our connection to our communities and local businesses who play a vital role in the tourism sector. The conference provided a chance for positive networking across LGA's Staff & Councillors, stakeholders, and leaders in the industry, to learn, reflect and determine what change we can collectively make for a better future for Tourism. I can provide copies of all presentations to Councillors or Staff, if required.

**Clr Patricia White**





## SHOWCASE OUR STRENGTHS

### OUR STRENGTHS TODAY

- Icons and hidden gems
- Small-town charm
- Vibrant contemporary culture
- Reconnect in nature
- World-class food and drink

### EMERGING STRENGTHS

- New icons
- Eco-wellbeing
- Everyone's invited
- 24-hour economy

### HOW DO WE IDENTIFY AND LEVERAGE THESE?

- Destination Management Plans
- Brand and campaign integration
- Trade and industry distribution programs



## FACILITATE GROWTH

- Regulation and planning reform
- Transport and access
- Visitor infrastructure
- Business capacity building and support:
  - NSW First Program: Develop, Promote, Sell
  - Building business capability: sustainability, accessibility and inclusion, social media and online sales
- Skills and workforce



## CL23.225 Notice of Motion - Car Parking Sanctuary Point Shopping Centre Precinct

HPERM Ref: D23/253433

Submitted by: Cllr Greg Watson

### Purpose / Summary

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

### Recommendation

That Council undertake a review of available car parking in this entry point shopping centre area with a view to ultimately increasing the number of parking places.

### Background

There is growing concern at Sanctuary Point that the proposed library construction will lead to a net loss of car parking in the precinct.

### Note by the CEO

It is important to note that the available car parking that is provided at the front of the Sanctuary Point Shopping Centre is all on private land and as such Council does not have responsibility for these spaces.

As a Regionally Significant Development, the application was escalated to the Regional Planning Panel, with a consent issued on the 19 May 2023. The development was considered to be suitable and appropriate conditions were imposed to ensure that all traffic, car parking and access arrangements for the development will be satisfactory. The successful tenderer, prior to the commencement of works, will be required to provide a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking, employee and contractor parking arrangements, haulage routes and pedestrian and cyclist safety. This must be approved by Council. In addition if there is any temporary use of on-street or off-streets public parking spaces required during construction this is to be approved by Council in accordance with Council's Policy – "Private use of public parking."

Once construction is complete the new proposed parking arrangement will provide a more accessible solution and improved pedestrian paths of travel for the community. The current parking arrangement will be modified, due to the library building being on some land that is currently used for car parking, however once construction has been completed there will be an overall net increase in parking spaces available.

CL23.225

## **CL23.226 Notice of Motion - Sanctuary Point Shopping Centre - Commercial Waste Bins - Poor Visual Amenity and Potential Encroachment**

**HPERM Ref:** D23/253487

**Submitted by:** Cllr Greg Watson

### **Purpose / Summary**

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

### **Recommendation**

That Council carry out an inspection of the area of land behind the Sanctuary Point shops and Frances Ryan reserve with a view to determining if Council can enforce a tidy up of the area and also to determine if commercial waste bins and other storage items are located on Council land.

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## CL23.227 Notice of Motion - Companion Animals Act - Cats

**HPERM Ref:** D23/257494

**Submitted by:** Cllr John Kotlash  
Cllr Evan Christen

### Purpose / Summary

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

### Recommendation

That the CEO write to the Premier, The Hon. Chris Minns MP, the Member for South Coast Liza Butler MP, the Minister for the Environment The Hon. Penny Sharpe MP, the Minister for Local Government The Hon. Ron Hoenig MP, the Leader of the Opposition Mark Speakman MP, the Shadow Minister for the Environment Kellie Sloane MP and the Member for Kiama Gareth Ward MP, urging that the Companion Animals Act 1998 be reviewed so that NSW LGA Councils have the power to formulate a policy to control domestic cats in the Council area with the ability to:

1. Introduce and police new regulations in relation to cat control that are deemed appropriate in their local government area for the protection of native species, the suppression of diseases carried by cats, and for the health and safety of cats generally.
2. Introduce controls on domestic (pet) cats on a trial basis for at least 12 months with a view to eventually introducing a 24-hour curfew.
3. Make 24-hour curfews on cats a condition of consent on all new greenfield development sites.

### Background

Regulation of domestic cats by Councils is guided in NSW by the Companion Animals Act 1998 which essentially permits cats to roam freely beyond the perimeter of the owner's property as long as they are microchipped, registered and wearing a collar. This is out of step with the regulations relating to dogs in NSW and prevents the impounding of wandering cats unless an order has been issued nominating the animal as a "nuisance cat" (Section 31). There are a number of reasons why a cat can be declared a "nuisance" but it's a process that is cumbersome, slow and impractical and effectively puts the onus on the "complainant" to make the case when the control of the cat should be the responsibility of the owner.

### Cat Populations in Australia

More than a quarter of Australian households have pet cats, and the population of domestic cats is somewhere around 5 million. More difficult to determine is the population of feral cats but estimates are between two and six million. ("The Conversation" 14 May 2020)

### Urgency

Professor Chris Dittman of the University of Sydney "estimates that more than 800 million animals were killed in the bushfires since 2019".

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While some local wildlife species may have fled from the disastrous 2019/20 bushfires and subsequent flooding in the Shoalhaven, it must be realised that those areas that escaped these events were left with remnant bushland that has been a haven for those species and those left.

Without adequate controls the domestic pet cat will continue to wreak havoc on our wildlife. Research results have clearly shown the impacts of the domestic cat.

Given the recent publicity re other LG Councils across NSW, lobbying for the ability to formulate and carry through policies to control the domestic cat, Shoalhaven Council could stand with those councils to add greater persuasion for the NSW Government to act on this issue. This would also assist our own Shoalhaven area and give greater ongoing protection for our birds and wildlife.

### **The Impact of Cats on Native Animals**

Native animals don't generally have high reproductive rates, so they are susceptible to species decline because of the efficiency of the cat as a predator. Feral cats have been implicated in at least 25 mammal extinctions in Australia, they kill around 2 billion birds, reptiles and mammals a year and domestic cats eliminate about 230 million animals each year. ("The Guardian" 6 January 2021)

Cats hunt instinctively and not necessarily for food. Their presence alone puts native animals under stress, effecting their capacity to reproduce and raise young.

Research has shown the urgency to protect our wildlife with the statement - "It is known roaming (domestic) cats kill 390 million animals per year in Australia, including reptiles, birds and mammals. An average of 186 animals, mostly native species, per roaming domestic cat each year". University of NSW survey 2020.

The Australian Government has introduced a revised 2022-2032 Threatened Species Action Plan in response to The State of the Environment 2021 report that revealed an environment in "poor shape" with 100 endemic species becoming extinct since colonisation. Australia has lost more mammal species than any other continent and the activity of invasive species, particularly cats and foxes, has contributed significantly to this decline. One of the objectives of the Action Plan is to "prevent new extinctions" through renewed efforts to reduce the number of roaming cats in Australia and State Governments have to do their part.

### **Cats Carry Diseases**

Toxoplasmosis is a serious disease resulting from infection with a common parasite found in cat faeces. There is no vaccination against the disease and it can live in the environment for many months, contaminating soil, sandboxes, water, fruits, vegetables, paddock grass or any place an infected cat may have defecated. Toxoplasmosis can cause severe illness in infants infected in utero or in people with a weakened immune system and can cause abortion, stillbirth or neonatal death among livestock, especially sheep. Native animals particularly susceptible to this disease are those that forage at ground level such as wallabies, bettongs, potoroos and bandicoots. Treatment of infected animals is invariably unsuccessful.

### **Summary**

New South Wales is behind the ACT and other jurisdictions in regard to cat control. Most are introducing regulations to confine cats to the dwelling of the owner or to a race in the yard. Since 1 July 2022 all newly acquired cats in the ACT must be confined to the owner's property as is the case in Queensland. The Victorian and South Australian Governments have given the responsibility for regulation to individual councils which are generally introducing curfews. Knox City Council for example, south east of Melbourne and bordering the Dandenong Ranges National Park, trialled a sunset to sunrise curfew in 2020 and consulted with residents during the process. Of the 720 respondents, 86 percent supported

the night time curfew and in fact indicated a greater preference for a full 24-hour curfew which was introduced on 10 April 2022.

The Companion Animals Act in NSW needs reform:

- To keep it in step with other states.
- To make cat owners responsible for control of their pets in the same way NSW dog owners are.
- To reduce the rate of extinction and species decline in native animals.
- To prevent the spread of cat borne diseases.
- To protect domestic cats, which are an important companion animal, from death and injury as a consequence of straying into the foreign environment outside the safety of the owner's home.

### Note by the CEO

Council submitted the following motion to the 2019 Annual LGNSW Conference however no feedback was received.

***That the NSW State Government change the Companion Animals Act so that domestic cats are no longer free to wander and are confined to the house of their owner and/or an appropriate meshed cat run.***

#### Background

*The number of feral and stray cats in Australia is almost impossible to calculate but in 2014 Greg Hunt, the then Federal Environment Minister, said that estimates put it at around 20 million and these were killing up to 20 billion animals per year.*

*As an example, in the Shoalhaven, we are custodians of one of the most important biodiversity regions in Australia including around 300,000 hectares of National Parks and State Forests. The area is home to approximately 390 bird species, 61 of which are threatened and 17 of those 61 species are on both NSW and Commonwealth Endangered Species lists. Within one kilometre of Hyams Beach 139 species have been catalogued and 78 species within the same distance from Bherwerre Wetland at Sanctuary Point. Cats on the loose provide a major threat to not only birdlife but ground mammals, frogs, snakes and lizards.*

*Council Rangers across NSW do not have the same rights to impound cats as they have for dogs and can only do so if a cat is declared to be a "nuisance".*

*The law needs to change so that local councils can make a more useful contribution to curbing Australia's extinction crisis.*

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## CL23.228 Notice of Motion - Jervis Bay Road and Princes Highway Intersection

HPERM Ref: D23/263826

Submitted by: Cllr Paul Ell  
Cllr Serena Copley

### Purpose / Summary

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

### Recommendation

That Council:

1. Notes that on Thursday 29 June 2023 Councillors were given a detailed briefing by Transport for NSW staff about various Princes Highway projects throughout the Shoalhaven.
2. Expresses concern about advice provided in the briefing that there is uncertainty about the funding for the Jervis Bay Road and Princes Highway intersection upgrade as it is subject to the Federal Government's infrastructure review currently underway.
3. Calls on the Albanese Government to remove this project from the review, and instead provide an unambiguous guarantee that funding for this critical project will be maintained.
4. Acknowledges the significant community support for this project including the petition of over 10,000 signatures presented on the matter to NSW Parliament.
5. Instructs the CEO to send a copy of this motion to the following:
  - a. The Hon. Anthony Albanese MP
  - b. The Hon. Jim Chalmers MP
  - c. The Hon. Catherine King MP
  - d. Mrs Fiona Phillips MP

### Background

Councillors will recall the detailed briefing we received recently from Transport for NSW staff. The Jervis Bay intersection project was discussed at length.

While early works have been completed, the commencement of major works is contingent on the federal funding for this project. The site for the project has now been vacated.

On 2 May 2023 the Federal Government announced there will be a "Infrastructure Investment Program Strategic Review." (More information about the review is available here: <https://investment.infrastructure.gov.au/about/budget-announcements/infrastructure-investment-program-strategic-review>)

The purpose of the review is to assess the funding for projects and make recommendations on "the merits of projects continuing."

Contrary to what has been stated by the Member for Gilmore in the media, the funding for the Jervis Bay Road intersection project is part of this review.

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Despite the sod being turned back in December last year (with the Member for Gilmore front and centre) there is uncertainty about the federal funding of this project.

This motion raises Council's concern about including the particular project in this review and asks for the Albanese Government to confirm their commitment to delivering the much needed upgrade of this intersection.

Councillors will be well aware of the strong community support for this project and should join together to send a clear message to the Federal Government on this matter.

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## **CL23.229 Notice of Motion - Call in DA23/1320 - Bolong Road Coolangatta - Lot 12 DP 28128**

**HPERM Ref:** D23/270263

**Submitted by:** Cllr Serena Copley  
Cllr Patricia White  
Cllr John Wells  
Cllr Matthew Norris  
Cllr Tonia Gray

### **Purpose / Summary**

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

### **Recommendation**

That Council "Call In" DA23/1320 Demolition/Removal & Rehabilitation of Illegal Jetty & Access Track at Bolong Road Coolangatta due to the public interest.

### **Background**

A small landing jetty at Berrys Bay, a location that has historic connections to shipbuilding undertaken by Alexander Berry on the site has been identified by Transport for NSW as an offset project from the Nowra Bridge development. The ship Coolangatta was built here before it famously floundered and gave its name to the famous holiday location on the NSW / QLD border. A discussion regarding the consideration that this project is the most effective use of the Nowra Bridge environmental offset scheme would be in the public interest.

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## **CL23.230 Notice of Motion - Memorial Garden and Reflection Bench for Hoylake Park, Conjola Park**

**HPERM Ref:** D23/274422

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

### **Purpose / Summary**

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

### **Recommendation**

That Council free up funds from the Conjola Community Recovery Association (CCRA) monies held in trust to immediately install a bench and small garden for the residents and regular tourist who were affected by the fires.

CL23.230

## CL23.231 Notice of Motion - Concerns Regarding Tree Planting Along Riverview Road, Nowra

**HPERM Ref:** D23/275440

**Submitted by:** Cllr Serena Copley  
Cllr Paul Ell

### Purpose / Summary

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

### Recommendation

That Council

1. Affirms the decision to not proceed with the Endeavour Energy Tree Planting Initiative proposed for Riverview Rd Nowra (Mavromattes Reserve) in response to community representations.
2. Asks for an investigation into the specific location chosen for the placement of trees and a report back to the council with the findings.

### Background

Council has partnered with Endeavour Energy to plant around 1,850 trees across the Shoalhaven. Eighteen locations have been identified. Council staff have stated "Should a particular site raise significant community concern, staff will explore these concerns and if necessary, explore alternative locations with Endeavour Energy as needed." This location has a gabion construction levee bank, and questions have been raised regarding the potential for compromising the site's structural integrity, which has to date been effective in protecting the vicinity from flooding experienced along the Shoalhaven River, with the introduction of trees in this proposed planting program.

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## CL23.232 Question on Notice - Youth Week 2023

HPERM Ref: D23/276307

Submitted by: Cllr Moo D'Ath

### Question

Shoalhaven City Council held three events during Youth Week 2023 (20 - 30 April). The three events were the 'The Point Project - Youth Week Festival' (Friday 21 April), a free Youth Week photography workshop (Saturday 22 April) and the 'Night is Young Festival' (Saturday 29 April). Finding out if young people in the Shoalhaven enjoyed or/and found them useful and easily accessible can help improve these events for the future.

1. How many people attended each of the three events?
2. What was the average age demographic that attended the events?
3. Was there feedback gathered from people attending these events, if so, can the feedback be sent out to councillors?
4. Were there any young people involved in developing these event ideas?
5. Where and how much in advance were the events advertised?

### Response

**1. How many people attended each of the three events?**

Night is Young Festival: 250 community members.

Jerrinja Balaang Exhibition and Photography Workshop: 5 young people

The Point Project - Youth Festival: 150 community members.

**2. What was the average age demographic that attended the events?**

Night is Young Festival: This event was open to the whole of community, and many families attended, so there were both a large group of young people between 14-17 years and community members between 30-50 years. The stars of the event, performers and market stallholders, were all between 12-25 years of age.

Jerrinja Balaang Exhibition and Photography Workshop: 15-20 years of age.

The Point Project - Youth Festival: 11–13 year-olds made up the bulk of attendees.

**3. Was there feedback gathered from people attending these events, if so, can the feedback be sent out to councillors?**

Night is Young Festival

Feedback from Participants at the Night is Young Festival included responses as follows:

What is your favourite thing about today?

- "Loved all the market stalls!"
- "Really enjoyed performing".
- "Favourite bit is watching all the performers so far".

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- “It’s great seeing young people supporting other young people”.
- “Comfortable atmosphere, very friendly and helpful”.
- “Loved everything! Was so well organised!”
- “The really talented performers”.
- “The community and people”.
- “Connection to other services”.
- “Well organised and ran smoothly”.

Formal evaluation with event stakeholders showed overwhelmingly that the event was a success:

- Market Stall Holders in response to ‘Please rate your overall satisfaction on the event’:
  - 56% of participants who ran a market stall on the day were very satisfied overall and 33% of participants said they were somewhat satisfied with the event.
- Performers in response to ‘overall, how would you rate the event?’
  - 44% rated the event as ‘excellent’ and 56% of performers who participated in the survey overall rated the event as ‘good’.
- Service Providers in response to ‘please rate your overall satisfaction on the event’:
  - 82% of the service providers who participated in the survey were overall very satisfied about the event, with 18% of service providers stating they were somewhat satisfied.

#### Jerrinja Balaang Exhibition and Photography Workshop

The session was great and gave participants the opportunity to learn about the principals of photography through a series of activities that culminated in a collective photo story of the interior and exterior Gallery environment.

#### The Point Project - Youth Festival

Many parents who attended the event commented that their children had an amazing day and the whole family enjoyed the atmosphere of the event, particularly in being able to enjoy the free BBQ and free skate workshops through Totem.

#### **4. Were there any young people involved in developing these event ideas?**

##### Night is Young Festival

- 30 young leaders through Headspace’s Youth Reference Group and Council’s Youth Advisory Committee were the drivers behind the choice of the event type, format of the event, name and theme design of the event.
- 12 young people were involved in delivering and running the event on the day.

##### Jerrinja Balaang Exhibition and Photography Workshop

- 1 young art facilitator was involved in the planning and facilitation of the photography workshop and tour of the art exhibition.

##### The Point Project - Youth Festival

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- Young people were surveyed prior to the event about what they would like to see as part of the mural project launch at the skatepark, this supported the choice to engage Totem to run a skate workshop at the Festival in the park.

**5. Where and how much in advance were the events advertised?**

Promotion for Youth Week 2023 was extensive and provided through a range of platforms and made accessible across the LGA through the following modes from 27 February until 29 April 2023:

- Posters put up in a number of locations and shopfronts in all central townships: Nowra, Bomaderry, Vincentia, Huskisson, Sussex Inlet, Ulladulla, Milton;
- Radio Advertising on 2ST;
- Media Release through Shoalhaven City Council;
- Social Media Posts through Shoalhaven City Council and Working Group Community Services; and
- Event Pages on Shoalhaven City Council, NSW Youth Week, Community Radio Pages, and local 'What's On' pages.

To view visit:

Media Release 1: [Everything you need to know about Shoalhaven's Youth Week | Shoalhaven City Council \(nsw.gov.au\)](#)

Media Release 2: [Thank you Shoalhaven, Youth Week was a huge success | Shoalhaven City Council \(nsw.gov.au\)](#)

Photos: <https://flic.kr/s/aHBqjAEa9v>

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## LOCAL GOVERNMENT ACT 1993

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

#### (1) Exercise of functions generally

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

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

#### (2) Decision-making

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

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

#### (3) Community participation

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

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

The following principles of sound financial management apply to councils:

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

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

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

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