

## Ordinary Meeting

**Meeting Date:** Monday, 28 August, 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 - 14 August 2023
6. **Declaration of Interests**
7. **Presentation of Petitions**

**8. Mayoral Minute**Mayoral Minute

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

Nil

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**15. Confidential Reports**

Nil

## MM23.22 Mayoral Minute - Condolence Motion Uncle Brian Lonesborough

HPERM Ref: D23/314890

### Recommendation

That Shoalhaven City Council notes the passing of Uncle Brian Lonesborough. We acknowledge his significant contribution to sporting community and extend our condolences to his wife Annette and family.

### Details

Uncle Brian was a proud Jerrinja man, a prominent figure and leader in the Shoalhaven for many years, particularly in the sporting community.

An avid football player, Uncle Brian played and coached for many years at the Crookhaven Football club, becoming a mentor for many young Aboriginal players, and coaching almost every Aboriginal man under 60 in the Shoalhaven!

Uncle Brian was well known and respected role model for young Aboriginal men, his strong community standing, reliable sound advice, persistence, and hard work across all aspects of his life, including through his work in the local building industry will be sorely missed by all who knew him.

Uncle Brian was a strong family man, he leaves a rich legacy behind him through his wife, Annette and sons Darren, Dean, Rodney and Jason. Annette completed this dynamic duo and complimented Brian's position in the local community through her work with Aboriginal Legal Aid and most recently being recognised for her valuable contributions and support of the community being awarded for the Elder of the Year 2023 at the recent NAIDOC Regional Awards.

Uncle Brian's sons will continue his legacy, regularly representing the Shoalhaven in several sporting competitions, and continuing to coach and mentor young Aboriginal players.

On behalf of Shoalhaven City Council CEO, Councillors and staff I offer my sincerest condolences to his family, friends and all who knew him.

MM23.22

## CL23.274 Appointment of Audit Risk and Improvement Committee (ARIC) Chair

**HPERM Ref:** D23/339140

**Department:** Office of the CEO

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

### Reason for Report

The reason for this report is to seek Council's endorsement for the reappointment of Peter McLean as the ARIC Chairperson for a further term of one (1) year as per the ARIC Charter.

### Recommendation

That Council endorse the reappointment of Mr Peter McLean as Chair of Council Audit Risk and Improvement Committee.

### Options

1. Endorse the appointment of Peter McLean as the ARIC Chairperson for another year.
2. Seek further information in relation to the matter.

### Background

#### ARIC Chairperson

Peter McLean's term as the ARIC Chairperson expired in July 2023.

As per the ARIC Charter requirements and Office of Local Government Guidelines; 'Internal Audit Guidelines, September 2010', the Chair of the ARIC should be an independent member and should not be the Mayor or a member of Council.

The ARIC Charter stipulates that the ARIC will select its own Chair and the report will be provided to Council for endorsement.

A nomination for the Chairperson was called at the August 2023 ARIC meeting. Nominations were received for Peter McLean. The ARIC resolved to reappoint Peter McLean as the Chairperson for a further year ending 31 August 2024.

Peter McLean has been on the Council's ARIC since January 2017. He is currently the CEO of Bicycles NSW and a Councillor of Camden Council. He holds a Degree in Environment Management, a Masters in Business Administration (sub-majoring in Business Law and Public Relations) and Certificates in Bush Regeneration and Business Governance. Peter McLean is passionate about assisting organisations to better support the communities they serve.

Peter McLean's prior contribution on Council's ARIC has been exceptional.

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## CL23.275 Ongoing Register of Pecuniary Interest Returns - July 2023

**HPERM Ref:** D23/315890

**Department:** Business Assurance & Risk  
**Approver:** Kerrie Hamilton, Director City Performance

### Reason for Report

To provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 July to 31 July 2023 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

### Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 July to 31 July 2023 be received for information.

### Background

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

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

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

Part 4.26 of the Model Code of Conduct states:

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

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

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

Directorate	Name	Designated Position Start Date	Returned
City Lifestyles	Damien Dillon	18/07/2023	20/07/2023

Electronic versions of the disclosure documents (with relevant redactions) are available on the Council website, in accordance with requirements under the *Government Information (Public Access) Act, 2009*.

### Risk Implications

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

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## CL23.276 Investment Report - July 2023

**HPERM Ref:** D23/320431

**Department:** Finance

**Approver:** Kerrie Hamilton, Director City Performance

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

### Reason for Report

The reason for this report is to inform the Councillors and the Community on Council's investment returns. The report also ensures compliance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, that requires a written report is provided to Council setting out the details of all funds it has invested.

### Recommendation

That Council:

1. Receive the Record of Investments for the period to 31 July 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.27% per annum for the month of July 2023, underperforming the benchmark AusBond Bank Bill Index (4.48% pa) by -21 basis points (-0.21%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

### Options

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

Implications: Nil

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

Implications: Nil

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

Implications: Nil

4. Note Reporting on the cash and restricted asset movements balances is subject to finalising all transactions at the end of financial year (June 2023) and will be included in the report for the period to 31 August 2023.

Implications: Nil

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## Background

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

## Portfolio Return

The investment returns (excluding growth fund) were a stable 4.27% p.a., underperforming the benchmark AusBond Bank Bill Index (4.48% p.a.) by -21 basis points (-0.21%).

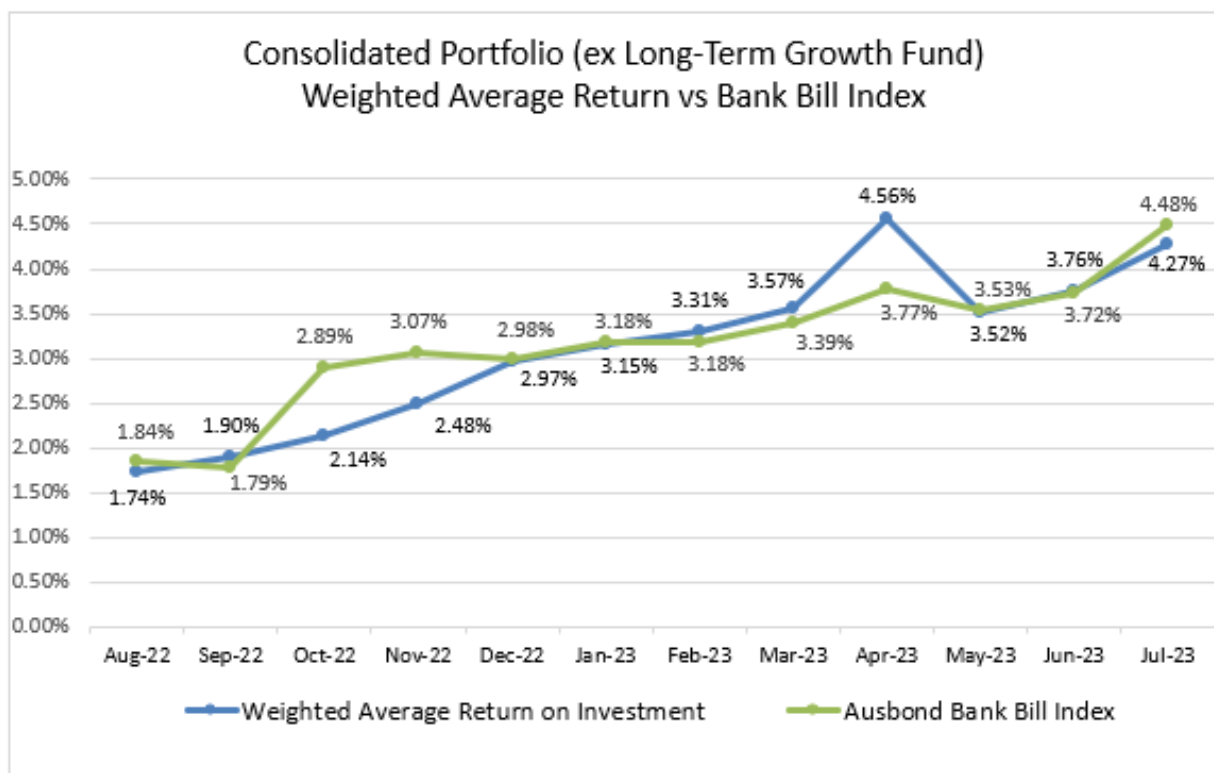
The overall portfolio (excluding cash) returned a positive 6.87% p.a. for the month of July 2023, outperforming the benchmark AusBond Bank Bill Index (4.48%) by +2.39% p.a.

The Reserve Bank of Australia left the official cash rate unchanged at 4.10% on Tuesday 1st of August 2023. Reacting to the RBA's pause and tentative signs that inflation is stabilising, major bank deposit rates have dropped to 20bp across the 6-12 month part of the curve.

## Investments (Excluding Long-Term Growth Fund)

**Graph 1** below, shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling 12-month basis.

**Graph 1 - Performance of Council's Investment Portfolio against the benchmark on a rolling 12-month basis**



## Long-Term Growth Fund

Council's investment in the Long-Term Growth Fund outperformed and returned a positive - \$361,894.46 or 22.85% (annualised) for the month of July 2023.

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

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### Investment Interest Earned – July 2023

**Table 1** below, shows the interest earned for the month of July 2023.

**Table 1- Interest Earned for the Month of July 2023**

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	259,572	228,840	(30,732)
Water	87,989	166,826	78,837
Sewer	56,904	78,912	22,008
<b>Total excluding Long-Term Growth Fund</b>	<b>404,465</b>	<b>474,578</b>	<b>70,113</b>

The interest earned for the month of July, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$474,578 compared to the monthly revised budget of \$404,465.

### Investment Interest Earned - Year to Date

**Table 2** below, demonstrates how the actual amount of interest earned year to date has performed against the total budget.

**Table 2 - Amount of interest earned year to date, against the total budget.**

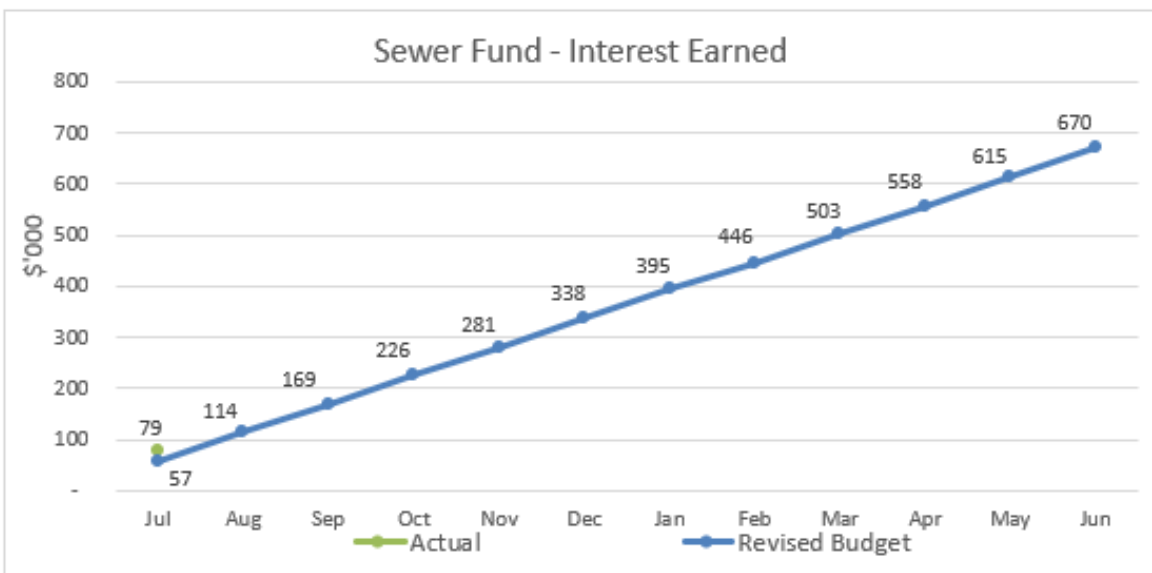
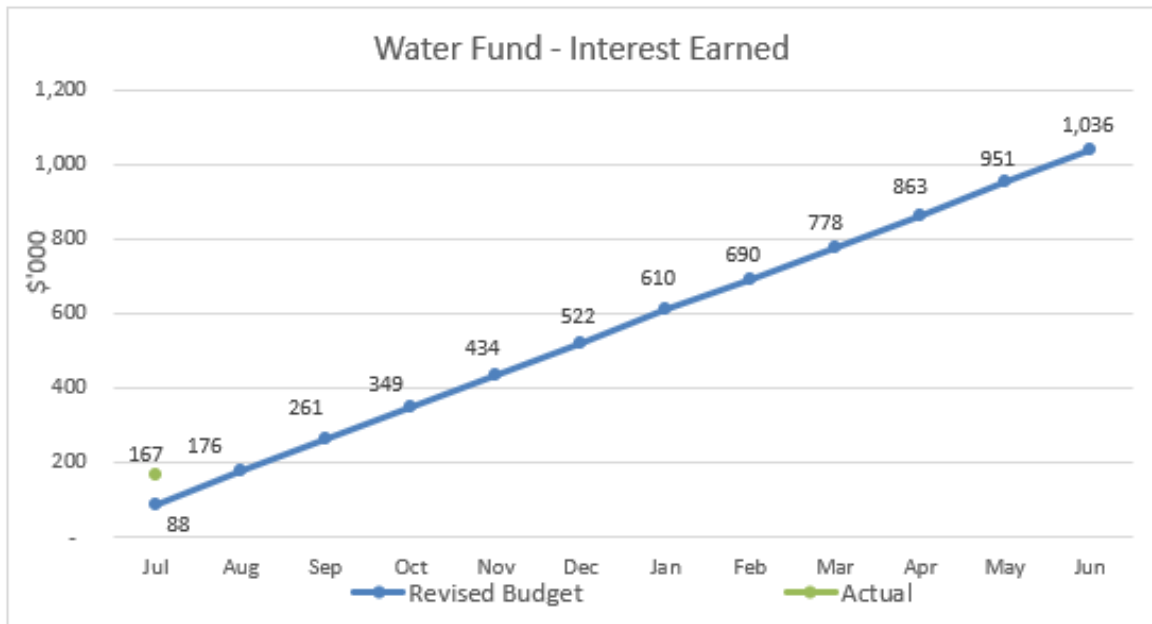
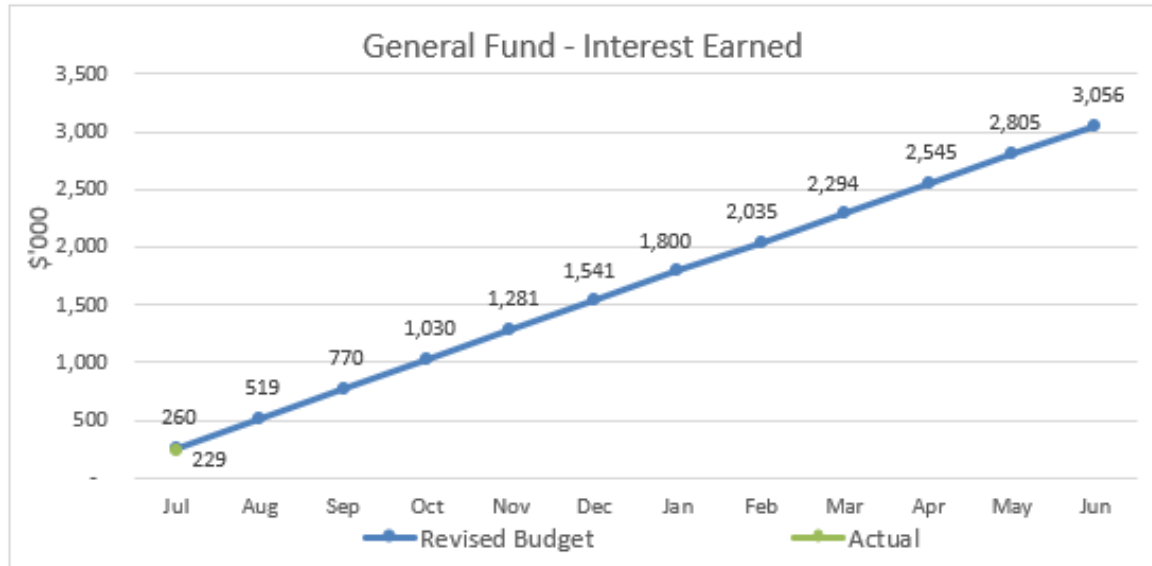
Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	3,056,247	228,840	7.49%
Water	1,036,000	166,826	16.10%
Sewer	670,000	78,912	11.78%
<b>Total excluding Long-Term Growth Fund</b>	<b>4,762,247</b>	<b>474,578</b>	<b>9.97%</b>

The cumulative interest earned for the year (July), excluding the change in fair value of TCorp Long-Term Growth Fund was \$474,578 which is 9.97% of the current full year revised budget.

**Graph 2** (3 separate graphs) below, illustrates the cumulative interest earned for the year for each fund (General, Water and Sewer) against budget:

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**Graph 2 - Cumulative interest earned for the year for each fund against budget.**



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**Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators**

At the time of preparing this report, Finance was still finalising the 30 June cash position and restricted balances in preparation for external audit to be conducted by the Audit Office of NSW. As such, the Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators sections were excluded from the July Investment Report. These sections will be reported as part of the August Investment Report.

**Statement by Responsible Accounting Officer**

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



Katie Buckman

Date: 21/8/2023

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## CL23.277 Proposed Amendment - Shoalhaven Development Control Plan - Medium Density Housing Review

**HPERM Ref:** D23/203799

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

**Attachments:**

1. Draft Chapter G1: Site Analysis, Site Design and Building Materials (under separate cover) [⇒](#)
2. Draft Chapter G12: Dwelling Houses and Other Low Density Residential Development (under separate cover) [⇒](#)
3. Draft Chapter G13: Medium Density and Other Residential Development (under separate cover) [⇒](#)
4. Draft Chapter G21: Car Parking and Traffic (under separate cover) [⇒](#)
5. Draft Dictionary (under separate cover) [⇒](#)

### Reason for Report

The purpose of this report is to obtain Council agreement to formally exhibit the proposed draft Medium Density Amendment to Shoalhaven Development Control Plan (DCP) 2014, with the aim of ultimately seeing improved outcomes regarding this form of development.

### Recommendation

That Council:

1. Support the exhibition of the draft Medium Density Amendment to Shoalhaven Development Control Plan 2014, consisting of the following chapters, for a period of 28 days as per legislative requirements:
  - a. Draft Chapter G1: Site Analysis, Site Design and Building Materials.
  - b. Draft Chapter G12: Dwelling Houses and Other Low Density Residential Development.
  - c. Draft Chapter G13: Medium Density and Other Residential Development.
  - d. Draft Chapter G21: Car Parking and Traffic.
  - e. Draft Dictionary.
2. Receive a further report on the draft Medium Density Amendment following the conclusion of the public exhibition period.
3. Advise key stakeholders, including relevant industry representatives and CCBs, of this decision and exhibition arrangements.

### Options

1. As recommended.

Implications: This is the preferred option as the draft Medium Density Amendment responds to community concerns on a range of issues relating to medium density development since the commencement of the current version of Chapter G13: Medium Density and Other Residential Development of the DCP in 2018.

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It is anticipated that the draft Amendment will improve the function of the medium density housing and ancillary chapters of the DCP, whilst responding to the contemporary needs of the Shoalhaven Community in areas such as urban design, amenity, accessibility and balanced/sustainable development.

2. Adopt an alternative recommendation, such as requesting a briefing.

Implications: This will depend on the extent of any changes or the nature or the recommendation and could delay the progress and implementation of updated medium density development provisions that respond to the contemporary needs of the Shoalhaven Community.

3. Not adopt the recommendation.

Implications: This could stop the progression of more appropriate medium density provisions to ensure a consistent, sustainable approach to medium density/compact housing provision. This option is not preferred as the current approach has resulted in increased community concern, increased representations to Councillors and impacts on Council staff resourcing.

## Background

On 28 March 2022, following consideration of a Mayoral Minute, Council resolved (MM22.4) to receive a report as soon as practicable that:

1. *Considers issues presented by members of the Shoalhaven Community regarding medium density development relating to car parking, private open space, landscaping, and accessibility (not exclusively) that have arisen since 2019 when changes occurred.*
2. *Recommends a range of possible resulting improvements that could be made to Chapter G13: Medium Density and Other Residential Development of Shoalhaven Development Control Plan 2014 (and other chapters of the DCP if required) to address these concerns, including the preparation of a potential draft Chapter G13 for consideration.*

Subsequently on 12 September 2022, Council endorsed (MIN22.599) the preparation of a draft amendment to Shoalhaven Development Control Plan (DCP) 2014 that seeks to address the key themes raised by the community relating to medium density development.

The draft Medium Density Amendment has been prepared as a result and includes a range of proposed possible changes to the following existing chapters in the DCP:

- [Chapter G1: Site Analysis, Site Design and Building Materials.](#)
- [Chapter G12: Dwelling Houses and Other Low Density Residential Development.](#)
- [Chapter G13: Medium Density and Other Residential Development.](#)
- [Chapter G21: Car Parking and Traffic.](#)
- [Dictionary.](#)

Chapter G13: Medium Density and Other Residential Development is the focus chapter of the proposed changes. The proposed changes align with the key themes of concern that have been raised by the community since 2018, as previously presented to Council. *Table 1* below presents the key areas of proposed change relating to Chapter G13 and the table of changes at **Attachment 3** outlines all proposed changes in detail.

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Table 1: Key proposed changes to Chapter G13

Change Theme	Key Changes Chapter G13
<b>Built form and character</b>	<p>Setbacks:</p> <ul style="list-style-type: none"> <li>• Revision of side and/or rear setback controls for dual occupancy, multi dwelling housing, attached dwellings and semi-detached dwellings for consistency with other chapters in the DCP, the proposed landscape minimum width requirements, and NSW Government complying development provisions.</li> <li>• Insert additional associated images to graphically demonstrate setback controls.</li> </ul> <p>Building Form, design and materials:</p> <ul style="list-style-type: none"> <li>• Clarification of how the cumulative width of garage doors should be calculated.</li> <li>• Clarification of how double garage doors should be separated / articulated when located next to one another and inclusion of an image to illustrate this.</li> </ul> <p>Universal design:</p> <ul style="list-style-type: none"> <li>• Removal of varied accessible housing and adaptable housing rates based on the number of dwellings and insertion of a requirement that 10% of new dwellings are to be capable of adaption.</li> <li>• Refine the controls to ensure that 50% of class 1a and 2 dwellings within a development are to meet the minimum requirements for accessibility, referencing the contemporary Liveable Housing Design Standard.</li> </ul> <p>Storage and laundry facilities:</p> <ul style="list-style-type: none"> <li>• Refine commentary to include minimum requirements for storage within dwellings.</li> </ul>
<b>Amenity/ design</b>	<p>Solar and daylight access:</p> <ul style="list-style-type: none"> <li>• Include additional solar access provisions to ensure that an appropriate percentage of dwellings within multi dwelling housing developments can access sunlight to living areas and private open space areas.</li> <li>• Revise guidance to ensure that development with a high potential to impact the solar access of neighbouring properties must provide shadow diagrams.</li> </ul> <p>Waste management:</p> <ul style="list-style-type: none"> <li>• Refine the controls to ensure that waste servicing complies with EPA guidelines.</li> </ul>
<b>Car parking and traffic</b>	<p>Car parking:</p> <ul style="list-style-type: none"> <li>• Clarification of provisions to ensure carparking is not visually prominent.</li> <li>• Include additional provisions to provide minimum internal dimensions for garages to ensure that spaces are appropriately sized to accommodate vehicles.</li> <li>• Refine controls to ensure that carparking for multi-dwelling housing is located behind the building line.</li> </ul> <p>Vehicle and pedestrian access:</p> <ul style="list-style-type: none"> <li>• Refine provisions to ensure that the capability of vehicular access is assessed at the assessment stage to increase efficiency and result in better outcomes.</li> <li>• Revision of controls relating to access driveways to ensure that design minimises impact on the public domain through loss of on-street carparking.</li> <li>• Include additional controls setting appropriate widths for driveway crossovers based on the number of dwellings served.</li> </ul>

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<b>Off-site impacts</b>	<ul style="list-style-type: none"> <li>Water management and conservation: refine the controls to ensure that surface water from paved areas and driveways avoids impact on adjoining properties.</li> </ul>
<b>Landscaping</b>	<p>Landscaping</p> <ul style="list-style-type: none"> <li>Amend terminology and requirements for landscaped areas to provide consistency with Shoalhaven LEP 2014, minimum requirements for landscaped areas within the Codes State Environmental Planning Policy (SEPP) and relevant residential design guidelines. This includes a requirement for a deep soil zones, wider landscaped areas and more even distribution of landscaping across resulting dwellings. It excludes the counting of pervious surfaces, structures and car parking spaces towards landscaped area calculations.</li> </ul> <p>Private Open Space:</p> <ul style="list-style-type: none"> <li>Refine provisions to include consideration of visual privacy and impacts on the public domain.</li> <li>Ensure private open spaces areas are free of stormwater infrastructure and not located in areas that remain wet for prolonged periods after rainfall.</li> <li>Ensure that private open space areas located at an upper level are appropriately sized and consistent with relevant design guidance.</li> <li>Ensure that the required private open space areas are not located in front yards for a range of amenity and streetscape considerations.</li> </ul>

The draft Amendment also includes a range of other changes to other parts of the DCP to support good quality medium density development outcomes. A high level overview of these associated changes is provided in *Table 2* below.

**Table 2: Key proposed changes to ancillary DCP chapters**

<b>DCP Chapter</b>	<b>Key Changes</b>
<b>Chapter G1: Site Analysis, Site Design and Building Materials</b>	<ul style="list-style-type: none"> <li>Revision of the site analysis requirements for development other than a single dwelling house, to include the location of the development in relation to the local town centre, identify the character of the local area within a 100m buffer area and to provide detail regarding the existing road network and public infrastructure nearby.</li> </ul>
<b>Chapter G12: Dwelling Houses and Other Low Density Residential Development</b>	<ul style="list-style-type: none"> <li>Revise relevant land use zone names to reflect changes resulting from the recent NSW Government Employment Zone Reforms.</li> <li>Include additional provisions for dwelling houses proposed within the R3 Medium Density Residential zone (existing use rights) consistent with other low density residential development.</li> <li>Update references to the consolidated Housing SEPP.</li> </ul>
<b>Chapter G21: Carparking and Traffic</b>	<ul style="list-style-type: none"> <li>Separate medium density land use categories in the Car Parking Schedule into two categories, characterised by development that has direct sole access to a public road and development that shares vehicle access with other dwellings.</li> <li>Include an additional notation applicable to the land use category that has sole access to a public road (attached dwellings fronting a public road, dual occupancy, semi-detached dwellings) to ensure one parking space for each dwelling with up to three bedrooms and two spaces for each dwelling containing four or more bedrooms is located behind the building line. Actual parking rates remain the same.</li> <li>Adjust parking for land use categories that do not have sole access to a public road (attached dwellings not fronting a public road, multi-</li> </ul>

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	<p>dwelling housing, residential flat buildings, shop top housing) to:</p> <ul style="list-style-type: none"> <li>- Require additional visitor parking at a rate of 0.2 spaces per dwelling.</li> <li>- Provide an opportunity to waive the above visitor requirement where a development is located within 400m of a Traditional Retail Centre that has a minimum of 50 publicly accessible car parking spaces available.</li> <li>• Revise relevant land use zone names to reflect changes resulting from the recent NSW Government Employment Zone Reforms.</li> <li>• Reflect legislative changes / implementation of consolidated SEPP's.</li> <li>• Change the private electric vehicle charging provision to apply to all dwellings.</li> <li>• Increase maximum parking provision for single ingress and egress from 50 to 100 spaces to provide consistency with relevant Australian Standards.</li> </ul>
<b>Dictionary</b>	<ul style="list-style-type: none"> <li>• Deletion of the existing term and definition for 'Formal landscaping' and introduction of new term and definition for 'Deep soil landscaping' to support the proposed changes to Chapter G13.</li> </ul>

### Relationship - Proposed New Citywide Land Use Planning Scheme

At this Ordinary meeting, Council is also considering the "Proposed Approach - New Citywide Land Use Planning Scheme" report, which seeks to commence the set of work to prepare a scheme of contemporary land use planning strategies and to update key local planning documents.

This body of work includes a comprehensive review of the Shoalhaven DCP 2014. Although this Medium Density Housing Review could form part of this process, the work on this DCP amendment is substantially advanced and is ready for exhibition. Incorporating this project into the comprehensive DCP review would delay the related changes for a number of years, which is not preferable at this stage of the project given its advanced nature.

### Community Engagement

If accepted, the proposed draft Amendment will be formally publicly exhibited for at least 28 days in accordance with legislative requirements.

Development Industry representatives and CCB's will be directly notified of the exhibition arrangements.

### Policy Implications

The draft Amendment seeks to refine DCP provisions relating to medium density development to increase the long-term amenity and liveability of the resulting and surrounding dwellings and reduce the impact on the public domain, road network and the environment.

Should the draft Amendment not proceed, the concerns raised by the Shoalhaven Community relating to medium density development since 2018 will not be considered and addressed.

### Financial Implications

This project will continue to be resourced within the existing Strategic Planning budget.

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**Risk Implications**

Should the draft Amendment not proceed, there is a risk that Council will not be able to respond to development proposals in a way that holistically considers matters such as urban design, amenity, and development in a balanced and sustainable way. This could result in poor built form and adverse road network, drainage, environmental and liveability outcomes for residents, neighbours and the broader community. It is likely that increased Council resources will be required to respond to the increasing concerns of the community in these areas.

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## CL23.278 Update Report - Delivery of Local Infrastructure Projects under Low Cost Loan Initiative (LCLI)

HPERM Ref: D23/295230

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

### Reason for Report

The purpose of this report is to update Council on the status of the Low-Cost Loan Initiative (LCLI) projects and consider proposed extensions of time and scope to ensure Council can continue to comply with the terms of the LCLI program.

The LCLI is a NSW Government program that assists Councils to accelerate the delivery of local infrastructure projects such as roads, drainage and parks that directly support and/or enable new housing supply.

### Recommendation

That Council:

1. Support the proposed extensions of time and changes of scope to LCLI projects outlined in **Table 1** and include them in a formal change request to the LCLI Administrator (NSW Department of Planning and Environment).
2. Receive a further report on the outcome of the change request.

### Options

1. As recommended.

Implications: Council will submit a request to extend project timeframes and scope as outlined in Table 1 to the LCLI administrator. If supported by the LCLI the changes will be updated/incorporated into the LCLI funding agreements. Council will receive a further report on the outcome of the request.

2. Adopt an alternative option.

Implications: Will depend on the nature of the alternative option. Council could consider deferring some projects in Table 1 and reallocating LCLI funds to other projects. This is not recommended though. Projects must meet certain criteria to be eligible under the LCLI. The projects in Table 1 align with that criteria and support significant new housing developments in Shoalhaven, especially in the urban release areas of Moss Vale Road South (Badagarang) and Mundamia which are priorities for Council.

3. Do nothing.

Implications: Council will not request extensions of time and scope for the LCLI projects. Many of Council's projects will not meet the current required delivery timeframe. This would cause Council to breach the funding agreements and potentially lose some/all of the reimbursement received from the LCLI. As such this is not the preferred option.

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## Background

Council forward funds a range of infrastructure projects in the Contributions Plan (CP) that support and/or enable new housing developments in Urban Release Areas (URA's) and elsewhere in the City. The projects are funded by Council loans and the LCLI reimburses 50% of the loan interest to Council in six-monthly instalments.

Projects must directly support or enable new housing supply to be eligible for the LCLI. Council successfully applied for projects that are needed to support the Moss Vale Road South and Mundamia URA's where development was expected to progress in the short term.

The projects are also generally in the CP which enables Council to use development contributions collected over time to help repay the loans.

### LCLI Round 1 (2018)

This funding agreement is for the early acquisition of land for open spaces in Moss Vale Road South URA. The project is funded by a loan of \$6.37M. The LCLI reimbursement paid to Council (over 10 years) is \$427,250.

The project was originally expected to be complete by June 2021. To date Council has acquired around 80% of the land, with the remaining land pending the outcome of a modification to an approved subdivision in URA Stage 2. The acquisition of that remaining land is expected in 12-18 months.

The LCLI Team have allowed the project to remain open, but it has now reached the agreement sunset date. The LCLI may support a further extension of time given the significance of the new housing development it supports.

It is recommended that Council request an extension of time to December 2024 to complete the project. If the LCLI do not support the request, the agreement may be concluded and the reimbursement to Council may be reduced.

### LCLI Round 3 (2020)

Involves three funding agreements for:

- **Moss Vale Road South URA Roads, drainage and embellishment of open space.** Funded by a loan of \$2,861,200. The LCLI reimbursement is \$195,144
- **Mundamia URA Lead-in roads & Integrated Emergency Management Centre upgrades** (Albatross Road). Funded by a loan of \$7,139,920. The LCLI reimbursement is \$549,375
- **Boongaree, Berry stages 2-5, Shoalhaven Community and Recreation Precinct (SCaRP), Bomaderry Clubhouse and croquet courts.** Funded by a loan of \$11,532,500. The LCLI reimbursement is \$786,561

The report to Council on the original LCLI funding application is accessible [here](#) (CL20.166).

The required completion date was 30 June 2023, however the LCLI can consider requests for extensions of time of up to 3 years.

Some of the projects are complete and others are progressing, albeit not as fast as was anticipated in 2020. Progress has been affected by COVID-19, natural disasters and competing Council priorities.

In addition, several projects in Moss Vale Road South and Mundamia URA's are subject to developer Works in Kind (WIK) proposals. Council has proactively assisted development with the WIK proposals, however, they cannot be progressed until development progresses further. The timing of development in Mundamia URA is still not clear although good progress is being made on the resolution of development consent issues.

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As a result these projects will require extensions of time of between 12 and 36 months which are set out in **Table 1**. The LCLI may be willing to support these extensions of time as the projects directly support regionally significant housing developments.

Community consultation in 2022 noted some opposition to the delivery of 2 *roundabouts on Yalwal Road (Rannoch Avenue & Lightwood Drive)*, at least until such time as Yalwal Road is rehabilitated and widened. Council is separately progressing the latter project and it is regarded as a higher priority by the community. As such it is proposed to remove 2 *roundabouts on Yalwal Road (Rannoch Avenue & Lightwood Drive)* from the LCLI scope and divert the remaining funds to the *George Evans / Yalwal Road intersection upgrade* project. Note: a further \$167,000 will need to be sourced for the latter.

If supported by Council the proposed changes in **Table 1** will be submitted in a change request to the LCLI administrator.

**Table 1 – Proposed LCLI Project Changes**

LCLI Agreement	Existing Scope	Loan funds (\$)	Proposed changes
Moss Vale Road South URA (Round 1)	Acquire land for open spaces	6,370,000	Extend to December 2024
Moss Vale Road South URA (Round 3)	Prepare an open space masterplan.	25,000	N/A - Complete
	Embellish Stage 1&2 open spaces	710,000	Extend to June 2025
	Wetland in Stage 1.	886,200	N/A - Complete.
	Land acquisition for sediment basins, Stage 3.	360,000	Extend to June 2024. Project is subject to Council's consideration of a proposed developer WIK Agreement.
	Design & construct a roundabout in Stage 3	880,000	Extend to June 2024. Project is subject to Council's consideration of a proposed developer WIK Agreement.
Mundamia URA	George Evans Road and Yalwal Road intersection.	<del>799,640</del> <b>2,270,000</b>	Extend to June 2024. Increase cost estimate to match contemporary detailed costings (original estimate was indexed from 2013).
	Design and construct URA access roads	3,215,790	Extend to June 2026. WIK progress is development dependent.
	Shared path on George Evans Road	266,280	Extend to June 2026. WIK progress is development dependent.
	<del>2 roundabouts on Yalwal Rd (Rannoch Ave &amp; Lightwood Dr)</del>	<del>\$1,458,240</del> <b>155,000</b>	Remove from LCLI & DP/OP. Recommend to not progress until Yalwal Road repair/rehabilitation proceeds.
	IEMC (Albatross Rd) – Upgrades to internal roads, traffic facilities and car parking	1,400,000	N/A – Complete

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LCLI Agreement	Existing Scope	Loan funds (\$)	Proposed changes
Boongaree	Stage 2 Pump Track Stage 3 Skate park Stage 4a Cricket nets and Netball courts Stage 4b Reconciliation Garden Stage 5 Junior sports fields, drainage & car parking	9,000,000	Stage 2 Complete Stage 3 Complete Stage 4a Complete  Stage 4b Extend to June 2025  Stage 5 Est completion July 2024
SCaRP	Croquet courts & clubhouse	2,532,500	Construction 90%. Extend to October 2023

### Community Engagement

No specific engagement undertaken as part of these proposed changes to LCLI timing and scope, however, the community is being engaged and kept updated as part of the delivery of individual projects where required.

### Policy Implications

The LCLI projects in Table 1 are already in the Delivery Plan, Operational Plan and capital works program. If the LCLI administrator supports the proposed changes in Table 1, the DP/OP and capital works program will be updated to:

- Generally extend delivery timeframes by 12-36 months;
- Reallocate funds from *2 roundabouts on Yalwal Road (Rannoch Avenue & Lightwood Drive)* to *George Evans Road and Yalwal Road intersection*.

### Financial Implications

The proposed changes in Table 1 would not change the overall amount of loan funding within the LCLI agreements. Subject to the LCLI supporting the changes, there would be no expected change to Council's ongoing LCLI reimbursement.

If the LCLI did not support the proposed changes, or Council submitted alternate changes that alter the overall amount of loan funding within the LCLI agreements, there may be a resulting change to Council's LCLI reimbursement.

As noted above, a further \$167,000 will need to be sourced in the DP/OP for the George Evans / Yalwal Road intersection project.

### Risk Implications

The proposed extensions of time and scope seek to ensure Council continues to comply with the terms of the LCLI program. If Council were to breach the terms it is possible that the LCLI administrator could terminate the funding agreements and/or reduce the LCLI reimbursement in full or part.

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## CL23.279 Proposed Approach - New Shoalhaven Land Use Planning Scheme

**HPERM Ref:** D23/237044

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

**Attachments:**

1. City-wide Land Use Planning Scheme - Stage 1 [↓](#)
2. City-wide Land Use Planning Scheme - Stage 2 [↓](#)
3. City-wide Land Use Planning Scheme - Ongoing Work [↓](#)
4. City-wide Land Use Planning Scheme - Background Resolutions [↓](#)

### Reason for Report

The reason for this report is to seek Council's endorsement of the proposed approach and commencement of early work to prepare a new scheme of contemporary land use planning strategies and to update key local planning documents.

The specific components of the new scheme include the following:

1. Character Statements and planning and controls to manage the contribution of development to local or neighbourhood character.
2. Contemporary new Local Infrastructure Contributions Framework.
3. Short Term Rental Accommodation management options.
4. Updated Affordable Housing Strategy.
5. City-wide Growth Management Strategy addressing housing, rural land, employment areas, and retail centres.
6. Place-based planning work for key centres including Nowra CBD and Milton and Ulladulla Town Centres.
7. New Shoalhaven Local Environmental Plan
8. New Development Control Plan

In recognition that all these components cannot be delivered during the current elected Council's remaining term and work will need to be staged. The proposed Stage 1 work (to September 2024) involves:

1. **Developing** Initial planning controls to elevate consideration of character in the assessment of development applications.
2. **Creating** new Local Infrastructure Contributions Framework.
3. **Developing** options to manage Short Term Rental Accommodation
4. **Finalising** updated Affordable Housing Strategy.
5. **Finalising** evidence base and set of Strategic Principles to guide the preparation of a Housing Strategy.

### Recommendation

That Council:

1. Endorse the Project Plan and staging of work for the new Citywide Land Use Planning Scheme and updates of local planning documents as detailed in **Attachments 1 and 2**.

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2. Commence Stage 1 of the new Citywide Land Use Planning Scheme as detailed in **Attachment 1**.
3. Adopt the “Existing Character Statements” and “Future Desired Local Character Statements” identified in the *Shoalhaven Character Assessment Report (February 2020)* as ‘interim’ character statements to support the proposed planning controls for managing local character ([link to document](#)).
4. Incorporate the current review of the Milton-Ulladulla Structure Plan into the new Citywide Land Use Planning Scheme.

## Options

1. As recommended.

Implications: This option enables Council to strategically respond to a range of new and emerging land use planning challenges and community expectations and resolve legacy matters (such as sites and development approvals with known issues). It starts the preparation of a new City-wide Planning Scheme consistent with Council’s December 2022 resolution (MIN22.943).

The staged approach aligns with Council’s resources and terms, identifying what work could be completed by September 2024. Current work on a range of matters will continue (**Attachment 3**), or, if work is closely related to a component of the proposed Scheme will be incorporated into the Scheme.

The implementation of the Project Plan will replace the current practice of setting an annual Strategic Planning Works Program.

2. As recommended, but with the Milton-Ulladulla Structure Plan as a separate standalone project.

Implications: Similar to option 1 with the key difference being the continuation of current work to update the Milton Ulladulla Structure Plan as a standalone project. It is considered this would complicate consideration of City-wide growth options and divert resources away from preparing the new Scheme.

3. Adopt an alternative recommendation, including the maintenance of the current annual Works Program, setting additional or different priorities for the new Scheme, or not proceeding with a new Scheme.

Implications: Subject to the nature of any alternative recommendation. Adding additional priorities or projects to Stage 1 of the Scheme will divert resources away from the currently proposed priorities and work. Alternative priorities may not address current and emerging land use planning priorities.

Declining or deferring the opportunity to prepare a new Scheme would generate reactive and ad hoc responses to land use planning challenges, requests, and opportunities as they occur. This would be an inefficient use of Council’s resources, would not respond to current land use planning challenges, and would not provide Shoalhaven’s communities certainty about future planning and development activity.

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## Background

In mid to late 2022, Council carried several relevant resolutions (**Attachment 4**) about its strategic land use planning activities following its consideration of related Council reports. The resolutions respond to the numerous significant changes experienced recently, including:

- Changing communities – size, diversity, and values.
- Housing availability and affordability situation.
- Priorities of the Council elected in December 2021.
- Completion of and proposals for substantial road transport projects, including ongoing upgrade of the Princes Highway (key north-south link).
- Natural disasters and the COVID-19 pandemic – impacts and recovery from.
- Need for a contemporary planning strategy and scheme to increase certainty and assist the timely consideration of appropriate development.
- NSW Government focus on setting of targets for housing supply, diversity, and affordability and proposed planning reforms to facilitate targets.
- Community expectations, noting the 2023 Community Satisfaction Survey indicated a dissatisfaction (41%) with strategic land use and town planning for Shoalhaven.

Council, through its Strategic Planning Working Party and related deliberations, confirmed a focus on the following priorities:

- Managing local or neighbourhood character.
- Housing supply, including increasing the supply of Affordable Rental Housing and improving housing affordability.
- Improvements to local infrastructure contributions.
- Improved connectivity.
- Climate resilient housing and infrastructure.
- Contemporary planning controls for Nowra City Centre and Riverfront Precinct.
- Diversifying the visitor economy.
- Protecting coastal villages and rural land.
- Protecting tree canopies and corridors
- Resolving known legacy sites in existing planning documents and approvals.

Work has commenced on several of these priorities including work to manage future growth in the Milton-Ulladulla area, prepare a new Affordable Housing Strategy, and examine new planning controls and development outcomes for Nowra City Centre and Riverfront Precinct. These are all significant pieces of work in their own right and potential components of a new scheme.

The work commenced on future growth options for the Milton-Ulladulla area presents the first and a logical opportunity to incorporate work into the new scheme, specifically the Housing Strategy component. Looking at the issue of housing on a city-wide basis will allow for the broader identification of proposed housing growth in locations where new housing is needed/can be supported, that are well serviced with infrastructure, and have the least constraints. Incorporating the work for Milton-Ulladulla into the new scheme also responds to early community feedback requesting Council to take a wholistic city-wide approach, rather than looking at the area in isolation.



Other parts of Council are leading work on recovery and resilience planning, coastal management, and the visitor economy. Council staff are also collaborating with Transport for NSW on its planning and delivery of a range of transport and active transport projects to improve connectivity and consider associated matters.

The approach being recommended presents an opportunity for Council to take a new approach and do things differently. If endorsed, this will see Council embark on the preparation ultimately of a new, contemporary set of strategies and planning documents for the City. The proposed scheme will help implement several of the Priorities agreed with Shoalhaven's communities through the Community Strategic Plan, including:

- 1.1 – Support inclusive, safe, and connected communities by developing plans which enable a variety of affordable and appropriately serviced housing options.
- 2.2 – Manage growth and development with respect for environmental and community values by developing land use plans which reflect current and future community needs and ongoing population change.

### Project Plan and Scope

The new scheme will need to be staged to enable the management of its delivery both a resourcing and practical perspective given the scale of the task. The high-level Project Plan to deliver the scheme is presented in two potential stages to avoid projects or key decision points running across different Council terms and reducing the risks associated with this.

**Attachment 1** sets out the proposed Stage 1 work, that subject to resourcing, will be undertaken during Council's current term (to September 2024).

**Attachment 2** identifies the work required Stage 2 work to complete the new scheme, with the work to confirmed with the new Council from September 2024.

The detailed scope of each component of work will be examined and discussed with Council's Strategic Planning Working Party.

The outcomes from the projects listed in the Project Plan will be implemented through updates of City's key planning documents – the Local Environmental Plan, Development Control Plan, and Developer Contributions Plan.

In addition to the work identified in the Project Plan, other key planning tasks/activities will need to continue, including work delivering the Moss Vale Road Urban Release Areas, managing proponent-initiated Planning Proposals, progressing infrastructure delivery agreements, maintaining key planning documents, and collaboration and advocacy activity with the NSW Government. **Attachment 3** includes these tasks/activities.

Current resources (both staff and budget) need to be adjusted and increased where that is possible, to enable work on preparing the new scheme to be prioritised and other identified key tasks/activities to also continue. If this does not occur, there is a risk that tasks will not progress and be completed as planned.

Implementing the Project Plan will, for the foreseeable future need to replace the established practice of setting an annual Strategic Planning Works Program. This means several project or pieces of work will be 'paused'. Opportunities to deliver relevant projects through the new scheme will be considered/identified. Importantly, the capacity for staff to undertake additional planning work will be limited and Council will need to be disciplined in its consideration of any new requests for strategic planning work or projects.

The following is an overview of the proposed key components of the Stage 1 work (see also **Attachment 1**).

#### Local Character

Shoalhaven's neighbourhoods are diverse and include areas in the larger regional centres of Nowra and Ulladulla, small heritage towns that are often tourist destinations, coastal villages,

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and contemporary residential areas. Community feedback on various Council projects and development proposals confirm each area is highly valued by local communities and offers something unique to Shoalhaven through its distinct character.

The feedback also demonstrates a strong desire for the good management of future development in our towns and villages to ensure development respects and contributes to existing character. Community groups from several localities have asked Council to examine options to strengthen planning and development controls to achieve this. These include Berry, Callala, Culburra Beach, Currarong, Huskisson, St. Georges Basin, Manyana, and Lake Tabourie.

In November and December 2022, Council resolved to examine this critical community issue through its Strategic Planning Working Party and expedite work to strengthen the recognition and consideration of character in planning controls (MIN22.856 & MIN22.943).

The following work has occurred since these resolutions and the preparation of a new scheme provides a significant opportunity to progress this:

- Research/review of character-based planning and development controls used by other Councils.
- Organisational capacity building:
  - Council briefing ‘introduction to character’ held in late November 2022
  - Planning Institute of Australia training on ‘local character’ delivered in May 2023 to Councillors and relevant Council staff.
- Expert advice obtained (May 2023) on options to increase the consideration of character in Council’s planning documents.

The expert advice identified both short-term and longer-term options to increase consideration of character:

- *Short-term options* include specifically identifying the consideration of character as a general aim of the Citywide Local Environmental Plan, and in the objectives set for residential land use zones and development standards such as height of buildings. Access to a set of character statements was identified as fundamental to support the implementation of new planning provisions.
- *Longer-term options* include the development of contemporary Character Statements and reflecting them in the Development Control Plan. Statements would also help guide Council’s activities upgrading the public domain and open spaces. Other longer-term options include develop controls protecting specific localities.

Stage 1 of the proposed scheme delivers the short-term options, helping elevate the consideration of local or neighbourhood character in the assessment of development applications.

Council has immediate access to a set of character statements in the *Shoalhaven Character Assessment Report (February 2020)* ([link to report](#)). This report was commissioned by the NSW Government and prepared by Roberts Day (architects and urban design consultants). The Report provides a good start to identifying character as it attempts to identify the existing and potential future desired character of Shoalhaven’s towns, villages, and neighbourhoods through a consistent approach. Its adoption as an ‘interim policy’ would strengthen and complement the proposed provisions in the local environmental plan and help elevate the consideration of character when assessing development applications.

The *Shoalhaven Character Assessment Report* was publicly exhibited from November 2018 to January 2019, receiving 42 submissions, but has never been formally endorsed or adopted as Council policy. Council could consider formally exhibiting the Report again prior to considering its adoption to provide ‘interim’ character statements, but this would delay the implementation of the new planning provisions.

The ability to prepare new Character Statements in consultation with Shoalhaven's communities in Stage 1 is limited. However, Stage 2 of the proposed scheme includes the preparation of Character Statements (or the revision of existing) in collaboration with the community and updated development controls (in the DCP) such as locality specific provisions, character statements, or detailed controls for built form, setbacks, materials, and landscape and setting.

#### Local Infrastructure Contributions

Council's current Development Contributions Plan was settled in 2019, building on work in 2010 and the original plan prepared in 1993. The current Plan does not represent contemporary best practice. The projects and work listed in it are significantly under costed, presenting significant financial risk to Council now and in the future. The Plan itself fails to deliver the infrastructure needed by Shoalhaven's communities, is difficult to use, and does not operate as originally intended.

Council is potentially missing opportunities to secure high-quality, developer-led delivery of infrastructure through a streamlined infrastructure delivery process. Contemporary approaches also reduce the risk to Council's infrastructure delivery activities, and as advised by Council's Financial Sustainability Advisors, the development of a contemporary and appropriately costed plan is critical to the financial sustainability/success of the organisation.

Stage 1 of the new scheme includes the review and update of Council's local infrastructure contributions work, essentially 'starting from scratch' for the first time since 1993. The review will build on a needs-based approach to infrastructure planning to ensure the funding and delivery of additional infrastructure necessary to service Shoalhaven's growing communities.

#### Short Term Rental Accommodation (STRA)

Council resolved in November 2022 (MIN22.577) and March 2023 (MIN23.107) to investigate measures to influence the availability of existing housing and improve housing affordability through the management of STRA. Potential measures include the prohibition or setting limits on the number of days and/or areas in which dwellings can be used for STRA.

Following Notices of Motion, Council also passed related resolutions in March 2023 (MIN23.102) and June 2023 (MIN23.281) to investigate and report back on better ways to manage the amenity impacts of STRA.

The NSW Government has not yet formally responded to the recommendations made by the NSW Independent Planning Commission on Byron Shire Council's proposal to limit STRA. These recommendations cover changes to land use definitions, planning and development controls, and restrictions on the number of days a dwelling can be used as STRA. The NSW Government has also foreshadowed its review of its Planning Policy governing STRA.

The Mayor wrote to the NSW Minister for Planning in May 2023 consistent with the following part of resolution MIN23.107:

*Strongly request, in association with other interested Councils and Local Government NSW, that the NSW Government bring forward the foreshadowed two-year review of the Short-Term Rental Accommodation (STRA) planning provisions contained in the State Environmental Planning Policy (Housing) 2021 and that Councils be given greater ability to set the relevant provisions (number of days and areas) in their Local Government Areas.*

The Minister responded in June 2023 acknowledging the concerns around STRA and housing availability/affordability, noting the changing circumstances since the commencement of the current State-wide STRA planning provisions in 2021. The letter also notes the current housing pressures cannot be solely attributed to STRA and the government is committed to working with Council and communities to understand the challenges and make sure regulatory settings are appropriate and do not result in adverse economic

consequences. The Government has committed to a review of STRA regulation in NSW and has programmed this to commence later this year.

As such it is likely that in coming months there will be opportunities to propose new or adjusted planning and development controls to manage STRA and potentially improve the availability of existing housing. Using funding received from the Regional Housing Strategic Planning Fund, HillPDA (planning and economic consultants) has been engaged by Council to research this matter as part of the work updating the Affordable Housing Strategy. HillPDA is currently developing an economic model which will enable Council to test the effect of various “control scenarios” on housing availability, housing affordability, and the visitor economy.

#### Affordable Housing Strategy

Council is preparing a new Affordable Housing Strategy. The current Strategy has reached its recommended review timeframe and a contemporary Strategy will help Council contribute to the response to the recent and significant changes in housing availability and affordability. The update also foreshadows the NSW Government’s proposed housing supply, affordability, and diversity targets. A key component of the Strategy is the testing and preparation of an Affordable Housing Development Contributions Scheme.

The Strategy will deliver a robust evidence base built on sound research into current opportunities and challenges and potential mechanisms to manage housing affordability. This includes matters such as barriers to the delivery of alternative dwelling types, development feasibility, and the use of alternative dwelling types such as tiny homes.

#### Shoalhaven Housing Strategy

The number of people living in Shoalhaven is expected to grow by over 31,000 people by 2051. Shoalhaven’s communities are also ageing, and the average household (or family) size is predicted to get smaller. There is continued demand for STRA and holiday homes. These matters all currently contribute in some way to the demand for new homes, resulting in the need to deliver around 14,200 additional dwellings.

The existing Shoalhaven Growth Management Strategy (2014) and the collection of associated earlier settlement strategies and structure plans that are incorporated in it identify the potential to provide about 12,500 dwellings. These strategies/plans include:

- Milton-Ulladulla Structure Plan (1996)
- Jervis Bay Settlement Strategy (2003)
- Sussex Inlet Settlement Strategy (2007)
- Nowra-Bomaderry Structure Plan (2008)

These documents range in age between 9 to 27 years old. Since they were published, numerous actions from each document have been implemented through new or amended local environmental plans or rezonings. Some of the envisaged new urban areas have been created and homes delivered. However, other changes reducing development potential have occurred and are anticipated to continue to occur, including:

- Better information about the scale and impact of environmental hazards, especially flooding and bushfire.
- Community values or expectations around managing local or neighbourhood character and the development of vegetated land.
- Retrospective application (to previously zoned areas) of new requirements for managing flood risk and biodiversity values.
- Reductions in potential yield of new urban areas as detailed site-specific studies are undertaken to inform detailed planning or resulting from development applications.

- Mapping of State Significant Agricultural Land.

These all present considerations and challenges to delivering the housing necessary to meet the communities' needs. Alongside the current housing availability and affordability situation, these challenges call for a 'contemporary' look city-wide at housing demand and how it is managed into the future, including confirming the current relevance and capacity of options previously identified to manage growth and identification of new options to manage growth.

Proposed work in this regard includes:

- Demographic Overview – analysing demographic information to identify population changes and trends to identify housing need.
- Housing Demand Analysis – assessing the need and demand for new housing to identify the amount and type of new homes needed to support current and future communities.
- Housing Supply Analysis – reviewing the current supply of housing, the capacity and feasibility of the existing planning controls, identifying other barriers, and researching other sources of new housing.
- Land Use Opportunities and Constraints – identifying current opportunities and constraints to confirm development capacity of previously planned areas, areas to be conserved, and identify any new options to manage/enable appropriate growth.
- Housing Supply Gaps – evaluating the evidence base to identify any gaps between expected population growth and housing supply trends and identify types of housing required to address needs.
- Assessment of suitable planning outcomes for 'peri-urban' land, including large-lot residential and rural-residential outcomes. This will involve detailed discussions with the NSW Department of Planning & Environment regarding possible approaches in this regard.
- Review of current program or staging of work to release planned new urban areas.

This in-depth analysis will lead to the development of a set of Strategic Principles to guide the preparation of the Local Housing Strategy in Stage 2 of the new scheme. The future Strategy will set objectives and actions for housing delivery, map proposed housing growth areas and identifies the land use planning mechanisms to deliver a range of new and appropriate housing options.

## Community Engagement

The Project Plan is an internal tool to manage Council's strategic land use planning work/effort over the next two to four years. It reflects the current Community Strategic Plan, which has been extensively consulted upon and as such no formal community engagement is proposed for the Project Plan.

Existing knowledge of community values from other engagement exercises and submissions received on development applications and the like have informed the Project Plan. In addition, each element of the proposed Planning Scheme will include appropriate community engagement activities (to be confirmed with Council for each element/project).

A draft of the *Shoalhaven Character Assessment Report* prepared by Roberts Day was exhibited for community feedback. 42 submissions were received in response and adjustments were made to the report as a result.

A significant quantum of stakeholder engagement will, need to occur with our Community Councillors, Customers, the Council itself and external agencies to ensure the work within the Project Plan is completed and completed in such a way as to maximise the on-going support of those stakeholders.

## Policy Implications

Due to the scale and scope of change experienced over the last two to three years, current and emerging land use planning challenges and legacy planning matters, it is considered timely to commence the preparation of a contemporary land use planning scheme for Shoalhaven that responds to the change, challenges and community expectations.

The development of the Scheme also provides significant opportunities to consider and respond to new and adjusted land use planning policies published by the NSW Department of Planning and Environment. An up-to-date land use planning policy platform is essential to inform collaboration and advocacy activities with NSW Government Agencies.

The elements or projects listed in the Project Plan are generally consistent with *Shoalhaven 2040*, Council's adopted *Local Strategic Planning Statement* (from 2020) ([link to document](#)).

## Financial Implications

Current resources (both staff and budget) will need to be increased, where possible, to prioritise work on preparing the new Planning Scheme and continue work on existing key planning tasks/activities. The capacity to undertake the additional planning work covered by the report will be extremely limited and therefore Council will need to be disciplined should new requests for strategic planning projects or work be received/suggested.

This includes the need for Council to subsequently resist resolving to review parts of the LEP and DCP as they pertain to specific localities on an individual basis. The work described in this report will be best achieved as a strategic whole, rather than focusing on individual town and villages ahead of others.

The ability to fill the existing vacant strategic planning positions and gain additional planning staff (and funding for them), where possible and subject to a resolution of the Council at the time, is critical to providing the capacity needed to prepare the new Planning Scheme in the proposed time.

Various technical studies are likely to also be required to inform the work, including the preparation of the Citywide Housing Strategy and new local infrastructure contributions plan. For example, mapping of environmental constraints, infrastructure and servicing studies, analysis of scenic values, infrastructure needs analysis, and the design and costing of infrastructure items. Additional funding will need to be sought, if possible, to enable the proposed work.

Other funding initiatives will also be examined. These include future rounds of the NSW Government's Regional Housing Strategic Planning Fund. In addition, Council staff will seek the Department of Planning and Environment's position on the potential for individual developers/landowners to contribute to the cost of any relevant studies, where those studies are scoped, commissioned, and managed by Council alone to maintain independence.

## Risk Implications

The proposed approach will have resourcing challenges given current vacancies in the Strategic Planning Team and experienced difficulties recruiting due to an industry-wide shortage in land-use planners. The creation of additional strategic planning positions is being considered through current workplace change planning but the ability to fund and fill any new positions is still uncertain. Given it is essential to provide the resource capacity to prepare the new Scheme, this is a risk that needs to be acknowledged, and in respect of the industry-wide skills shortage, is somewhat outside the organisations control.

Not proceeding to prepare a contemporary Planning Scheme will require continued reactive and ad hoc responses to land use planning challenges, requests, and opportunities as they occur. For example, new or adjusted planning policy issued by the NSW Government,

continued tension around new development and ‘character’ and rezoning proposals from landowners and developers. Not preparing a new Scheme would be an inefficient use of Council’s resources, would not respond to current land use planning challenges, and would not provide Shoalhaven’s communities with the required certainty about future planning and development activity.

Access to an available budget and sufficient staff to work on and deliver the new Planning Scheme and continue required ‘business as usual’ is also a significant risk that needs to be recognised. Importantly, this report does not include a request for resources. Rather, it highlights the reality of the implications to the work of the Project Plan of insufficient resources. This reality needs to be accepted.

## **Conclusion**

Responding to previous Council resolutions, this report presents an option to commence the challenge of delivering a new contemporary Planning Scheme for the City through a staged approach, initially focusing on key shorter term policy changes and the development of new land use planning strategy during the remaining Council term.

There are also a range of matters which could impact adversely on the progress and delivery of this project including the need for additional staff and/or budget if that is available. Adverse impact will also occur if Council allows individual location based LEP and DCP changes to be endorsed and resources allocated ahead of the holistic approach recommended by this report.

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**ATTACHMENT 1: STAGE 1 – City-wide Land Use Planning Scheme (to September 2024)**

No.	Project	Summary	Timeframe
1	Initial Local Character Planning Provisions	<p>Planning Proposal to update City-wide Local Environmental Plan with provisions elevating the consideration of character in the assessment of development applications. Potential updates could include new Aim(s) for the Plan and Land Use Zone Objectives.</p> <p>Formal adoption of the <i>Shoalhaven Character Assessment Report (February 2020)</i> as an 'interim' policy position is required to support the proposed planning controls.</p>	<p>9-12 months</p> <p>Mid 2024</p>
2	New Local Infrastructure Contributions Framework	Prepare a new, efficient plan and processes, including a contemporary list of infrastructure and projects based on the City's needs and an examination of contribution collection mechanisms (e.g., nexus-based, fixed rate, or a combination of).	<p>Dependent on scope</p> <p>12+ months</p>
3	Managing Short Term Rental Accommodation	<p>Examination of the interaction of Short Term Rental Housing on housing availability and affordability and the visitor economy. Includes development of an economic model to test the effect of management options (e.g., day caps, area caps etc.).</p> <p>Investigation of land use planning and other options to manage Short-Term Rental Accommodation. Ultimate scope and response is subject to NSW Government's review of its Planning Policy and response to the Independent Planning Commission's recommendations (issued for Byron Bay Council's proposal to manage Short Term Rental Accommodation).</p>	<p>Subject to NSW Government's work.</p> <p>Work commenced on development of economic model</p>
4	Affordable Housing Strategy and Related Research.	An Update the <i>Affordable Housing Strategy (2017)</i> to identify opportunities to increase the supply of Affordable Rental Housing and improve housing affordability. Includes feasibility testing of an Affordable Rental Housing contribution scheme and research into several matters including barriers to dwelling diversity and the role of Tiny Homes.	<p>Work commenced on all components.</p> <p>9-12 months</p> <p>Mid 2024</p>
5	Citywide Housing Strategy - Research and Strategic Principles	<p>Research tasks include analysis of demographic information and population forecasts, current housing supply, housing need (number and type), peri-urban matters, and land use values and constraints. The work undertaken on the update of the Milton Ulladulla Structure Plan will be incorporated into this work.</p> <p>The research will inform draft Principles to guide the preparation of the Local Housing Strategy – a key component of the Growth Management Strategy.</p>	<p>Work commenced on an audit of supply provided by current planning controls and the identification of growth options in Milton-Ulladulla.</p> <p>Est.12 months</p>



**ATTACHMENT 2: STAGE 2 – City-wide Land Use Planning Scheme (September 2024 onward)**

No.	Project	Summary	Timeframe
1	Updated Character Statements and Development Controls	<p>New “Existing Character Statements” and “Future Desired Character Statements” for each settlement or grouping of relevant settlements, developed in consultation with Shoalhaven’s communities.</p> <p>Preparation of local character controls in the City-wide Development Control Plan for areas with a strong local character or planned or anticipated to experience significant development.</p>	To be determined with Council post September 2024.
2	Citywide Growth Management Strategy	<p>Land use planning strategies for</p> <ul style="list-style-type: none"> <li>• Housing, based on the principles established in Stage 1. This work will: <ul style="list-style-type: none"> <li>○ Identify growth opportunities,</li> <li>○ Update and consolidate the current Growth Management Strategy, Settlement Strategies, and Structure Plans.</li> <li>○ Review the program for the delivery of urban release areas and future residential investigation areas.</li> <li>○ Reassess known legacy issues/sites in existing planning documents.</li> <li>○ Propose an approach for the management of rural-residential development.</li> </ul> </li> <li>• Rural Land</li> <li>• Employment Land</li> <li>• Retail Centres</li> <li>• Scenic Values and landscape qualities</li> </ul>	To be determined with Council post September 2024.
3	Place-based planning work resulting from Milton-Ulladulla Bypass.	Master planning of Ulladulla Town Centre to capitalise on the opportunities presented by the Milton-Ulladulla Bypass.	To be determined with Council post September 2024.

### Attachment 3: Ongoing Work – Strategic Planning

No.	Work
1	Delivery of Moss Vale Road Release Areas including preparation of planning documents to guide development, infrastructure delivery, and resolve delivery issues (e.g., solution for Taylors Lane).
2	Prepare a Masterplan for the Nowra Riverfront Precinct, including supporting studies, implementation through planning documents, and delivery of supporting infrastructure. Includes participation in the NSW Government's Nowra Riverfront Advisory Taskforce.
3	Review planning and development controls for Nowra City Centre, including for key precincts to enable appropriate redevelopment opportunities, particularly residential. Project will be informed by the outcomes of the NSW Government's preparation and implementation of a Strategic Roadmap for the City Centre.
4	Unlock the undeveloped, zoned land in the South Nowra Industrial Area through supporting studies, potential strategic biodiversity certification, new planning controls, and infrastructure delivery mechanisms.
5	Nowra CBD Revitalisation Strategy
6	Council-initiated Planning Proposals, including the listing of Huskisson Church as a Heritage Item and potentially new planning controls for Nebraska Estate.
7	Proponent Planning Proposal requests (including responses to rezoning requests).
8	Maintenance of Local Environmental Plan, Development Control Plan, and Development Contributions Plan.  Maintenance of Development Control Plan includes the monitoring and a report on outcomes of 45 Degree Rule 12-month trial.
9	Administration of development contributions, including processing of applications for COVID-19 discounts.
10	Infrastructure delivery agreements
11	Collaboration with Local Aboriginal Land Councils, including opportunities to plan for Aboriginal Cultural Heritage.
12	Local Heritage Grants Scheme (for 2023/24).
13	Response to legislative change
14	Collaboration and advocacy activity with NSW Government Agencies.
15	Provide planning information: respond to customer enquiries, issue planning information certificates, and undertake dwelling entitlement potential searches.
16	Collaboration with other directorates to support work on risk management and resilience, community-led strategic plans, reconciliation action plan, tackling homelessness, and development applications.

**Attachment 4: Relevant Council Resolutions**

Resolution 1 (MIN22.465) (A report about the annual works program - 25 July 2022)

1. *Receive the report for information.*
2. *Defer to the Strategic Planning Working Party to discuss and consider the Planning Instruments for the City and appropriate Strategic Planning Work Program (SPWP) for term of Council;*
3. *Directs the CEO (or nominee) to consider the ways this could be undertaken and delivered in a timely manner;*
4. *Continue working under the current SPWP until outcomes of the Working Party are reported back to Council.*

Resolution 2 (MIN22.856) (Notice of Motion - Local Character - 14 November 2022)

1. *Discuss and consider this critical community issue as part of the special Strategic Planning Working Party meeting that has been scheduled for 26 November 2022.*
2. *Receive a report back as soon as possible following the Working Party meeting on the immediate steps that can be taken to strengthen the important recognition and consideration of character in Councils key planning instruments (Local Environmental Plan and Development Control Plan); and,*
3. *Request that the report in Recommendation 2., include:*
  - a. *Setting of timeframes to expedite this critical work;*
  - b. *Outlining potential resourcing implications with options for consideration;*
  - c. *Ensuring adequate community input into the development of character statements through multiple options.*

Resolution 3 (MIN22.943) (A report on the outcomes of the November 2022 Strategic Planning Working Party Workshop - 5 December 2022)

1. *Endorse the preparation of revised land use planning strategies and Local Environmental Plan, Development Control Plan and Developer Contributions Plan (collectively a Planning scheme) for Shoalhaven City.*
2. *Include in the work in Recommendation 1 an investigation and inclusion of local character.*
3. *Receive a further report that provides a Project Plan and Terms of Reference for this work, which informs the Council on how this work would be best achieved, including scope, timing/staging and resourcing.*

## CL23.280 Proposed Infrastructure Agreements - Construction of Road and Drainage Infrastructure - Stages 3a and 3b, Moss Vale Road South Urban Release Area.

**HPERM Ref:** D23/311215

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

### Reason for Report

The purpose of the report is to obtain ‘in-principle’ support to commence the process of entering into an Infrastructure Agreement with the owner/developers of the areas covered by subdivision approvals SF10633 and SF10656, for the construction of road and drainage infrastructure required under the [Shoalhaven Contributions Plan 2019](#) (the CP) and consideration of other associated matters.

The works are associated with approved residential subdivisions in Stage 3 of the Moss Vale Road South (MVRS) Urban Release Area (URA) and predominantly relate to the development of 121 and Lot 8 Taylors Lane, Badagarang.

Following initial consideration by Council on 26 June 2023, the matter of the proposed Stage 3a Works in Kind Agreement (WIKa) was ‘deferred’ to a Councillor briefing, which was held on 20 July 2023. This report includes additional information presented at the briefing, including additional offers made by the developer relating to potential alternative agreements/approaches. As such, the proposed Stage 3b agreement is also now covered in this report as both now need to be considered concurrently.

### Recommendation

That Council:

1. Provide ‘in-principle’ support to finalise negotiations and enter into a single Infrastructure Agreement (Planning Agreement, Works in Kind Agreement or hybrid, as required) with the owner/developers of the Stage 3a and 3b subdivisions (SF10633 and SF10656), for the following, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding:
  - a. The Developer constructs the:
    - i. Shared user pathway.
    - ii. Roundabout at Taylors Lane.
    - iii. Two wetlands and associated swales.
  - b. Council:
    - i. Accepts the developer’s offer to voluntarily pay monetary contributions for the 01DRAI5006, 01OREC6015, 01ROAD5154 Shoalhaven Contributions Plan 2019 projects that were not levied as part of the SF10656 approval, as well as the additional CWMGMT3001 contributions that will also be required as a result.
    - ii. Only in conjunction with Part 1(b)(i), undertake a review of the other s.7.11 contributions levied for SF10656, and endorse removal or amendment of any that have not been accurately applied.

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- c. Surplus value and contributions offsets are managed as follows, noting that all values are subject to final negotiations:
      - i. Council pays a surplus value amount for the two wetland devices, being the difference between the monetary contributions payable for 01DRAI5006 (for both SF10633 and SF10656 (as per Part 1(b)(i))) and the negotiated value for the devices.
      - ii. Council accepts the negotiated value for the shared user pathway and roundabout as a partial offset to the 01ROAD5154 project contributions for SF10633. The developer pays the balance as monetary contributions, or otherwise settles up the balance via the agreement.
      - iii. Payment of the surplus value amount for 01DRAI5006 will be funded by available funds in the 01DRAI5006 account or the deleted funds reserve, if available, not general funds.
    - d. Council pays land value for the two wetland areas proposed to be dedicated by the developer, based on a land value of:
      - i. \$65/m<sup>2</sup> for the residentially zoned part of the land.
      - ii. \$17.50m<sup>2</sup> for the rurally zoned part of the land.
  2. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
    - a. Finalise negotiations, including costings.
    - b. Prepare the agreement.
  3. If required, publicly notify the agreement for a minimum period of 28 days as required by legislation.
  4. Enter into the agreement, consistent with the detailed key terms in Part 1 above, except where objections or substantial issues are raised as a result of any public notification (if undertaken), in which case the agreement is to be reported to Council before it is entered into.
  5. Endorse the approach that no surplus value payments will be considered for future infrastructure agreements presented to Council, until a review of Council's infrastructure contributions plan and framework is completed, and a new contributions plan is in place.
  6. Notify the owner/developer of this resolution.

## Options

1. As recommended.

**Implications:** The negotiations will be finalised and the preparation of the agreement will commence.

The proposed agreement will result in a positive public benefit through the construction of part of the road and drainage infrastructure earmarked in the CP for Stage 3 of the MVRS URA. The two subdivisions will bring 179 residential lots to the market and progressing this agreement will help facilitate the development.

This option recommends that payment of surplus value is made for the drainage infrastructure on the basis that Council also accepts the developer's offer to voluntarily pay monetary contributions for the CP projects that were not levied as part of the SF10656 approval.

This option also recommends that Council endorse the approach that no surplus value payments will be considered for future infrastructure agreements presented to Council, until a review of Council's infrastructure contributions plan and framework can be

completed, and a new contributions plan is in place. Council's ability to fund surplus value payments into the future under the current infrastructure contributions scheme, is significantly constrained.

On balance, this option is considered to be more aligned with the public interest.

2. Provide 'in-principle' support to conclude the negotiations, prepare the agreement and report the draft agreement back to Council prior to proceeding.

Implications: This option would allow Council to consider the potential financial risk implications associated with the proposal in further detail, and in the context of the proposed draft agreement. This option could include a further briefing if required.

3. Adopt an alternative recommendation.

Implications: This option may result in significant financial implications for Council, and/or further affect the timely delivery of the subdivisions and new residential lots to market.

## Background

On 11 April 2022, development consent (SF10656) was granted for a 55-lot residential subdivision (URA Stage 3b) at:

- Lots 3 & 8 DP 1256748, Lots 1 & 2 DP 1281124, Taylors Lane and Hockeys Lane, Badagarang; and
- Lot 2 DP 848630, 371 Illaroo Road, Bangalee.

On 11 May 2022, development consent (SF10633) was granted for a 124-lot residential subdivision at Lot 1 DP 1281124, Lot 2 DP 1281124 and Lot 5 DP 1256748, Taylors Lane and Hockeys Lane, Badagarang. This subdivision is known as URA Stage 3a. Construction of this subdivision has commenced and as such, the developer has accepted the risk associated with undertaking construction of the infrastructure prior to an agreement being in place.

SF10633 relies on access from the east via the SF10656 subdivision, including a roundabout to be constructed at the intersection of Taylors Lane, which will connect to Lancaster Drive (refer to **Figure 4**).

The areas covered by the SF10656 and SF10633 approvals are shown in **Figure 1** and **Figures 2** and **3** indicatively show the approved subdivision layouts.

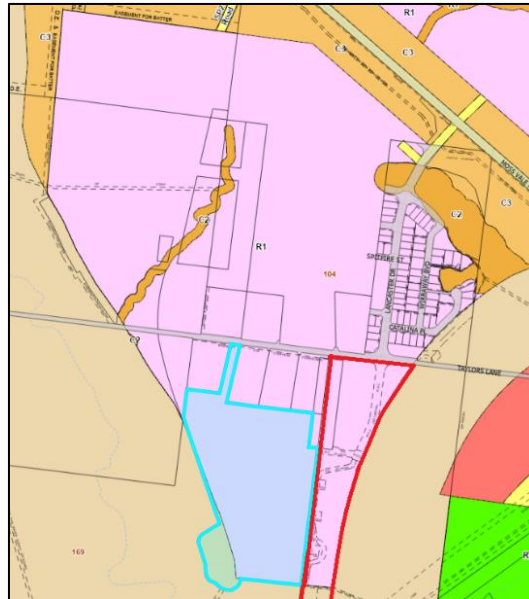


Figure 1: The main development area of SF10656 outlined in red and the SF10633 area in blue.

### The Original Proposals

Two WIKA applications were formally received by Council on 11 May 2023. The scope of the proposed agreements is outlined in the following table.

Table 1: 11 May 2023 WIKA Proposals

Subdivision	Proposed WIKA Scope
SF10656 - Stage 3b	<ul style="list-style-type: none"> <li>Construction of the drainage works (wetland and associated infrastructure) to the south/southeast of the subdivision (shown in orange in <b>Figure 2</b>), plus payment of any surplus value.</li> <li>Dedication of the drainage area to Council, comprising an area of approximately 7,800m<sup>2</sup> (exact area yet to be confirmed, shown in orange in <b>Figure 2</b>) and payment of land value.</li> </ul>
SF10633 - Stage 3a	<ul style="list-style-type: none"> <li>Construction of the following to offset s7.11 developer contributions, plus payment of any surplus value: <ul style="list-style-type: none"> <li>Shared user pathway/s (shown in blue in <b>Figure 3</b>).</li> <li>Roundabout at Taylors Lane (shown in green in <b>Figure 3</b>), part of the SF10656 approval.</li> <li>Two intersections (shown in yellow in <b>Figure 3</b>), one part of the SF10656 approval.</li> <li>Drainage works (wetland and associated infrastructure) to the southwest of the subdivision (shown in purple in <b>Figure 3</b>).</li> </ul> </li> <li>Dedication of the drainage area to Council, comprising an area of approximately 10,000m<sup>2</sup> (shown in purple in <b>Figure 3</b>, with exact area yet to be confirmed) and payment of land value.</li> </ul>

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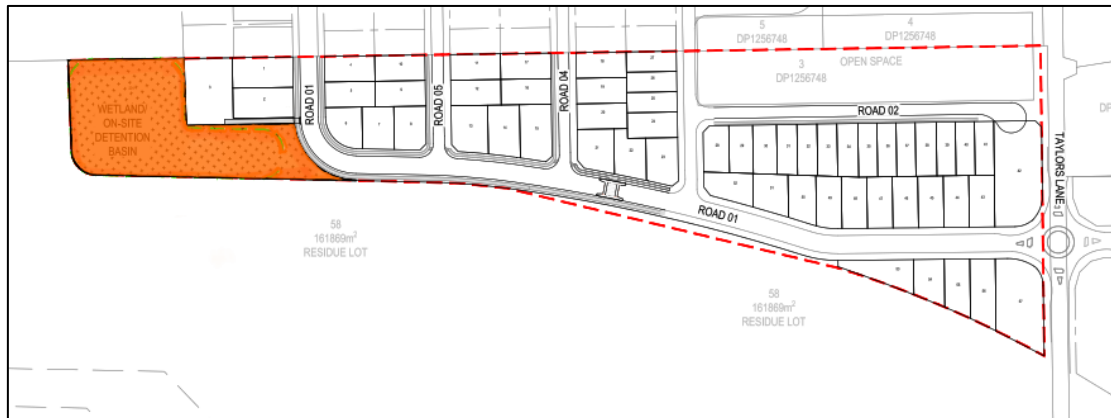


Figure 2: SF10656 WIKA Proposal (Adapted from Source: Maker ENG, March 2023)

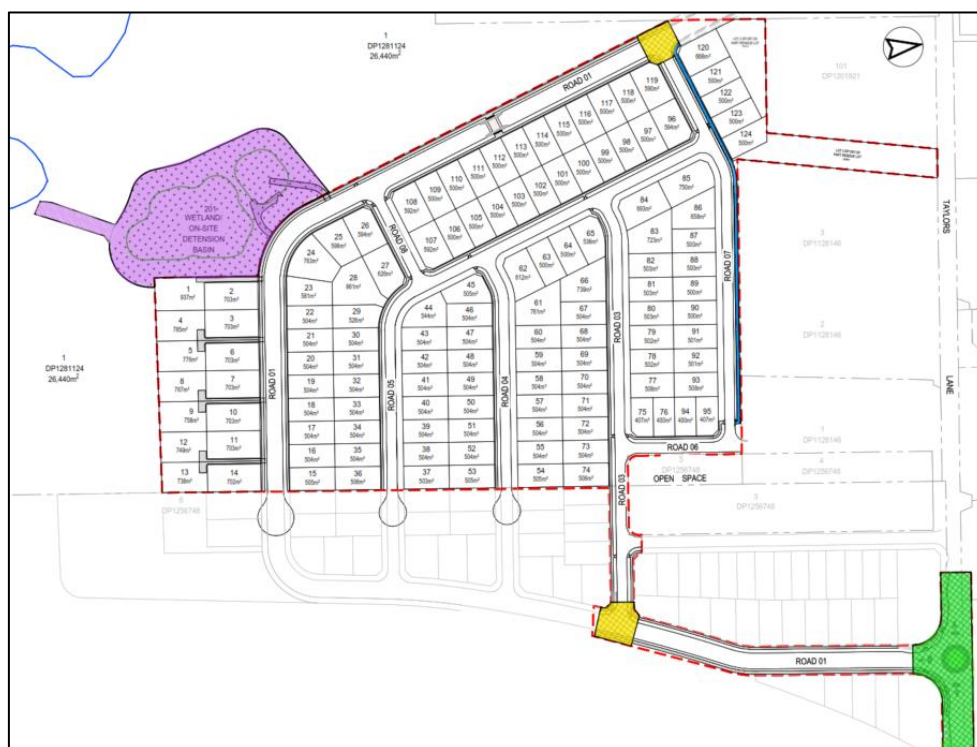


Figure 3: SF10633 WIKA Proposal (Adapted from Source: Maker ENG, March 2023)

Each of the WIKA elements are discussed in more detail below.

### Construction of shared user pathway and roundabouts

CP Project [01ROAD5154](#) identifies a total of nine roundabouts. The proposed agreement is proposing to construct one of them which is in the SF10656 area (intersection of Taylors Lane and Lancaster Drive). This is supported. The extent of land for the roundabout will be reviewed and refined, if necessary, through the negotiation process.

Two basic intersections have been approved in the general location of two of the other CP envisaged roundabouts, instead of roundabouts. Roundabouts are included in the CP as they benefit the broader URA. Basic intersection treatments are usually 'developer pays' (i.e., developer conditioned) infrastructure. It is questionable if the 'nexus' to the broader URA now exists. As such, it is recommended that the two basic intersections do not form part of any agreement.

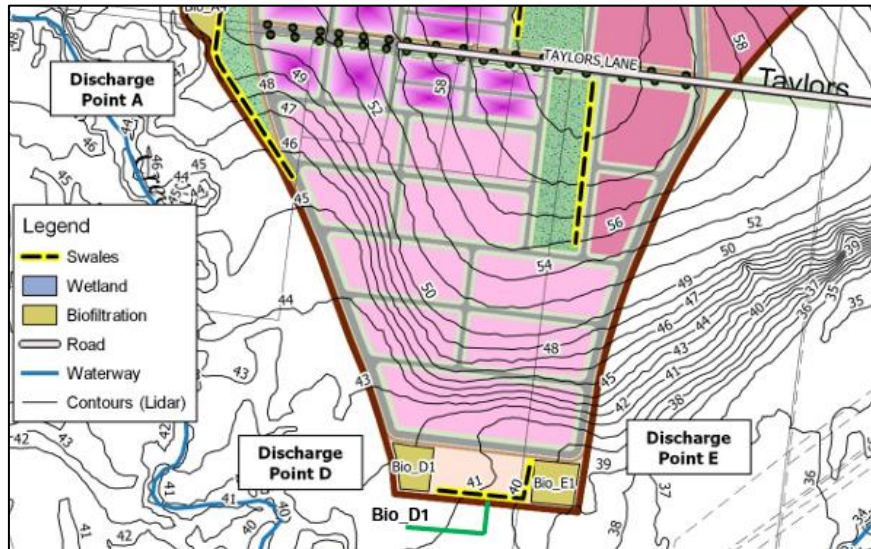
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The CP Project [01ROAD5154](#) also identifies a shared user path network. The proposed agreement proposes to construct the southern-most pathway. Whilst the shared user pathway has been approved further to the north than shown in the CP, this is considered generally acceptable as it is still in keeping with the intent of the CP.

#### Construction of wetland/drainage infrastructure

The CP Project [01DRAI5006](#) identifies biofiltration drainage devices and swales in the southwestern and south-eastern corners of the SF10633 and SF10656 subdivision areas respectively, within the residential zoned area (**Figure 4**, see Bio\_D1 and Bio\_E1).



**Figure 4: Council Endorsed Drainage Design for MVRs URA in the CP and DCP (Stage 3 shown)**

The approved wetland locations are generally consistent with the location of the devices in the CP; however, they are mostly located outside of the URA on rurally zoned land. Despite the variation in location, the proposal is considered acceptable as it is still in keeping with the intent of the CP.

The type of devices is however not consistent with the CP, being wetlands rather than biofiltration devices. This was an operational decision, and the approval reflects this approach. Subdivision Works Certificates have been issued for the two subdivisions, which includes the approved specifications for the devices. This means the design of the devices has been accepted and can now be constructed.

The alternative approved devices will however have cost implications which are discussed in the Financial Implications section below.

#### Dedication of Drainage Infrastructure/Wetland and Consideration of Land Costs

The proposed agreements seek to dedicate the wetland/drainage areas planned to be constructed for the two subdivisions, subject to payment of land value through the agreement process, rather than via the formal acquisition process. This is a more streamlined process which is supported.

The area proposed for dedication (Stage 3a approx. 10,000m<sup>2</sup> and Stage 3b approx. 7,800m<sup>2</sup>) is greater than the area identified in the CP (2,200m<sup>2</sup> and 2,800m<sup>2</sup> respectively) and is also substantially greater than the combined area of all devices in the CP (7,850m<sup>2</sup>). Despite this, the type and size of device was an operational preference and has been approved.

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The CP identifies a square metre rate of \$65/m<sup>2</sup> for land value, however this is based on the drainage device being wholly located on residential zoned land. The value of the rural zoned land is less (\$17.50m/2) and this needs to be considered through the process.

Refer to the Financial Implications section for more information.

### Alternate SF10656 Proposals

Two alternate proposals have been presented by the developer for SF10656 (Stage 3b) for Council's consideration:

- 19 July 2023 Proposal:
  - The developer will construct and maintain a construction sediment basin for 12 months in the footprint of the approved wetland.
  - Council will purchase the drainage basin land (shown in orange in **Figure 2**) via a land sale contract (split land value rate of \$65/\$17.50 depending on zone).
  - The developer will hand over the drainage reserve and construction sediment basin on completion of the 12-month maintenance period for Council to establish a wetland.
  - No WIKA would be required.
- 20 July 2023 Proposal:
  - The scope of the construction and land element is the same as the original 11 May 2023 WIKA proposal (see **Table 1**), including payment of surplus value.
  - The developer will modify the SF10656 consent to voluntarily pay the MVRs s7.11 contributions that were not levied as part of the consent (~\$1.2M, including the additional CP management fees required). This proposal is made on the basis that Council pays surplus value in relation to both the SF10633 and SF10656 agreements.

The developer has indicated that the 20 July 2023 proposal is preferable, however they will proceed with the 19 July 2023 proposal if Council will not pay the surplus value.

Whilst the 20 July 2023 proposal is generally consistent with the original proposal in terms of the WIKA element, the offer to pay the missed SF10656 contributions is significant.

The financial implications of the voluntary s7.11 payment versus and surplus value payments is discussed further in the financial implications section of this Report.

Should Council not wish to pay surplus value, the developer will proceed with the 19 July 2023 proposal. This option results in a number of hurdles to both Council and the developer:

- The developer would need to seek a modification to the SF10656 consent to change the complete wetland concept to a construction (temporary) sediment basin. The consent currently is based on a complete wetland design and includes a condition that requires satisfactory drainage arrangements to be made by the developer to satisfy the [01DRA15006](#) contributions project requirements.
- Council would be responsible for finalising the wetland, including its embellishment.

### Alternate SF10633 Proposal

An alternate proposal was presented by the developer on 20 July 2023 for SF10633 (Stage 3a) for Council's consideration:

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- The scope of the construction and land element is generally the same as the original 11 May 2023 WIKA proposal (see **Table 1**), including payment of surplus value, however the two intersections (shown in yellow in **Figure 3**) are no longer included in the proposal.
- Council will defer the conditioned s7.11 contributions for SF10633, to the value of the WIKA value, until the agreement is executed. The developer has requested that the works constitute a bond for the contributions payable.

Whilst the 20 July 2023 proposal is generally consistent with the original proposal in terms of the elements, the request for deferred payment needs to be considered. The SF10633 consent requires the s7.11 contributions to be paid at the subdivision certificate (lot registration) stage.

Council's [Payment of Development Contributions and Section 64 Headworks – Charges by Deferment or Instalments \(under special circumstances\)](#) Policy allows Council to consider deferring payment of s7.11 contributions until the settlement of sale of the subdivided lots. Council generally requires a deed of agreement, bank guarantee, priority agreement with the mortgagee and a caveat on title.

The developer's request is commonly facilitated via infrastructure agreements. It is recommended that Council enters into a single agreement with the developer for both subdivisions, not two separate agreements. This single agreement could address the timing of contributions payments, as well as other matters relating to the two subdivisions, rather than entering into multiple agreements and deeds.

### Recommended Way Forward

The background to the Stage 3 subdivisions is complex. Balancing the revised proposals against the financial implications for Council and the public interest, it is recommended that Council enters into a single agreement with the developer for Stages 3a and 3b that would achieve:

- Construction of the shared user pathway, roundabout and wetlands by the developer.
- Payment of surplus value for the wetland devices, and partially offsetting the road contributions relating to SF10633.
- Payment of all remaining s7.11 obligations by the developer.
- Payment of land value for the wetlands to the developer.
- Acceptance of the developers offer to voluntarily pay monetary contributions for the contributions missed in the SF10656 consent (~\$1.2M).
- Review accuracy of s7.11s levied for SF10656.

### Financial Implications

#### Value of Construction Works and Surplus Value

Surplus value is the difference between the construction costs and the s7.11 obligation of the developer for the infrastructure item.

**Table 2** shows a breakdown of the infrastructure items, the developer's estimated cost of works, the developer's contributions obligation and an estimated surplus value amount. As per Council's [Works In Kind Policy](#) and [Planning Agreement Policy](#), the works are to satisfy the contributions for the same category of infrastructure as the works (i.e. road and drainage).

Surplus value for the drainage devices is in the vicinity of \$657,030.52 across the two subdivisions (\$462,885.92 if contributions are voluntarily paid by the developer). At this stage, it appears that the proposed road works will be less than the conditioned s7.11 construction obligations, meaning that there would be no surplus value payment needed and the

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developer would pay the remainder of the s7.11 road obligations to Council as monetary contributions.

**Table 2: Breakdown of Construction Costs and Estimated Surplus Value Amount**

Subdivision	Construction Element	Developer's Estimated Value	Developer's s7.11 Obligation (indexed)	Surplus Value
SF10656 (Stage 3b)	Wetland <a href="#">01DRAI5006</a>	\$344,347.29	\$0 \$194,144.60 if contributions voluntarily paid.	\$344,347.29 \$150,202.69 if contributions are voluntarily paid.
SF10633 (Stage 3a)	Taylor's Lane and Roundabout and Shared Pathway <a href="#">01ROAD5154</a>	\$526,956.91	\$743,547.80	Nil – part monetary contributions still payable by developer.
	Wetland <a href="#">01DRAI5006</a>	\$750,391.05	\$437,707.82	\$312,683.23

The [Works In Kind Policy](#) specifies (underlined emphasis added) that:

*Where the contribution value of the works undertaken exceeds the monetary development contributions required as a condition of consent, the WIK [Agreement] will be considered to fully satisfy the payment of those development contributions. The Council may consider credit or reimbursement arrangements for the amount that the contribution value exceeds the monetary development contributions but is not obliged to do so.*

As such, Council may consider the payment of the 'surplus' value to the developer. Surplus value for [01DRAI5006](#) could be in the vicinity of \$462,885.92 to \$657,030.52 based on preliminary costings provided by the developer and whether Council chooses to accept the developer's offer to voluntarily pay the 'missed' contributions.

It is also uncertain whether the additional expenditure could be covered by further developer contributions received as:

- There is limited opportunity to collect the additional funds in the URA based on remaining development opportunity. Subdivisions throughout the future URA stages are largely already approved.
- The majority of future development is likely to seek to enter into an agreement to deliver works instead of paying monetary contributions.
- An error was made in conditioning s7.11 contributions for a SF10656, resulting in a loss in contributions income across the URA infrastructure projects of approximately \$1.2million, as follows:
  - 01DRAI5006 MVRS URA Drainage: \$194,144.60.
  - 01OREC6015 MVRS URA Passive Recreation: \$625,137.04.
  - 01ROAD5154 MVRS URA Roads: \$329,799.43.
  - CWMGMT3001 Contributions Management & Administration (up to 10% of projects levied): \$114,908.11.

Depending on Council's decision, this deficit could still remain.

However, it is noted that another sizeable contribution project (01ROAD2101 North Nowra Link Road) has been levied for this development that should not have been, and this also needs to be resolved.

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If Council is unable to recoup the surplus value through future contributions income, this would ultimately need to be covered by general revenue. This is not considered to be a good outcome or in the public interest as both CP projects are 100% apportioned to development within the URA as they are required to sustain the development in that area in isolation. As such, any payment of surplus value should be from the 01DRAI5006 account or the deleted funds reserve only, noting that there are limited funds remaining in Council's deleted funds reserve to assist at this point in time.

However, considering Council's financial position wholistically across both subdivisions and the URA more broadly, it is considered a better outcome to accept the offer from the developer to voluntarily pay the 'missed' contributions for this subdivision and pay a surplus value amount.

#### Land Value Considerations

The land value for the drainage devices will also exceed the value envisaged in the CP, due to the substantial approved land areas. The estimated land values are anticipated by the developer to be in the vicinity of:

- \$256,917.50 for SF10656 (Stage 3b). This is generally considered to be reasonable based on a contemporary revision by the developer to reflect the rurally zoned portion of the land. The exact area of land will need to be confirmed as part of the negotiation process.
- \$665,665 for SF10633 (Stage 3a). This is based on a \$65/m2 rate applied to the entire land, however as per the SF10656 land, consideration needs to be given to the rurally zoned portion. Based on a split of \$65/m2 for the residentially zoned land and \$17.50/m2 for the rurally zoned land, payment of land value for this land is also considered reasonable.

Payment of land value through the WIKA (or VPA) process remains preferable to the compulsory acquisition process.

#### Implications Across the URA and City

As there are limited funds remaining in Council's deleted funds reserve, Council is now heavily constrained in its ability to pay surplus value for future agreements in this URA and across the City more broadly. If Council is unable to cover surplus value from collected contributions revenue for the specific projects or from the deleted funds reserve, any future surplus value amounts would ultimately need to be covered by general revenue. This is not considered to be a sustainable/good outcome or in the public interest.

Council's current infrastructure contributions framework needs an urgent review to ensure Council is operating at optimal efficiency. At the time of writing, a report that discusses this matter (Proposed Approach - New Citywide Land Use Planning Scheme) is also intended to be presented to the 28 August meeting.

As such, it is recommended that Council does not support the payment of surplus value for any future agreements presented to Council, until such time as the infrastructure contributions review has been completed and Council is better placed to wholistically consider the financial implications of infrastructure related agreements on its budget.

#### Costs Associated With The Drafting And Entering Into An Agreement

In accordance with Council's [Works In Kind Policy](#) and [Planning Agreement Policy](#), the developer will cover Council's costs (direct and incidental) relating to the negotiation, preparation, exhibition and entering into the agreement (including associated legal costs) and enforcing the agreement.

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**Community Engagement**

No community engagement is required for a WIKA. The SF10633 and SF10656 applications were subject to community notification as part of the assessment process.

Should a planning agreement be the best way to manage the Stage 3 infrastructure matters, legislation requires Council to undertake a public notification process, which would run for at least 28 days.

**Policy Implications**

Following the construction of the infrastructure and land value payment, changes to the CP may be required. The changes to these projects could be undertaken as part of a future amendment/s to the CP or considered as part of the infrastructure contributions review process (if endorsed to proceed).

## CL23.281 Tomerong Traffic Plan & Pathway Network

**HPERM Ref:** D23/312994

**Department:** Technical Services

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

**Attachments:** 1. Tomerong Community Forum - 10 May 2023 - Minutes [↓](#)  
2. Response from South East Australian Transport Strategy Inc (SEATS) [↓](#)

### Reason for Report

To report back on Notice of Motion MIN23.141 Tomerong Traffic Plan & Pathway Network.

### Recommendation

That Council notes the following actions have been completed in relation to Notice of Motion MIN23.141 Tomerong Traffic Plan & Pathway Network:

1. The Traffic Plan Report and Pathways Network Plans have been reviewed by staff and has been taken into consideration as part of the current Pedestrian Access & Mobility Plan Review.
2. TfNSW has been contacted by Shoalhaven City Council and requested to engage with the community regarding their concerns.
3. Funding opportunities for works in Tomerong and citywide through grant initiatives are monitored by staff.
4. Traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road were undertaken in February 2023.
5. A meeting with the Tomerong Forum to discuss the Reports/Plans was attended by staff on the 10 of May 2023.
6. A letter has been sent to the chair of SEATS requesting support for the reports and plans presented by the Tomerong community.

### Options

1. As recommended.

#### Implications:

Council receives this report for information.

2. Council could request further action outlining the requirements.

### Background

At Council's Ordinary Meeting on 13/03/2023 the following was resolved (MIN23.141):

*That Council:*

1. *Accept and review the attached Traffic Plan Report and Pathway Network Plans from Tomerong Community Forum for safety and infrastructure changes in the Tomerong Village.*
2. *Engage with Transport NSW on the reports/plans and options available for: -*
  - a. *Funding opportunities for safety and infrastructure improvements.*

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- b. *Timeframes for stages and completion of reports and plans.*
- c. *Other potential safety improvements in and around the village of Tomerong.*
3. *Investigate other funding opportunities available for improved safety and infrastructure in the Tomerong Village.*
4. *Undertake traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road.*
5. *Attend a meeting with the Tomerong Forum to discuss the Reports/Plans.*
6. *Write to SEATS seeking their support for the plans/reports and the Tomerong Community.*
7. *Staff provide a report back to Council following actions 1 to 6.*

In response to each of the items above.

1. **Accept and review the attached Traffic Plan Report and Pathway Network Plans from Tomerong Community Forum for safety and infrastructure changes in the Tomerong Village.**

The Traffic Plan Report and Pathway Network Plans have been reviewed by staff and has been considered as part of the currently underway Pedestrian Access & Mobility Plan (PAMP) review.

2. **Engage with Transport NSW on the reports/plans and options available for: -**

- a. **Funding opportunities for safety and infrastructure improvements.**
- b. **Timeframes for stages and completion of reports and plans.**
- c. **Other potential safety improvements in and around the village of Tomerong.**

Council staff have engaged with TfNSW by forwarding on the Notice of Motion and associated plans from the Tomerong Community Forum on the 15/03/2023 (D23/97246).

TfNSW is yet to formally address the request from Council or the Community.

3. **Investigate other funding opportunities available for improved safety and infrastructure in the Tomerong Village.**

Outside of a capital funding allocation, staff monitor grant funding opportunities and criteria for suitable projects as they become available/announced.

4. **Undertake traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road.**

The data for the traffic counts are shown below.

Location	Date	Average Daily Traffic	Speed (85 <sup>th</sup> Percentile)
Hawken Road 100m south of Pine Forest Road	Feb 2023	1974	45km/h
Pine Forest Road West of Naval College Road	Feb 2023	1710	65km/h
Pine Forest Road 500m east of Hawken Road	Feb 2021	1838	68km/h
Island Point Road 100m east of the Princes Highway	Feb 2021	9534	48km/h
Grange Road 750m north of Island Point Road	Feb 2021	1807	78km/h

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**5. Attend a meeting with the Tomerong Forum to discuss the Reports/Plans.**

Council staff organised a meeting with the Tomerong Community Forum on the 10/5/2023. Several matters were discussed at the meeting by staff and the community group including items from MIN23.141. The full minutes are from the meeting are available in Attachment 1 (D23/314045).

In addition, the following has been undertaken since the meeting.

- Signage – The size of the speed signs leading into the village have been increased.
- Verge and vegetation maintenance have been undertaken to improve sight distance.

Community members raised concerns regarding the sewer network in Tomerong, comments were sourced from Shoalhaven Water regarding the scheme and the following was advised:

- The Tomerong Sewer scheme has been included in the long-term financial planning.
- The concept option and designs are scheduled to be undertaken in the 26/27 FY.
- Representations have been made to funding bodies which have been unsuccessful to date, however Shoalhaven Water continues to seek funding.

**6. Write to SEATS seeking their support for the plans/reports and the Tomerong Community.**

Council staff wrote to the chairman of seats (D23/290808) on the 25/07/2023 seeking support for the plans/reports and the Tomerong Community. A response has been received from SEATS (see Attachment 2, D23/316135).

CL23.281

## *Tomerong Community Forum Meeting Minutes*

**Date:** 10 May 2023 at 7pm  
**Venue:** Tomerong School of the Arts Hall

### **General Meeting**

1. **Welcome all members.** Attendees: Robyn Etherton, Judi Hansen, Michael Alvanos, Janet Hunter, Howard Woolley, Phil Jones, Vivien Jones, Link Perin, Patrick Williams, Gary Bickford.
2. **Welcome to guests.** Carey McIntyre, Scott Wells, Theo Prakash.
3. **Apologies:** Coralie Bell, Robyn Sedger, Cr White, Cr Kotlash, Cr Ell
4. **Previous Minutes** - Accepted by Michael Alvanos, seconded by Judi Hansen – Carried.
5. **Matters arising from previous minutes.** None.
6. **Correspondence outward**
  - 6.1 Letter to TNSW
  - 6.2 Response from Council for tonight's meeting
  - 6.3 Road Upgrade
  - 6.4 CCB Public Liability Insurance
  - 6.5 Combined CCB (Public Liability Insurance for CCBs)
7. **Correspondence inward** - as above
8. **Treasurer's report** – Patrick Williams, 1/3/23 – 10/3/23 starting balance of \$3,122.87. Incoming invoice for the mail box. Closing balance of \$3,122.87. Accepted by Link Perrin, seconded by Michael Alvanos.
9. **General Business**

Gary's introduction for guests – The Tomerong community has concerns with the future Highway upgrades at Jervis Bay Rd and Hawken Rd intersection, specifically the social impact this will have on the residents of Tomerong village and those who live along the highway. Tomerong residents are not happy with TNSW. We feel there is a lack of transparency and genuine consultation in regards to the highway intersection upgrades and the social impacts.

#### **Areas of concern are:**

- a. Increase traffic flow through Tomerong during construction
- b. Lack of foot paths in the village with an increase traffic flow.
- c. Access to the Princess Highway from side streets, Blackbutt Rd, Sinclair Rd etc.

- d. The current plan for Haken Rd intersection is confusing, lack of response from TNSW
- e. Social impacts for local residents have not been addressed
- f. Systems to slow down traffic from 80 km per/hr to 50 km per/hr coming into the village from the three entry points
- g. Lack of signage to warn motorist they are entering a village
- h. Concerns for the local children and the speed cars entre the village as above.
- i. Up keep of the road verges from overgrown bushes, road signs not visible.

Response from Carey McIntyre - Carey thanked Gary for the introduction and for inviting SCC to the Tomerong Community Forum.

Carey outlined the roles and responsibilities for the three SCC guests.

**Carey McIntyre** – Role is the SCC strategic planner. Carey is responsible for the long term planning and strategic purchasing for major infrastructure across the city and ensures new or upgraded infrastructure is planned, costed and entered into the SCC strategic planning for future works that come out in the annual Delivery Program Operational Plan (DPOP).

**Theo Prakesh** – Is the SCC Operations Manager. Theo is responsible for the upkeep and maintenance of the SCC assets that include local roads, grass cutting, line marking and many other asset sustainment activities.

**Scott Wells** – Role is the Principal Traffic Engineer. Responsible to communicate with TNSW and advocate on behalf of the SCC and residents for the best road/infrastructure outcomes. Raise resident concerns with concept plans and suggest alternative options.

- 9.1 Dealings with TfNSW in relation to highway upgrades** – TfNSW have advised they cannot attend this meeting. They have not provided any further response to any of our questions.

**Note:** TNSW not in attendance to respond.

**9.2 Dealings with Council in relation to highway upgrade, including**

- 9.2.1** What actions does Council propose for our Traffic Plan Report and Pathway Network

The current traffic plan in the proposed Jervis Bay highway upgrade has concerns from council in regards to the northbound traffic merging highway from Jervis bay Rd. Evidence from the Albion Park bypass shows the merging lanes are not sufficiently long enough and this is causing congestion during busy periods. We will seek clarification from TNSW on this matter.

Scott Wells – agreed to send a notice of motion to Cr White and Cr Ell for support/answers to the above request.

- 9.2.2** Update on any engagement activities with Transport NSW on the reports/plans and options for the road upgrades.

TNSW have been in caretaker mode since before the NSW State election and the new members for parliament are just now being briefed on their portfolios from senior public servants. We hope TNSW will be available soon.

- 9.2.3 Outline funding opportunities for safety and infrastructure improvements and likely timeframes for our plans.

Tomerong community forum has support from the SCC to advocate for improved pathways etc. Scott said compensation for the highway upgrade can also be a package of works that include pathways and other programs of work that improve the wellbeing of the village to compensate for the social impact from the roadworks.

- 9.2.4 Other potential safety improvements in and around the village of Tomerong and of funding opportunities available for improved safety and infrastructure.

All request for safety improvements need to be submitted to [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) with the subject line Att: Theo Prakash [INSERT SUBJECT TO BE RECTIFIED]. For example, improved slow down/safety signs and clearing up the road verges.

- 9.2.5 Update on traffic counts on Hawken Road (Island Point Road & Pine Forest Road) and Pine Forest Road

Response – Carey said SCC conduct traffic management counts on a regular basis. Residents may have noticed the traffic data collector on Hawken Rd recently. The Tomerong Community forum is welcome to the information at any time, request to be made to SCC [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au) Att: Carey McIntyre – Request Tomerong Traffic Count information.

- 9.2.6 Has Council written to SEATS seeking their support for the plans/reports and the Tomerong Community? If so, what was the response from SEATS?

Response – SEATS is a long term planning panel that is specifically looking to increase the capacity of the freight corridor from Sydney and further north to the VIC boarder. This panel is more concerned with increasing the capacity for freight up and down the East coast. Update required from CLR White, SCC to SEATS.

- 9.2.7 Have Council staff provided a report back to Council on the above matters?

Scott Wells – agreed to send a notice of motion to Cr White and Cr Ell for support/answers to the above request.

**9.3 Provide an update to our previous requests to have the following matters attended to in Tomerong village:**

- 9.3.1 Upgrades to the village signs (3) on the approach to the village

As per point 9.2.4. TCF asked to provide a map showing the proposed location of the signs.

9.3.2 Improvements to local roads

As per point above points, specifically point 9.2.7.

9.3.3 Review of the speed limit signs and improvements to better inform and manage traffic speeding through the village.

As per point 9.2.4

9.3.4 Upgrades to road verges and approaches to the village.

As per point 9.2.4

**9.4 Development of Tomerong's Footpath Plan and SCC plans. See PAMP process and provide comments to Scott Wells.**

**9.5 Combined CCB's group & issues arising regarding Public Liability insurance**

Carey McIntyre - SCC has resolved to fund the combined public liability insurance of all 24 CCBs into the future. Tomerong CCB currently does not have public liability insurance but will be covered immediately by SCC. The insurance will cover standard meeting activities for up to 500 people in any venue. See SCC minutes, motion carried CL23.135.

**10. Any Other Business**

Paper sub-division around McGuire Way Tomerong - Is there any paper sub-divisions (Zombie Development Applications) to develop land in and around McGuire way or anywhere else in Tomerong?

Response from Council representatives - Paper sub-division are an ongoing issue for council right across the Shoalhaven. Many date back to the early settlements and planning well over 50 years ago. As far as we know there are no Paper sub-division in the Tomerong area, however the Jerberra Estate has some development.

Tomerong Sewer Scheme - Link Perrin again raised the issue that Tomerong is on an aging pump out and seep-away sewer system. The above points call for a Tomerong pathway network. Link said the sewer scheme needs to be put in first as per the Delivery Program Operational Plan (DPOP) budget 2022/2023. Currently there is planned funding (line 1405) on the outer years 2026/2027 – 2028/2029 for completion and there is a feasibility study already conducted (presented at the forum). Consideration needs to be made to commence the sewer scheme ASAP to progress the pathway network.

**11. Meeting closed 9:00pm.**



Shoalhaven City Council

Ref D23/290808

**Traffic Plan & Pathway Network Plans for Tomerong Village**

SEATS has considered various projects from within the SEATS region to be classified as SEATS Priority Projects. For this central part of the Shoalhaven the following projects were determined by the membership as being of necessity to assist in freight productivity growth for the SEATS region:

- Princes Highway Upgrade Project
  - Jervis Bay Rd intersection
  - Jervis Bay Rd intersection to Sussex Inlet turnoff
- Milton Ulladulla Bypass

These projects are being managed by the NSW transport agency, Transport for NSW, and SEATS supports this process. It is understood that the sub-projects are being project managed by different teams from within TfNSW and the Jervis Bay Rd intersection is more advanced than the others.

The intersections of the Princes Highway with both Hawken Rd and Blackbutt Range Rd has been the subject of detailed investigation by the project team to address the interaction of the existing and future traffic including heavy vehicles accessing quarry resources to the west of the highway. This does impact on the surrounding network and this will be influenced when construction occurs for all of the roadways and intersections between Jervis Bay Rd and Island Point Rd. As part of the project, various management plans will be developed by TfNSW. In this regard SEATS defers to Transport for NSW to adequately address the construction impacts both within the construction zone and the surrounding road network which may be directly impacted.

With regard to the submission by the Tomerong forum, the priorities proposed by the Tomerong Community Forum would appear to be enhancements to local roads and would more appropriately fall within the auspices of Council but could be supported by a community infrastructure grant when and if these funding programs are available.

- Priority 1 – Completion of pathways on Hawken Rd and Pine Forest Rd within Tomerong Village
- Priority 2 - Pathway from Tomerong village to Jerberra Estate, including the bridge near the Tomerong Signpost
- Priority 3 - Extend pathway to Yerunda Rd and to Princes Highway
- Priority 4 - Pathway connecting Tomerong to Vincentia
- Priority 5 - Pathway connecting Tomerong to Huskisson
- Priority 6 - Pathway connecting Hawken Road to Nowra.

So from a SEATS perspective, it overwhelmingly supports the upgrade to the Princes Highway and its intersections with Jervis Bay Rd, Blackbutt Ridge Rd and Hawken Rd as these works will improve the movement of heavy vehicles as they travel north and south and to access destinations off the highway serviced by the intersections being improved. However, what is to be included within the project's "construction impact plan" will determine the scope of works to be included for the projects and works outside of this scope will remain the responsibility of the local road manager, being Council.

Yours sincerely

Greg Pullen  
Executive Officer  
SEATS (South East Australia Transport Strategy Inc)  
Ph: +61 402571782  
E: [admin@seats.org.au](mailto:admin@seats.org.au)



## CL23.282 Local Government Road Safety Program 2023/2024 - Approved Projects - TfNSW Funding Assistance

**HPERM Ref:** D23/320057

**Department:** Technical Services

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

### Reason for Report

To accept the Local Government Road Safety Program (LGRSP) approved funding for 2023/2024.

### Recommendation

That Council:

1. Accepts the grant funding offer of \$83,456.26 (excluding GST) from Transport for NSW (TfNSW) as follows:

Road Safety Officer Employment Costs (50% of estimated costs)	\$63,507.26
Road Safety Community Awareness	\$930.00
Safety Around Schools	\$299.00
Child Restraint Checking Days	\$2,400.00
Speed Monitoring on Local Roads	\$8,750.00
On the Road 65+ Older Road User Workshops	\$500.00
Helping Learner Drivers Become Safer Drivers Workshops	\$300.00
Plan B – Win a Swag/Liquor Accord	\$1,300.00
Look Out Before You Step Out – Pedestrian Safety	\$2,000.00
Slow Down Kids Around – Little Blue Dinosaur	\$2,500.00
South Coast Survive the Ride Workshops	\$970.00

2. Writes to TfNSW and the Local State Members, thanking them for the funding towards the 2023/24 Road Safety Program.

### Options

1. Adopt the recommendation.

Implications: This will allow these important road safety projects and community engagement to be completed with funding from TfNSW.

2. Council does not accept the grant funding offer.

Implications: Not accepting the grant funds would mean these programs would not be completed and the planned road safety outcomes would not be achieved (Not recommended).

CL23.282



## Background

Transport for NSW offers funding each year to Councils as part of the Local Government Road Safety Program (LGRSP). This funding is offered to cover programs based on the Safe Systems approach to road safety, highlighting Safe Roads and Roadsides, Safe Vehicles, Safe Speeds and Safe People.

Shoalhaven City Council is concentrating on programs based on positive evaluations and positive community engagement of past programs supported by crash statistics.

A brief outline of the objectives of the programs are as follows:

a. Road Safety Officer Employment Costs

Funding provided by TfNSW to co-fund the Road Safety Officer position within Council (50% of the estimated costs)

b. Road Safety Community Awareness

The Road Safety Community Awareness program aims to highlight and promote: *National Road Safety Week*, *Rural Road Safety Month* and the *Top Ten Misunderstood Road Rules* through education and community engagement.

c. Safety Around Schools

The Safety Around Schools project aims to identify road safety issues around schools and provides schools with information on school road safety and possible solutions.

It also includes the provision of road safety education banners in which schools can opt into and display the banners. Road safety issues in school zones can be raised by schools, Rangers, Police, bus operators and the community.

d. Child Restraint Checking Days

The Child Restraint Checking Day program aims to increase the effective and correct use of child restraints and seatbelt use within the Shoalhaven LGA. Free child seat checks and installations for the community are provided through a certified and qualified restraint fitter. Advice is provided to the community on the following:

- safest choice when choosing a child restraint.
- finding and comparing child seats.
- legal requirements.
- restraint testing and ratings.

e. Speed Monitoring on Local Roads

The Speed Monitoring on Local Roads / Slow Down for Pedestrian's project aims to reduce the number and severity of casualty crashes involving pedestrians and increase speed zone compliance. Variable Message Signs (VMS) are used to collect and analyse speed data over the course of a four-week period at each site. The results may also lead to other treatments including engineering and behavioural projects.

f. On the Road 65+ Workshops

The 65+ Workshops are a requirement by the Centre for Road Safety to address road safety for older road users. The workshops target active older drivers in the over (or near to) 65 age group, focusing on issues relevant to their demographic.

g. Helping Learner Drivers Become Safer Drivers

These workshops are for parents and supervisors of learner drivers, offering practical advice, information, and tips on how to help learner drivers become safer drivers in the Shoalhaven LGA.

h. Plan B – Win Swag and Liquor Accord

The aim of the “Plan B Win a Swag” project is to open the lines of communication between community members, licenced venues, and Council about the different options available for getting home after a night out and providing resources to help with these conversations.

i. Look Out Before You Step Out – Pedestrian Safety

The Look Out Before You Step Out project aims to reduce the number and severity of casualty crashes involving pedestrians. This will involve the installation of “Look Out Before You Step Out” pavement markings at targeted high pedestrian locations. These will be a reminder to pedestrians to look for oncoming traffic before crossing the road.

j. Slow Down Kids Around – Little Blue Dinosaur

The Little Blue Dinosaur 'Holiday Time; Slow Down, Kids Around' road safety campaign commenced in the Shoalhaven in 2015. Holiday times create a surge in the population in the Shoalhaven with thousands of children using footpaths and roadways during these peak holiday periods. Holiday time signs will be erected in prominent locations to remind drivers to slow down and be alert to children on or near roads and for parents/caregivers to hold children's hands when crossing the road.

k. South Coast Survive the Ride Workshop

The Survive the Ride Workshop is a joint project completed with Shellharbour City Council, Kiama Council, Eurobodalla Council and Bega Valley Council. The project aims to deliver 1 workshop per area which addresses motorcycle safety with a free 2-hour workshop for motorcycle riders both new and experienced.

## Community Engagement

Community consultation has commenced and will continue to be undertaken as part of the delivery of these projects.

## Financial Implications

These projects are 100% funded by Transport for NSW.

The Road Safety Officer position is 50% funded by TfNSW and 50% funded by Council. Council's contribution has been allowed for in the 2023/24 budget.

## **CL23.283 Harry Sawkins Park Nowra – Park Audit – Lighting / Maintenance / Garbage Bins / Water Quality**

**HPERM Ref:** D23/25690

**Department:** Works & Services

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

### **Reason for Report**

To provide an update on the resolution passed at the Development & Environment Committee Meeting on 13 July 2021 regarding an audit of lighting/maintenance/waste bins and water quality within Harry Sawkins Park Nowra.

### **Recommendation**

It is recommended that Council:

1. Note that the lighting in Harry Sawkins Park is adequate for the current use but not compliant with AS1158.3.1. The lighting in the underpass under Princes Highway should be improved with brighter luminaires. This work can be funded from Operational Budgets and undertaken in the 23/24 financial year.
2. Note that a review of the current open space maintenance schedules including the rubbish receptacles has found the frequency of servicing and physical assets to be adequate and fit for purpose.
3. Note that water quality monitoring has been completed for the pond in Harry Sawkins Park in accordance with the WSUD Audit Report prepared for Harry Sawkins Park. From an analysis of the monitoring a report was provided recommending five actions to be taken to improve the water quality of the pond.
4. Implement the five actions from the WSUD report being:
  - a. Regular rubbish removal from the water and environs
  - b. Regular maintenance of gross pollutant traps
  - c. Removal of sediment build-up
  - d. Removal of the dilapidated floating gardens
  - e. Pond aeration and circulation

The implementation of recommendations a), b), d) and e) can be accommodated from existing 23/24 financial year budgets.
5. Consider an allocation of \$750,000 per year, for four years, from 2024/25 to remove the sediment build up in the pond in Harry Sawkins Park.

### **Options**

For recommendation 5

1. Provision of \$750,000 per year for four years to remove the sediment build up in the pond in Harry Sawkins Park.

Implications: The removal of the sediment will increase the depth of the pond and reduce the temperature. This action will improve the water quality of the pond and reduce the number of wildlife mortalities due to the contamination in the pond.

CL23.283

2. Do nothing.

Implications: This will not reduce the contamination in the pond and wildlife mortalities will continue.

## Background

At the Development & Environment Committee Meeting on 13 July 2021 it was resolved that:

*“That the manager of the appropriate Council Department undertakes an audit of CBD parks, in particular Harry Sawkins Park and report back to Council in relation to:*

2. *Lighting for the purposes of night-time security*
3. *Adequacy of maintenance schedules and rubbish receptacles*
4. *The water quality of any lakes, ponds or streams within the parks and advise on and cost any improvements necessary to bring them up to standard.”*

Collation of information to respond to the items raised in the resolution was initially delayed during Council's response to a series of natural disaster weather events. Over the past 12 months water quality testing has been undertaken on two occasions by an independent testing laboratory and an autopsy was completed on a Wood Duck that was one of several birds found deceased in the lake during that time.

The existing lighting standard is fit for purpose but does not comply with requirements of AS1158.3.1. Improved luminaires should be fitted to the lighting on the underpass connecting Princes Highway to Campbell Place, Nowra using existing operational budget. This would improve the lighting at this location.

A review by Council's District Engineer - Central of the existing service levels for the rubbish receptacles by Waste Services has resulted in no requests/reports for additional litter collection within Harry Sawkins Park. This review indicates that the current level of service provided for general maintenance is determined as adequate for Harry Sawkins Park.

A review of the WSUD Audit Report completed for Harry Sawkins Report by Optimal Stormwater provided a recommendation (#14) that Council monitor water quality and look to establish an ongoing water quality monitoring program. Following the death of several birds and fish water quality sampling and an autopsy of a Wood Duck was undertaken. An analysis of the results of the studies made five recommendations to improve the water quality of the pond. The recommendations are:

- a) *Regular rubbish removal from the water and environs – this will positively impact on the amenity of the park and the water quality.*
- b) *Regular maintenance of gross pollutant traps – the accumulation of vegetation (organic material) contributes to increased nitrogen levels especially during the warmer months and autumn, as organic matter breaks down and depletes available oxygen leading to greater Botulism toxicity and algal bloom densities.*
- c) *Removal of sediment build-up – This pond acts to capture sediment from stormwater inputs preventing sedimentation of drainage lines downstream. Increased sedimentation reduces the depth of the pond and contributes to higher temperatures that encourage Botulism during the warmer months. Note: due to the potentially contaminated land listing of Harry Sawkins, any disturbance or removal of sediment will require testing for contaminants and appropriate management plans to be developed prior to any works.*
- d) *Removal of the dilapidated floating gardens - these were installed as part of a project as a trial to reduce nutrients in the water some time ago. However, no maintenance has occurred since. The gardens and infrastructure have since deteriorated and sunk into the pond.*

- e) *Pond aeration and circulation - there is existing fountain infrastructure in place that can be modified to be utilised to increase the aeration and circulation of water. It is recommended that the use of the fountain does not create a risk of aerosol transmission of bacteria from the pond though.*

Recommendations a) and b) can be undertaken by routine maintenance funded inspections of the pond, removal of any rubbish, routine maintenance funded inspections of the gross pollutant traps (GPT) and cleaning of the GPT in accordance with the GPT schedule.

Recommendations d) and e) can be completed using the allocated budget from the 2023/34 DPOP.

Recommendation c) will require the allocation of additional budget to complete the work as the disposal of contaminated waste requires disposal at a facility licenced to accept the waste. A preliminary estimate to remove the contaminated sediment indicated the cost could be in the order of \$3m. This work could be staged over four years with a budget of \$750,000 to lessen the impact of a large single allocation. Additional testing of the sediment would be required to determine the volume and contaminants in the sediment. A more accurate estimate of cost could be provided following this testing.

### **Financial Implications**

If recommendation 5 Option 1 were adopted - \$750,000 per year for four years would be required to remove the sediment from the pond in Harry Sawkins Park.

If recommendation 5 Option 2 were adopted - \$750,000 per year for four years could be used on other competing projects in the Shoalhaven LGA.

### **Risk Implications**

For Recommendation 5:

If the contaminated sediment is not removed the mortality of wildlife will continue and Council will be criticised for not caring for or looking after the environment or wildlife in Harry Sawkins Park.

CL23.283

## CL23.284 Larmer Avenue - The Park Drive Roundabout - Blackspot Program

**HPERM Ref:** D23/74560

**Department:** Works & Services

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

### Reason for Report

The purpose of this report is to allow Council to consider the options available in relation to Larmer Avenue – The Park Drive Roundabout – Blackspot Program, given the estimated funding shortfall of \$1,070,000 at the completion of the detailed design phase and the recent advice from Transport for NSW that the funding is not transferable to a different project location within the Shoalhaven LGA.

### Recommendation

That Council abandon project FN105265 - Larmer Avenue/The Park Drive Roundabout – Blackspot Program – P1843 in the Sanctuary Point locality, in its current form, in the 10-year DPOP plan and:

1. Send a letter to the grant body (Transport for NSW) requesting a mutual termination of the Funding Deed.
2. Request reimbursement of costs spent to date on investigations and detailed design from the grant body.
3. Note that a fully costed shovel ready project is ready for future grant opportunities.
4. Include this project at a cost of \$1,500,000 in the 10-Year Capital list as at least 50% grant funded and resubmit the project for suitable grant programs in future years.

### Options

1. As recommended

#### Implications:

This option will remove the project, in its current form, from the delivery plan for this financial year. Staff will notify the grant authority of Council's intention to abandon this project and seek reimbursement of funds spent to date.

A fully costed shovel ready project is ready for suitable future grant funding streams and the project is added to a future year in the 10-year plan.

2. Council funds the current shortfall of \$1,070,000 to complete the works as designed.

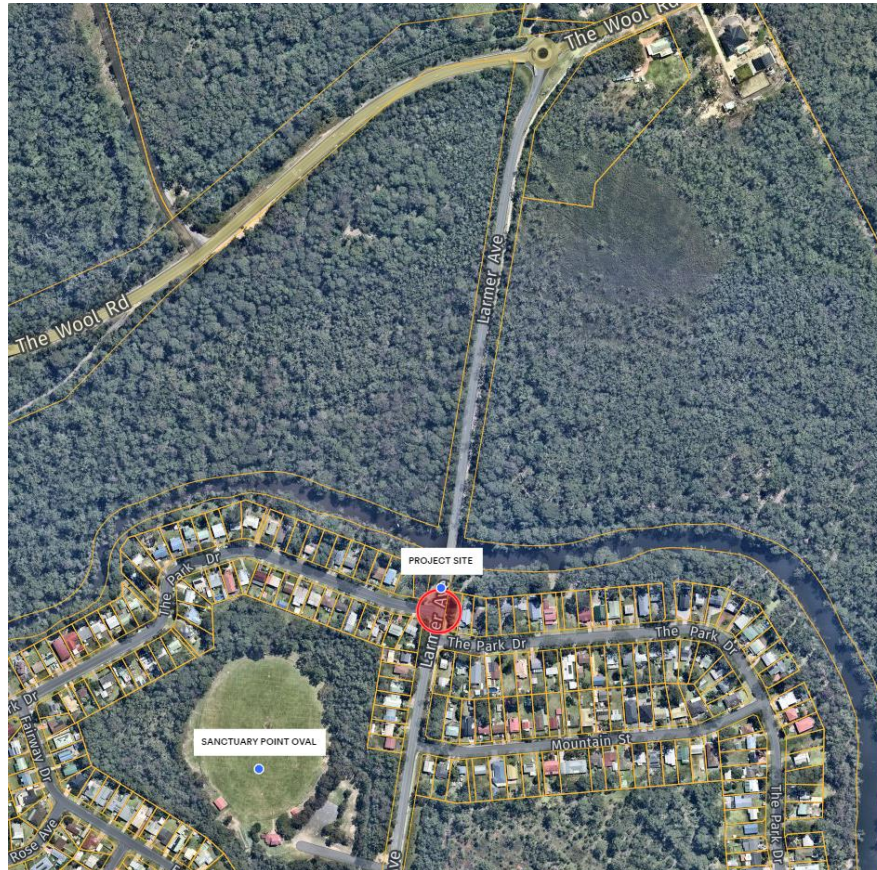
#### Implications:

This option would keep the project, in its current form, in the 23/24 FY for delivery but would come at a cost of other higher priority projects that were recently adopted in Council's 23/24 budget.

CL23.284

## Background

The FN105265 - Larmer Avenue/The Park Drive Roundabout – Blackspot Program – P1843/P7656 project was initially scoped in the 2018/19 Financial Year. The project aims to install a roundabout at the intersection of Larmer Avenue and The Park Drive, Sanctuary Point.



*Image 1: Locality sketch showing site and surrounding area*

The subject site was monitored, and a roundabout treatment was favoured to effectively manage speed and traffic into the Sanctuary Point Village. This was done in 2019 using the newly introduced 'pro-active' projects application process as there was no crash history at the intersection. A previous report has been provided to Council for this location with a range of options including the pro-active roundabout proposal after which staff were directed to submit the pro-active project proposal.

The conceptual detail submitted to the grant authority is as follows;

CL23.284





*Image 2: Conceptual detail supporting grant application.*

An application was made to the Blackspot Program for the amount of \$430,000 in 2019/2020 following development of concept plans and completion of a Road Safety Audit.

The application for \$430,000 was made in the 2019/20 Financial Year and approval was obtained from the Grant Authority in October 2020 for the following Financial Year. The project was scheduled for detailed design in the 2020/21 and construction delivery in the 2021/22. Due to staffing levels, and subsequent COVID and weather impacts the project was delayed.

During the detailed design process underground service locating and co-ordination with the relevant authorities was undertaken. It was determined that a critical telecommunications asset was installed between the initial scoping and the grant approval which would have significant cost implications for the project.

Further quantification of the service impacts of the project was undertaken and the matter was submitted to the grant authority (Variation-473) in the 2021/22 financial year seeking a time variation to the end of the 23/24 financial year and a cost variation for the total project cost of \$1,400,000. Detailed design was completed in the 2022/23 financial year.

This variation was submitted during the detailed design process by staff to minimise project lag should the variation be successful. Following engagement with the grant authority looking

CL23.284



into multiple avenues of funding the variation request was denied and returned to Council on 27/9/2022 by which time the total project costs increased to \$1,500,000. Council staff, through consultation with TfNSW, sought to redirect the funds into other grant funded projects within the Shoalhaven LGA but were unsuccessful.

An internal review of existing capital works program did not reveal any internal savings that could be allocated to this project, thus without significant additional funding (\$1,070,000) the project, in its current form, is unable to proceed.

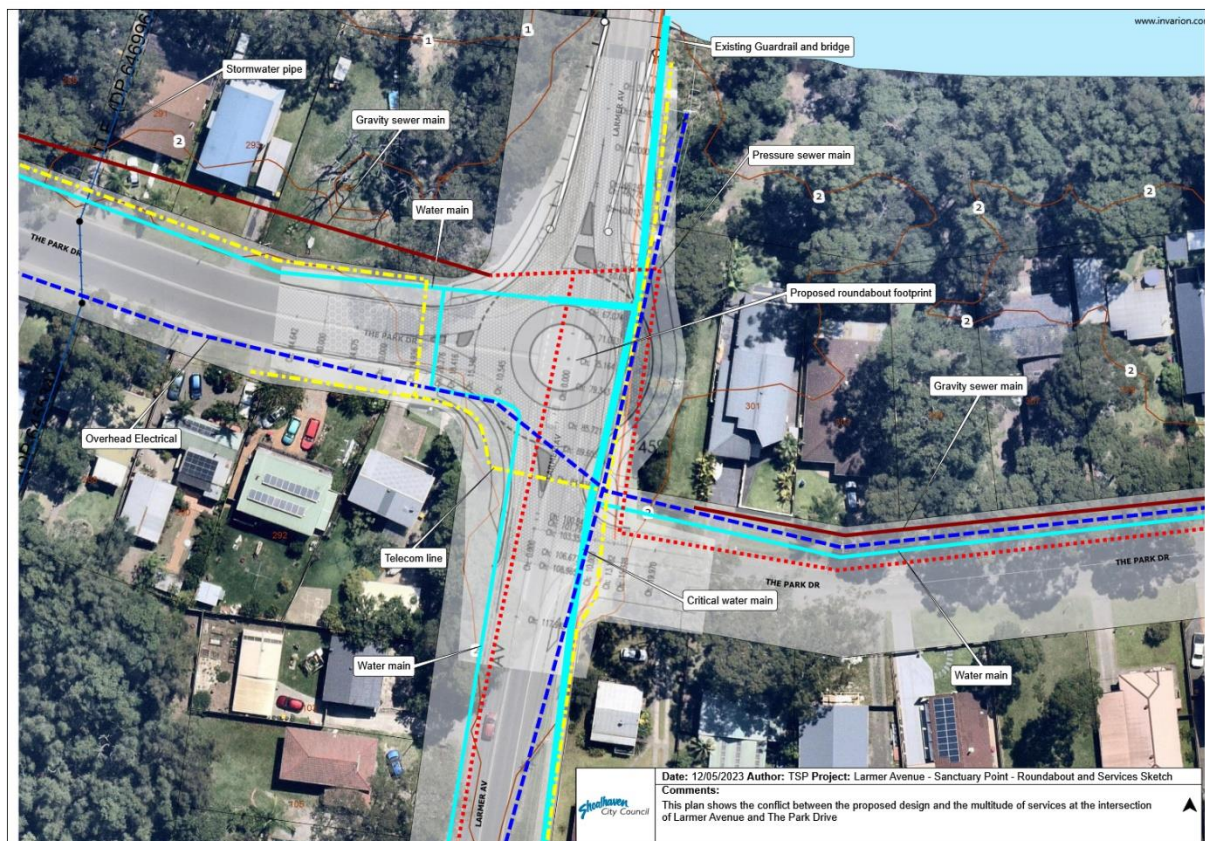


Image 3: Sketch plan showing the interaction between the detailed design and existing services.

### Financial Background

The project was originally funded for \$430,000 which was adequate for the grant application scope using a strategic cost estimate of \$358,340 plus contingency.

The detailed cost estimate developed during the design phase of the project showed the costs of only construction to be \$1,296,206 plus contingency coming to a total of \$1,500,000.

Notably, the items in table 1 have the largest variance between the strategic cost estimate at the grant application stage and the cost estimate developed in the detailed design stage.

Line Item	Strategic Cost Estimate (2018/19)	Detailed Cost Estimate (2021/22)	Cost Variance
Services relocation	\$ 20,000	\$ 648,358	\$ 628,358
Road works	\$ 80,000	\$ 156,488	\$ 76,488
Landscaping	\$ 1,000	\$ 59,157	\$ 58,157

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Line Item	Strategic Cost Estimate (2018/19)	Detailed Cost Estimate (2021/22)	Cost Variance
Guardrail and Pedestrian Fencing	initially not required	\$ 48,620	\$ 48,620
Site establishment	\$ 5,000	\$ 50,000	\$ 45,000
Civil works (paths, kerb, retaining walls)	\$ 109,000	\$ 151,518	\$ 42,518
Street lighting	\$ 20,000	\$ 50,000	\$ 30,000
Stormwater works	\$ -	\$ 15,760	\$ 15,760
Earth works, haulage and tipping	\$ 40,000	\$ 52,025	\$ 12,025
Traffic Management	\$ 15,000	\$ 25,000	\$ 10,000
Project Management and Quality Management	\$ 13,840	\$ 20,000	\$ 6,160
Environmental Management	\$ 2,000	\$ 3,500	\$ 1,500
Signs and Lines	\$ 10,000	\$ 6,241	-\$ 3,759
Other items*	\$ 42,500	\$ 9,539	-\$ 32,961
Total	\$ 358,240	\$ 1,296,206	\$ 937,966
<b>Totals (incl contingency)</b>	<b>\$ 430,000</b>	<b>\$ 1,500,000</b>	<b>\$ 1,070,000</b>

Table 1: Cost estimate comparison of strategic estimate and detailed estimate.

\*The 'other line items' in the cost estimates have been compressed for the purposes of this report as the cumulative variances is less severe. They include supplementary items such as minor tram ramp adjustments, survey reports etc.

With the variances above the funding shortfall amounts to \$1,070,000 including contingency.

## Community Engagement

Community consultation regarding the roundabout project was undertaken as part of the design process. Letters were sent out to nearby residents and 1 response was received from the Community Consultative Body generally supporting the proposal.

## Financial Implications

The financial implications of the options are as follows:

### Option 1:

There are minimal implications associated with withdrawing the project and claiming funds spent to date in developing the detailed plans as these costs would be covered under the existing grant. Discussions with the grant body is that they would be agreeable to a mutual termination of the project and allow reimbursement of Council's costs spent to date on investigations and detailed design.

### Option 2

There are significant financial implications for this option. The current shortfall in the budget for this project is \$1,070,000 which will need to be alternatively funded through funding sources such as general funds which are not readily available at this time.

## Risk Implications

It is to be noted that no change has been recorded regarding crash history at the subject site as such the following is a summary of relative risks of the proposed options.

CL23.284

Option 1

- Infrastructure is not delivered in this financial year.
- Potential road safety issue at the intersection to be treated in future years via the resubmitted project.
- Minimised financial risk and consequence as the concept estimate will take now known services into account which also minimises services asset risk and consequence.
- Minimised project risk and consequence as the project is more likely to be delivered with a revised scope.

Option 2

- Infrastructure is delivered this financial year.
- High construction risks and severe consequence potential during critical asset relocation.
- High financial risks as funding this project will likely result in the deferment or cancellation of other capital projects creating flow on consequences that cannot be quantified at this stage.

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## CL23.285 Progress Update - Basin View BMX Track

**HPERM Ref:** D23/73460

**Department:** Works & Services

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

### Reason for Report

A Notice of Motion was brought to Council on 12 December 2022 requesting an outcome on maintenance, upgrades, and other items for the Basin View BMX track and a subsequent report be brought to Council.

### Recommendation

Councillors note that:

1. A site meeting occurred at the Malcolm Moore Reserve, Basin View on 29 March 2023 between Operational staff and Councillors and the following items were discussed on site:
  - a. Maintenance - the current maintenance routine is sufficient for the pump track and reserve.
  - b. Requirements for a community upgrade project.
  - c. Volunteer ParkCare provisions for the BMX Track.
2. In accordance with MIN22.371 the following community land has been shortlisted as sites for a proposed pump track in Sanctuary Point:
  - a. Sanctuary Point Public Reserve
  - b. Sanctuary Point Road Reserve
  - c. Yellow Bellied Glider Reserve

The Basin View locality, Malcolm Moore Reserve and existing pump track was not shortlisted for future investigations.
3. An application to undertake a community driven project can be made through Council's Community Infrastructure Planning Team and a roadmap be provided to BMX representative group to assist with the application process.

### Options

1. As recommended

Implications: The Basin View locality, Malcolm Moore Reserve and existing pump track was not shortlisted for future investigations. Alternative community land has been identified to progress a formal BMX track in the region.

2. Alternative recommendation.

Councillors may decide to continue with the Basin View locality, Malcolm Moore Reserve and existing pump track was not shortlisted for future investigations. If that was to occur then \$60,000 of general funds would need to be allocated in a future financial year to develop a masterplan for the Malcolm Moore Reserve including community consultation, masterplans of the reserve and surrounding area and concept plans for the upgrade of a BMX Pump track.

CL23.285

Implications: Councillors note that the location brought forward in the notice of motion MIN22.994 has not been identified in the shortlisting for investigation in MIN22.371 and that a community driven project to upgrade the track can be undertaken with appropriate approvals and supervision of the works.

That \$60,000 of general funds be allocated to allow staff to investigate the matter in a future financial year to develop a wholistic approach for infrastructure upgrades to the reserve and surrounding area.

## Background

The Basin View BMX track is located on the Malcolm Moore Reserve on Tallyan Point Road, Basin View. The reserve is generally vegetated with large trees, has a BMX track built with soil mounds in a small clearing which is delineated by wooden bollards. The reserve has an active ParkCare group, and the BMX track is primarily used by school aged children.

An email was sent to the community members and the BMX group from the Community Infrastructure team on 8 June 2021 with a checklist that detailed requirements for a community driven project.

Following the weather events of 2022 community members requested that maintenance and upgrades be undertaken to the BMX track including the mobilisation of a volunteer group to undertake works through a community group or ParkCare group. The community members concerns related to the safety of children using the track as there were soft spots which could cause slips or collisions.

The matter, initially raised through the Community Infrastructure team, was brought to the attention of the Works and Services team as part of the request related to maintenance and ParkCare volunteering provisions.

Council staff were notified of the potential for 70 tonnes of material being donated to the community members to undertake works at the site on 18 July 2022. Advice given to community volunteers from Council staff on 19 July 2022 was that this was not a permissible course of action, with further phone calls and correspondence to explain the background.

A summary of points relayed to community members is as follows:

- The ParkCare provisions and volunteering provisions through Council do not cover the use of machinery.
- ParkCare groups are not permitted to focus solely on one asset as a subset of the overall reserve.
- Volunteers would need to be supervised by suitably qualified staff and given the resourcing constraints this was not feasible.
- The addition of material without suitable machine compaction would not be a suitable solution to the concerns raised around the pump track, this solution would exacerbate the problems and create sediment laden run off issues into the surrounding areas.
- A design for the track would need to be undertaken by a suitably qualified individual and that broader community consultation or budget allowances had not been made.

There were also liability issues for Council given that there were no proposed controls being undertaken to ensure volunteer works were completed in accordance with Australian Standards. It was also noted that there were no measures around testing and sourcing of the material in question regarding potential classification or contamination. Additionally, there are trees in the reserve that have a shallow root system and use of machinery would increase the risk of structural root zone crushing, which could lead to risk mitigative tree removal.

A site inspection was undertaken by Council staff on the 21 July 2022 and no significant or actionable defects were found on the BMX track and a file note was created summarising interactions with the community to date.



A notice of motion was brought to Council's Ordinary Meeting on 12 December 2022, and it was resolved that:

**RESOLVED MIN22.994**

*That:*

1. *Council organise a meeting with the BMX Representative Group and available Councillors at Basin View BMX Track to discuss:*
  - a. *Maintenance.*
  - b. *Upgrade of BMX Track including project concept plans.*
  - c. *Requirements for Community upgrade project.*
  - d. *Volunteer Park care provisions for BMX Track.*
2. *A further report be provided to Council following these discussions.*



*Image 1: Basin View Pump Track - 29/3/2023*

The following was discussed on site:

*Maintenance of the reserve*

No significant defects were found in the track during the walk over that would require intervention by Council staff and the current maintenance schedule and ParkCare group was sufficient for the reserve.

*Upgrade of the BMX track including concept plans*

It was expressed on site by staff that the location was not on the priority list for sites being investigated.

CL23.285

Requirements for Community upgrade project

Staff advised that the community upgrade project would need to be approved and supervised by Council. Furthermore, the proposed methodology and materials proposed to be used by the community group were not acceptable.

Volunteer Park care provisions for BMX Track

It was advised that a ParkCare group for the reserve already existed and that the intention for these groups was the care for the whole reserve not a subset or portion of it. Furthermore, that upgrades to the pump track should be undertaken in line with Council's operational plan and works undertaken by potentially unqualified individuals may open Council to liability should someone be injured using the facility.

The Operational Plan (adopted at the Ordinary Council Meeting held on 26 June 2023) outlines priority actions for delivery during the 2023/24 financial year. Actions are prioritised against the themes and key priorities identified in Council's Community Strategic Plan.

The progression of project planning for a BMX track at Malcolm Moore Reserve is not identified as an action item in the Delivery Program for 2023/24 and as such has not been included in planning or prioritisation of works.

Separate from the Delivery Plan, the matter of BMX tracks and pump tracks in Shoalhaven was deliberated at the Ordinary Council Meeting held on 6 June 2022, where a report was provided to Council in relation to pump track investigations (identification of potential sites, ways forward) at Sussex Inlet, Bomaderry, and Sanctuary Point.

It is recommended that any further consideration of improvements to BMX facilities within the Basin View locality be considered in accordance with MIN22.371, where it was resolved that:

*That Council:*

1. *Receive this report as an update on:*
  - a. *Site criteria for provision of pump tracks in Shoalhaven*
  - b. *Locations and condition of existing BMX circuits and pump tracks in Shoalhaven*
2. *Recognise that proposed pump tracks and associated infrastructure such as toilets, BBQs and pathways at Sussex Inlet, Bomaderry and Sanctuary Point are currently unfunded projects.*
3. *Endorse the following Council owned / managed reserves as shortlisted sites for future investigation for the proposed Sussex Inlet pump track:*
  - a. *Thomson Street Sporting Complex*
  - b. *Crown Reserve R69668*
4. *Investigate Edwards Avenue (John Berry) Reserve and the SCaRP, Bomaderry as potential suitable sites for the proposed Bomaderry pump track.*
5. *Endorse the following Community Land as shortlisted sites for future investigation for the proposed pump track at Sanctuary Point:*
  - a. *Sanctuary Point Public Reserve*
  - b. *Sanctuary Point Road Reserve*
  - c. *Yellow Bellied Glider Reserve*
6. *Further investigate potential for the shortlisted sites through community consultation at such a time at which the pump track projects can be allocated into the Community Planning and Projects Work Plan to:*
  - a. *Determine community support*
  - b. *Determine desired location*

- c. Determine potential funding options for the proposed pump tracks*
7. *Receive further reports on consultation outcomes, preferred sites, budget required and potential funding sources to plan and deliver the proposed pump tracks at Sussex Inlet, Bomaderry and Sanctuary Point.*

As noted in the resolved recommendation MIN22.371, point 5 the Basin View locality and Malcolm Moore Reserve was not shortlisted for further investigation.

### Community Engagement

A site meeting was held on 29 March 2023 with community representatives, two Councillors and three staff in attendance to discuss the items brought forward in the Notice of Motion.

### Financial Implications

**Option 1:** Council has not allocated funding to the location or project in the Delivery Program and Operational Plan (DPOP) for the 2023/24 financial year.

It is proposed that a roadmap for the application process be provided to the community members and BMX group for a community driven project. There are minimal financial implications for Council outside of staff time noting that there is no funding to assist with delivery, unless grants or other funding sources are provided to the community members undertaking a community driven project.

**Option 2:** \$60,000 of general funds to be allocated in a future financial year to develop a master plan, concept plans and cost estimates for the delivery of upgrades which will be determined through community consultation.

### Risk Implications

**Option 1:** There are minimal risk implications with the recommended course of action, the process would be controlled through the existing framework of community driven projects managed by the Community Infrastructure team. Changes to the reserve undertaken by the community would be approved and supervised by the Asset Custodian.

**Option 2:** There are minimal risk implications with the alternative recommendation as this course of action would allow staff to undertake development of plans and concepts in a future financial year to provide a wholistic solution for Councils' consideration.

CL23.285



## **CL23.286 Progress Update - Community Consultation - Loralyn Avenue Sanctuary Point**

**HPERM Ref:** D23/251170

**Department:** Works & Services

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

**Attachments:** 1. Get Involved Results - Shared User Path - Loralyn Ave, Sanctuary Point  
[↓](#)

### **Reason for Report**

To provide an update on the resolution passed at the ordinary meeting on 24 April 2023 for the construction of a shared user path at Loralyn Avenue, Sanctuary Point.

### **Recommendation**

That Council proceed to re-tender the Shared User Path at Loralyn Avenue in Sanctuary Point, as the results of the community consultation show support for Stages 5 and 6 of the Shared User Path.

### **Options**

1. As recommended.

Implications: Council staff will re-tender the project under the delegated authority of the CEO. The proposed Shared User Path will result in a positive public benefit through the construction of Stage 5 shared user paths that provide a larger community benefit by connecting more villages by connecting existing shared user paths.

2. Not adopt the recommendation:

Implications: Further delay would inhibit the council's ability to fulfil the requirements of the Community Development Grants programme.

### **Background**

The FN107006 - Loralyn & Walmer Ave, SUP Urban Upgrade project was released out for tender at the end of 2022 with two tenders received, however they either exceeded the budget or were rejected due to noncompliance with the tender criteria.

At the Ordinary Meeting on 24 April 2023, it was resolved that Council:

1. *In accordance with Section 178(1)(b) of the regulations, decline to accept any Tender submissions for the Construction of a Shared User Path at Loralyn Avenue, Sanctuary Point, due to the tender submission from one tenderer not meeting the non-price criteria stated in the tender document, and the other tender was over the approved budget.*
2. *Before inviting fresh tenders Council approach, the Sanctuary Point Community Pride group and others, to check for any appetite for community projects in this location, and receive a report back following consultation.*

As a result, a Get Involved community engagement page was created to assist with making informed decisions about the proposed shared user path.

CL23.286

Feedback from the submissions has been reviewed, and the community consultation feedback report is included as Attachment 1.

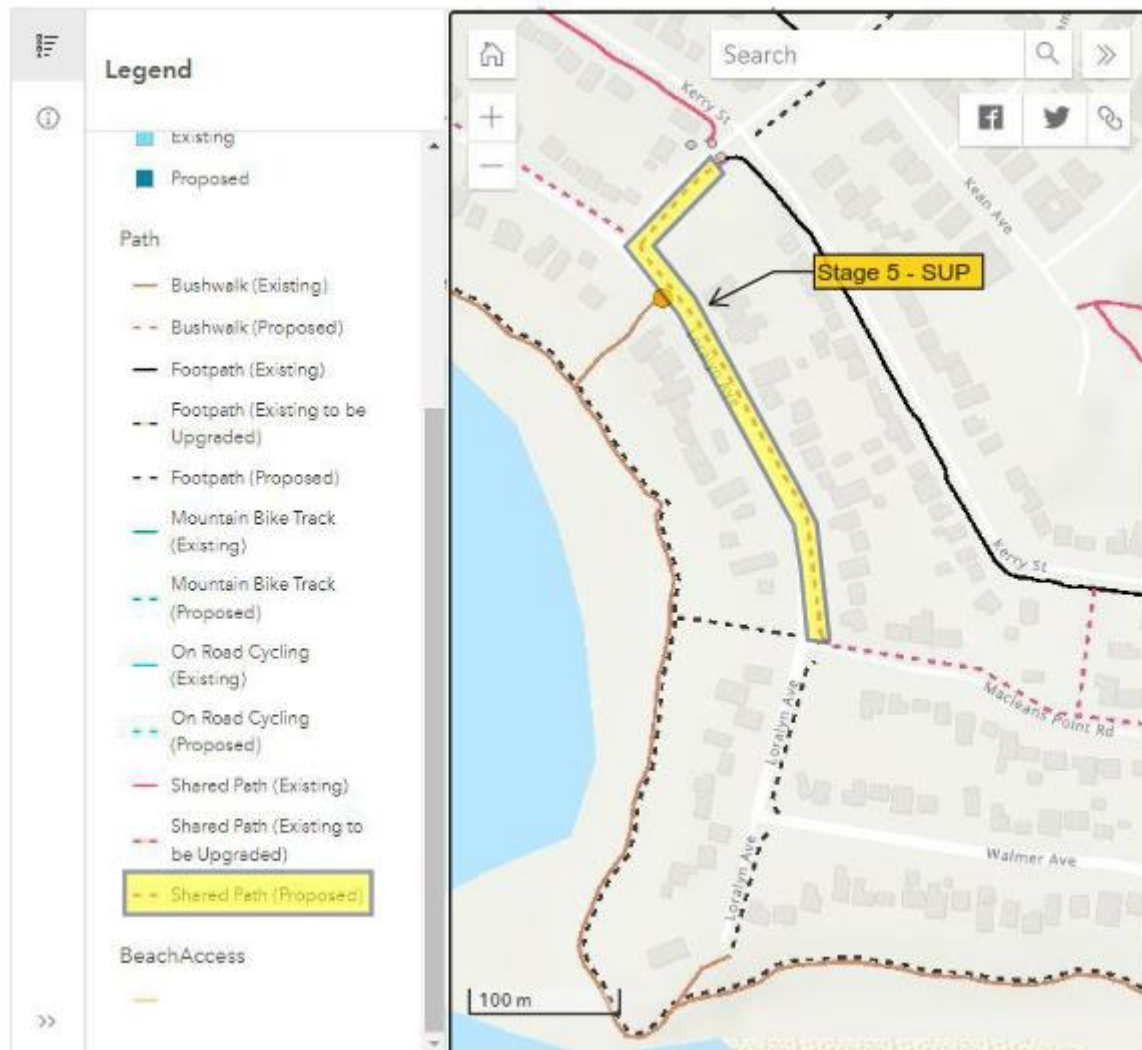


Figure 1 - Stage 5 - Shared User Path

### Financial Background

The scope of the project had to be amended to suit the requirements of the budget under FN107009.

CL23.286

### Scope Variation to meet the Financial Implications

Strategic Estimate Scope (22/23)



Detailed Estimate Scope (23/24)



*Table 1: Scope comparison of strategic estimate and detailed estimate.*

Based on the revised scope of the project, the project is expected to be delivered within budget.

### **Community Engagement**

#### Shared User Path – Stage 5

- Community Consultation was undertaken between May 14 and June 13, 2023, and reviewed six survey responses and six written submissions that included Community Consultative Bodies (CCB).
- Of the 6 Survey responses, 4 supported the SUP being adopted, 1 supported with minor change, and 1 was not in favour of the project.
- Of the 6 written submissions, all 6 were in favour of the project being adopted.

#### Shared User Path – Stage 6

- Community Consultation was undertaken between May 14 and June 13, 2023, and reviewed six survey responses and six written submissions that included Community Consultative Bodies (CCB).
- Of the 6 Survey responses, 4 supported the SUP being adopted, 1 supported with minor change, and 1 was not in favour of the project.
- Of the 6 written submissions, all 6 were in favour of the project being adopted.

### **Policy Implications**

Shoalhaven City Council's Pedestrian Access and Mobility Plan (PAMP) identifies all footpath links in all project stages.

### **Financial Implications**

#### Shared User Path – Stage 5

- Minimal financial implications would be incurred as the project is approved and funded entirely under the Community Development Grant Program.

CL23.286

#### Shared User Path – Stage 6

- The funding source for Stage 6 of the project has not been identified at this stage.

#### Risk Implications

1. Seasonal traffic volume impacts in the district of Sanctuary Point affect pedestrian movements, creating pedestrian/vehicle conflicts. A Shared User Path in this location would provide safe pedestrian travel, mitigating the risk.
2. Delivery of the infrastructure is programmed this calendar year and delivered by the end 2023–24 FY which requires a variation to the grant funding arrangement.

## Project Report

14 May 2023 - 13 June 2023

# Get Involved Shoalhaven Shared User Path - Sanctuary Point



### Visitors Summary



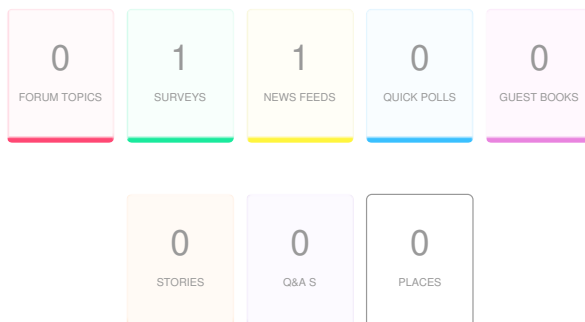
### Highlights

TOTAL VISITS	MAX VISITORS PER DAY	
143	17	
NEW REGISTRATIONS		
0		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
6	7	85

Aware Participants		85	Engaged Participants		6	
Aware Actions Performed		Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page		85				
Informed Participants		7	Contributed on Forums	0	0	0
Informed Actions Performed		Participants	Participated in Surveys	0	0	6
Viewed a video		0	Contributed to Newsfeeds	0	0	0
Viewed a photo		0	Participated in Quick Polls	0	0	0
Downloaded a document		1	Posted on Guestbooks	0	0	0
Visited the Key Dates page		0	Contributed to Stories	0	0	0
Visited an FAQ list Page		0	Asked Questions	0	0	0
Visited Instagram Page		0	Placed Pins on Places	0	0	0
Visited Multiple Project Pages		1	Contributed to Ideas	0	0	0
Contributed to a tool (engaged)		6				

Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

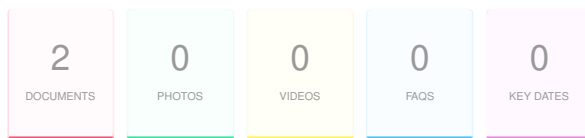
## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Newsfeed	Have Your Say on the Sanctuary Point Shared User Path	Published	0	0	0	0
Survey Tool	Sanctuary Point Shared User Path	Archived	6	0	0	6

Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Document	deleted document from	1	1
Document	Consultation Plan - SUP - Walmer Avenue, Sanctuary Point - Options...	1	1
Document	Consultation Plan - SUP - Loralyn Avenue, Sanctuary Point	0	0

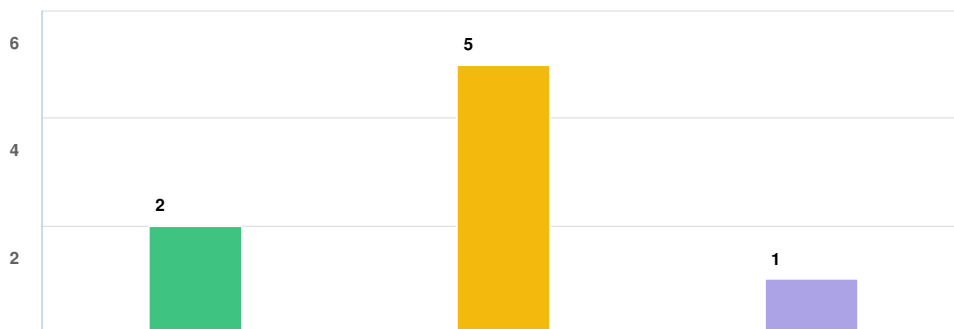
Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

## ENGAGEMENT TOOL: SURVEY TOOL

### Sanctuary Point Shared User Path

Visitors <b>6</b>	Contributors <b>6</b>	CONTRIBUTIONS <b>6</b>
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What best describes you?



#### Question options

- I am a resident/property owner along the route of the proposed Walmer Avenue shared user path
- I am a resident/property owner in Sanctuary Point
- I am a resident/property owner in the Shoalhaven

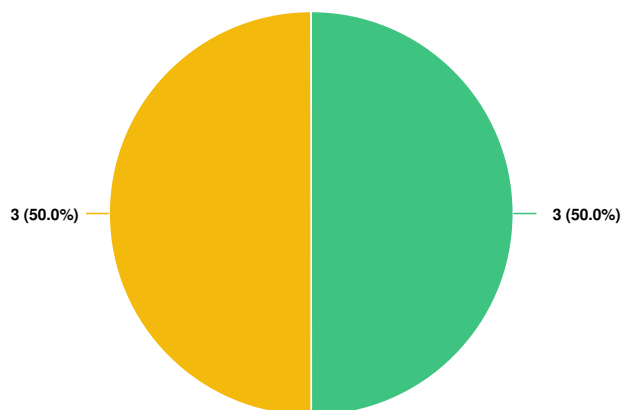
Mandatory Question (6 response(s))

Question type: Checkbox Question



Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

#### About using the path



#### Question options

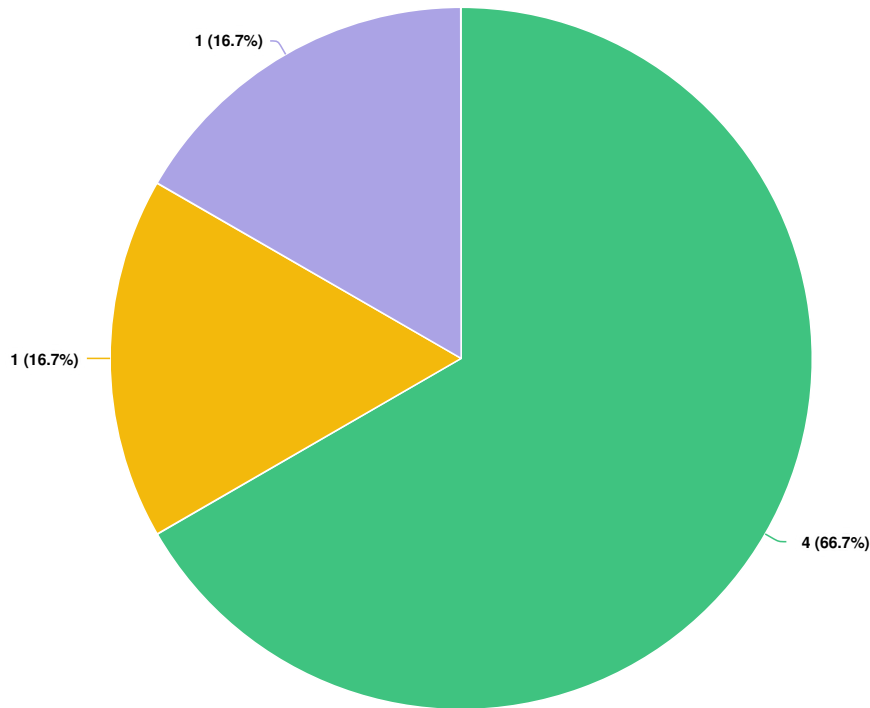
- I am a frequent user of the Basin's shared user paths
- I am not a frequent user of the Basin's shared user paths

Mandatory Question (6 response(s))

Question type: Dropdown Question

Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

**Do you support the proposed shared user path along proposed shared user path  
along Loralyn Avenue, Sanctuary Point?**



**Question options**

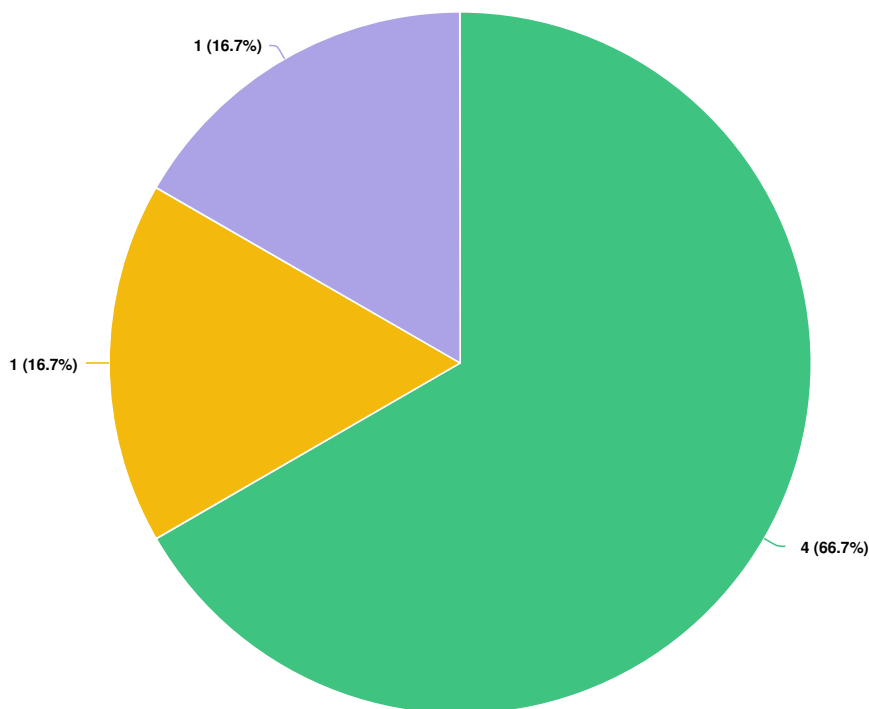
● Yes, as is   
 ● Yes, with changes   
 ● No

Mandatory Question (6 response(s))

Question type: Dropdown Question

Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

Do you support the proposed shared user path along Walmer Avenue, Sanctuary Point?



**Question options**

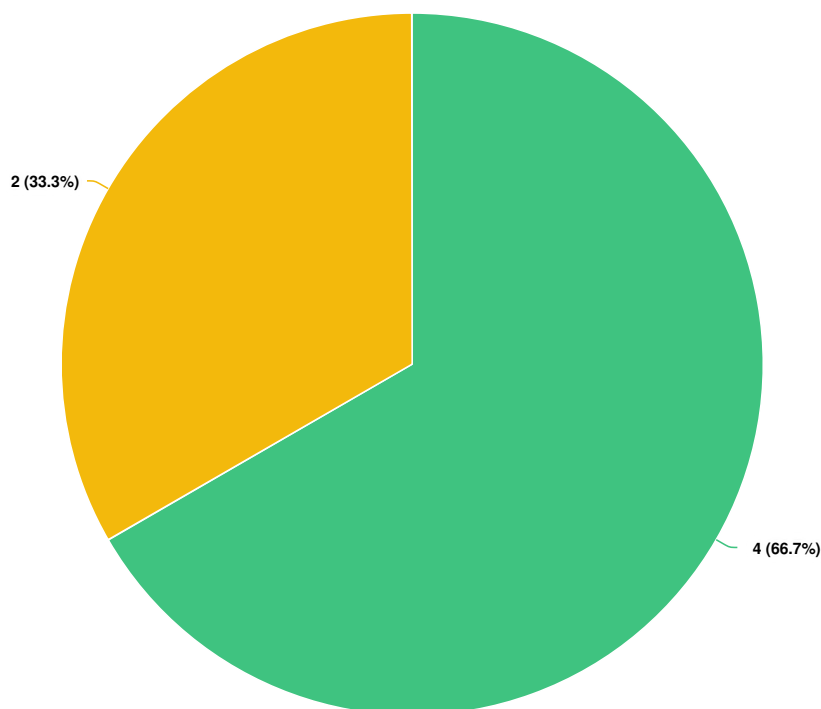
● Yes, Option 1, as is
 ● Yes, Option 1, with changes
 ● No

Mandatory Question (6 response(s))

Question type: Dropdown Question

Get Involved Shoalhaven : Summary Report for 14 May 2023 to 13 June 2023

Would you like to provide any additional feedback?



**Question options**

● Yes ● No

Mandatory Question (6 response(s))

Question type: Dropdown Question

## CL23.287 Quarterly Review for Compliance Matters

**HPERM Ref:** D23/226306

**Department:** Certification & Compliance

**Approver:** Michael Roberts, Acting Director – City Development

**Attachments:** 1. Penalty Notices & Warnings Issued & Patrols - Quarterly Review - City Development - April to June 2023 [↓](#)

### Reason for Report

Council resolved that detailed quarterly reports on compliance activities will be prepared and presented (MIN18.907) and that these reports are to include an analysis of trends, effectiveness and current and arising areas of risk (MIN22.348)

This report provides this information for Quarter 4 FY23 (1 April 2023 to 30 June 2023).

### Recommendation

That Council receive the 1 April 2023 to 30 June 2023 quarterly report on compliance matters for information.

### Options

1. Council receives the report for information.

Implications: Nil

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

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

### Report

Compliance activities are completed by the following Units within City Development:

- (a) Compliance (Certification and Compliance): Development compliance matters including unauthorised development, development not in accordance with development consent, land use issues and swimming pool safety issues.
- (b) Environmental Health (Environmental Services): Pollution incidents (noise, water, and sediment control), environmental incidents, food shops and the operation of on-site sewage waste management facilities.
- (c) Ranger Services (Certification and Compliance): Parking, animal management, unauthorised camping, littering, rubbish dumping, unattended vehicles, and other environmental offences.
- (d) Fire Safety (Certification and Compliance): Fire Safety relating to commercial buildings.

This report provides Council with an update on the penalties issued (number, type, and ticket value) and any Local or Land and Environment Court matters determined or progressing.

This report relates to April to June 2023 (Q4 FY23).

CL23.287

### **Penalties issued during the period.**

A combined total of 2,633 penalty notices were issued by the nominated Units during the period (refer Table 1). These penalties have a face value of \$528,273 and based on historical figures, Council stands to receive approximately 70% of this ticketed figure.

A total of 36 warnings were issued during the period.

Attachment 1 to this report provides a breakdown of the penalties and warnings issued.

**Table 1: - Penalty notices issued for the final quarter 2022/2023**

Unit	Number Issued	Total Amount	% of total amount	Warnings issued
Compliance	16	\$34,250	6.5%	21
Fire Safety	2	\$2,000	0.4%	0
Compliance – Pools	29	\$12,650	2.4%	0
Environmental Health	7	\$29,000	5.5%	1
Rangers – Animal issues	145	\$71,465	13.5%	11
Rangers – Environmental issues	27	\$3,500	0.7%	1
Rangers – Parking	2,407	\$375,408	71%	2
<b>Total</b>	<b>2,633</b>	<b>\$528,273</b>	<b>100.0%</b>	<b>36</b>

### **Penalties related to Compliance issues**

The following details are provided in relation to the 16 compliance penalty notices issued during the period:

- (a) Ulladulla (\$4,500): Three (3) penalty notices were issued to the owners of a property for unauthorised development works involving an attached secondary dwelling used for short-term rental accommodation.
- (b) Burrill Lake (\$1,500): One (1) penalty notice issued to the owner of a property for construction of first floor deck without consent.
- (c) Ulladulla (\$850): One (1) penalty notice issued to a developer for failing to pay a pollution notice invoice.
- (d) Tomerong (\$1,500): One (1) penalty notice issued to the owner of a property for the construction of a timber deck on bushfire prone land.
- (e) Nowra (\$3,000): One (1) penalty notice issued to the landowner for failing to comply with a development control Order to comply with a development consent condition.
- (f) Callala Beach (\$9,000): Two (2) penalty notices issued to a business owner and building contractor for unauthorised construction for a commercial food premises.
- (g) Basin View (\$6,000): Two (2) penalty notices issued to the owner of a premises for unauthorised demolition and construction of a new boat shed and retaining walls in a foreshore environment.
- (h) Callala Bay (\$3,000): One (1) penalty notice issued to a licensed pool builder for building a swimming pool without a required construction certificate.

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- (i) St Georges Basin (\$3,000): One (1) penalty notice issued to a licensed pool builder for building a swimming pool without a required construction certificate.
- (j) Ulladulla (\$1,500): One (1) penalty notice issued to a property owner for building a swimming pool without development consent.
- (k) Meroo Meadow (\$400): Two penalty (2) notices issued to property owners for failing to have working smoke alarms fitted.

### **Penalties relating to Compliance – Swimming Pools**

The following is provided in relation to the 29 Compliance – Swimming Pools penalty notices issued this quarter:

- (a) St Georges Basin (\$1,100): Two (2) penalty notices issued to the owner of a property for failing to comply with a written direction notice to repair a pool barrier.
- (b) Nowra Hill (\$550): One (1) penalty notice issued to the owner of a property for failing to comply with a written direction notice to repair a pool barrier.
- (c) Huskisson (\$550): One (1) penalty notice issued to the owner of a property for failing to comply with a written direction notice to repair a pool barrier.
- (d) Nowra (\$550): One (1) penalty notice issued to the owner of a property for failing to comply with a written direction notice to repair a pool barrier.
- (e) Kangaroo Valley (\$550): One (1) penalty notice issued to the owner of a property for failing to comply with a written direction notice to repair a pool barrier.
- (f) Ulladulla (\$220): One (1) penalty notice issued to the owner of a swimming pool for failing to ensure the pool was registered on the NSW Swimming Pools Register.
- (g) Cambewarra (\$1,320): Four (4) penalty notices issued to the owner of a premises for failing to prescribe warning notice in a pool area and residential pool not having a compliant barrier.
- (h) Bomaderry (\$1,210): Three (3) penalty notices issued to an owner for failing to maintain a child resistant barrier and failing to erect a prescribed warning notice for a swimming pool.
- (i) Numbaa (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (j) Huskisson (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (k) Nowra (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (l) Bomaderry (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (m) Meroo Meadow (\$1,100): Two (2) penalty notices issued to the owners of a property for the residential pool not having a compliant barrier.
- (n) Bomaderry (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (o) Ulladulla (\$550): One (1) penalty notice issued to an owner for failing to maintain a child resistant barrier.
- (p) St Georges Basin (\$880): Three (3) penalty notices issued to an owner for failing to maintain a child resistant barrier, failing to erect a prescribed warning notice, and failing to register the pool on the NSW Swimming Pools Register.

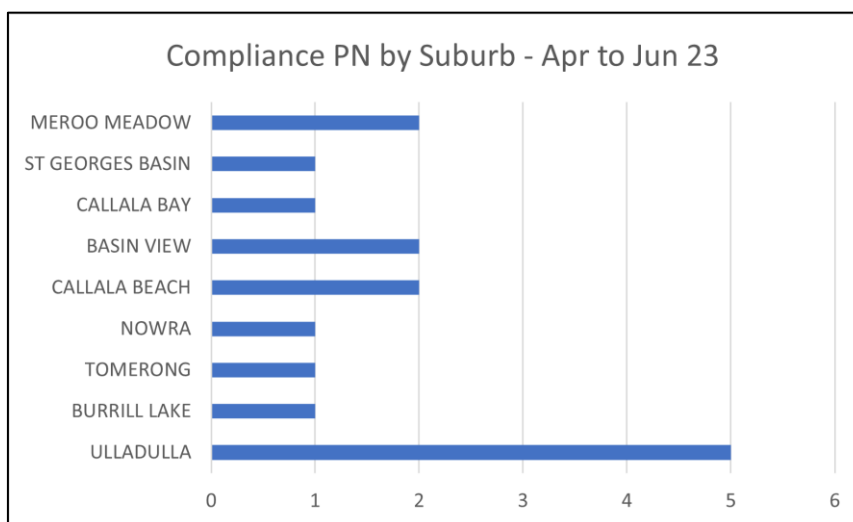
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- (q) Sanctuary Point (\$1320): Four (4) penalty notices issued to an owner for failing to maintain a child resistant barrier, failing to erect a prescribed warning notice, and failing to register the pool on the NSW Swimming Pools Register.

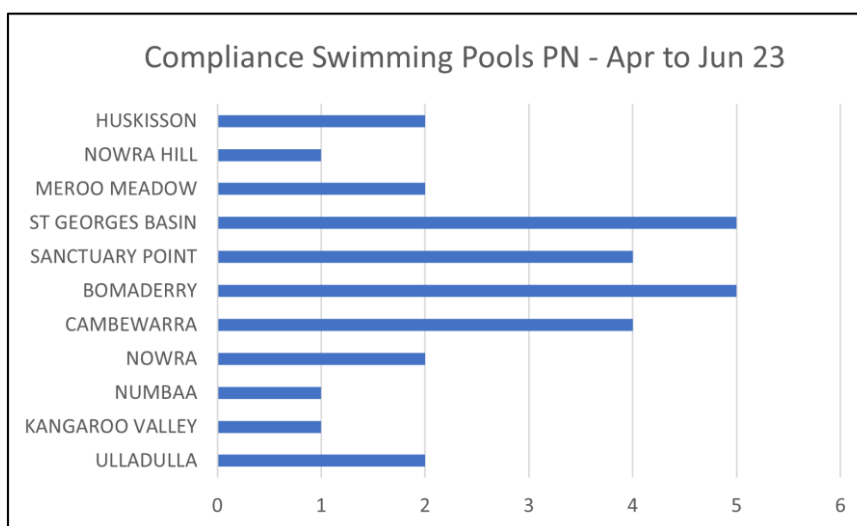
### **Warnings relating to Compliance**

A total of twenty-six (26) warning notices were issued for compliance matters in the period and these have no dollar value. The Compliance Unit could have issued a further \$46,000 in penalties for the period. The caution rate is approximately 57% of the total potential.

There were no warning notices issued for swimming pool offences.



**Figure 1:** - Compliance penalties issued for the period by suburb.



**Figure 2:** - Compliance Swimming Pools penalties issued by suburb.

### **Compliance customer requests received this quarter**

The Compliance Unit received 111 Customer Requests in the quarter, and these are represented in Table 2 below.

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**Table 2: - Customer requests by type received**

Type of customer requests received	Number Received	Percentage of total (%)
Development Concern	78	70
Stormwater	14	12.5
Swimming Pool Inspection	19	17.5
<b>TOTALS</b>	<b>111</b>	<b>100</b>

The Compliance Unit has been reviewing older requests following the transfer from the CRM Merit system in One Councils Request Management System.

The following additional comments are made:

- (a) Development concerns: - This represents the highest percentage of customer requests and includes development without consent, development not in accordance with consent and land safety issues such as landslides and fire damaged dwellings.
- (b) Stormwater: - The number of stormwater concerns has significantly reduced due to the recent dry weather. Compliance is continuing to work through a backlog of stormwater complaints.
- (c) Swimming pool compliance: - This includes concerns raised by members of the public, referrals from private certifiers and Council's pro-active inspection obligations. Council's Compliance Unit continue to enforce swimming pool legislation in accordance with the Council resolution (MIN22.946) to take a zero-tolerance approach to swimming pool breaches and have attended a high volume of unauthorised pools during the quarter.

### **Court Elected Penalties**

- (a) The Compliance Unit has one ongoing matter before the Local Court regarding a penalty notice, for the offence construction without a construction certificate subject to a commercial premises in Nowra. This is set for mention at Nowra Local Court on 11 October 2023.

### **Penalties relating to Environmental Health**

The following details are provided in relation to the seven (7) Environmental Health penalty notices issued during the period:

- (a) Berry (\$9,000): - Two (2) penalty notices were issued to a contractor for development without consent for tree clearing; and providing false or misleading information.
- (b) Berry (\$3,000): - One (1) penalty notice was issued to a property owner for unauthorised tree clearing.
- (c) Nowra (\$4,000): - One (1) penalty notice was issued to a property owner for a pollution of waters incident.
- (d) Nowra (\$4,000): - One (1) penalty notice was issued to a tenant for a pollution of waters incident.
- (e) Berry (\$9,000): - Two (2) penalty notices were issued to a business for a pollute waters incident and failing to pay Clean-Up fee. A warning notice was also issued to the business for failing to comply with a Clean-Up directive, which would have equated to \$8,000 if issued as penalty notice.

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### **Environmental Health customer requests received this quarter**

The Environmental Health Unit received 390 Customer Requests in the quarter. These are represented in Table 3 below.

**Table 3:- Environmental Health customer requests by type**

Category of customer requests	Number Received	% of total requests
Air, Land & Water Pollution (inc. Sediment & Erosion)	149	38.2%
Contaminated Land	2	0.5%
Noise Pollution	21	5.4%
Public Health	94	24.1%
Short Term Rental Accommodation (STRA)	5	1.3%
Trees and Vegetation	73	18.7%
Animal Management roosters (exc. dogs)	46	11.8%
<b>TOTAL</b>	<b>390</b>	<b>100%</b>

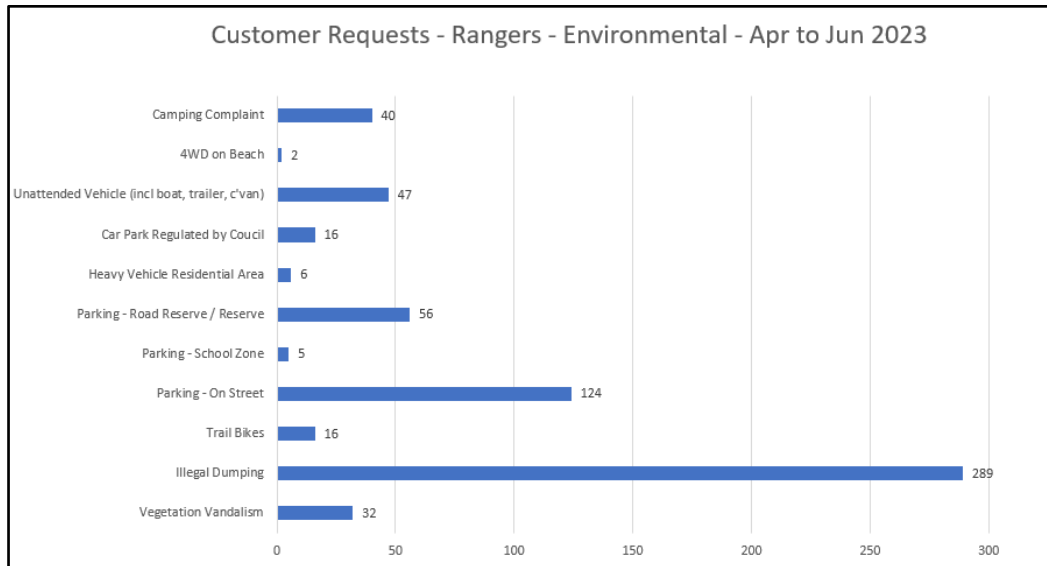
- (a) Air, Land and Water Pollution (inc. Sediment & Erosion): – this category represents one of the highest percentages of customer requests received by Environmental Health and includes backyard burning, odour and smoke; pollution to waters and sediment and erosion pollution from building sites. Environmental Health Officers conducted over 70 building site inspections educating local building companies on the best practices for Erosion and Sediment controls (9% of these were complaints made by the public).
- (b) Contaminated Land enquiries: – Environmental Health administers the Potentially Contaminated Land (PCL) layer in GIS and provides advice and guidance to members of the public.
- (c) Noise Pollution: – noise disturbances from prescribed articles such as air conditioners and pool pumps as well as musical instruments and roosters.
- (d) Public Health enquiries: – this category includes food premises, on-site septic systems, overgrown properties and hoarding and squalor.
- (e) Short Term Rental Accommodation (STRA): – while STRA's are administered by NSW Fair Trading, Environmental Health will respond to complaints with letters outlining responsibility of owners and provide advice to customers.
- (f) Trees and Vegetation: – all tree and vegetation removal or management enquiries on private property are dealt with by environmental Health.
- (g) Animal Management (exc. companion dogs): – this category encompasses animals that are mentioned under the *Local Government Act* 1993 such as the keeping of horses, cattle, poultry, and pigs. It also encompasses the keeping of animals in a safe and healthy condition.
- (h) Education: - Council Officers attended the GJ Gardner contractors July toolbox meeting and gave a presentation on the implementation of sediment and erosion controls on building sites and the related implementation of consent conditions. This was well received.

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### Ranger Activities

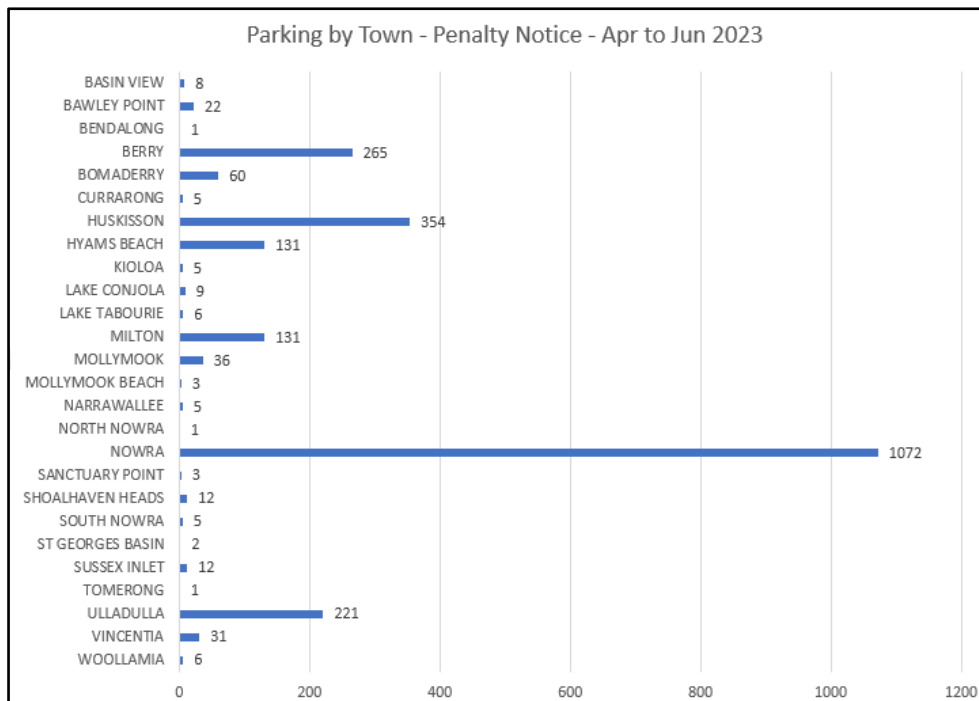
Of the penalties issued by Ranger Services, there are trends for animal management and environmental offences. Ranger Services are working on media programs including responsible pet ownership, tree vandalism and illegal dumping to address the main risks.

Rangers attended 633 environmental and parking complaints (Figure 3).



**Figure 3: – Customer requests for environmental and parking issues**

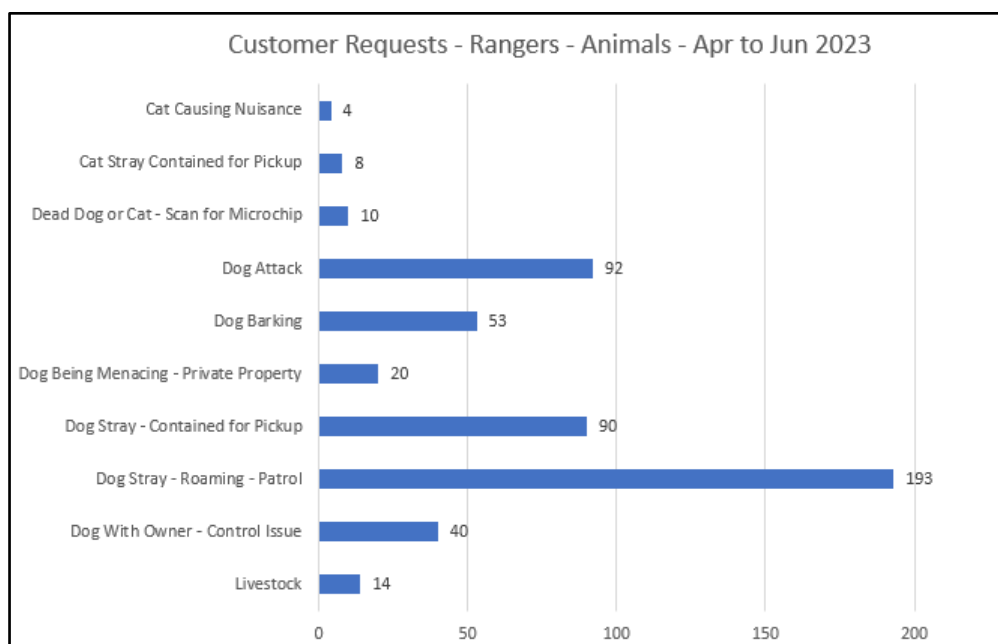
A total of 2,407 parking tickets were issued in the period with a value of \$375,408. The breakdown of the tickets issued by suburb is provided in Figure 4.



**Figure 4: - Parking penalty notices issued by town**

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A total of 524 animal management complaints were received for the quarter (Figure 5).



**Figure 5: – Customer requests for animal management issues**

- (a) **Illegal Dumping:** - 289 incidents were reported to RID Online. Of this figure, 62 incidents remain open pending further investigation. Strategies to reduce and prevent illegal dumping includes collaboration with other public land managers and Local Aboriginal Land Councils in the Shoalhaven. Rangers conducted 13 deployments of covert surveillance cameras during the reporting period at illegal dumping “hot spots”. Figure 6 provides a breakdown of the waste types and the relevant weights.

Waste Types	Weight in tonnes
Asbestos	1.5
Commercial & Industrial	2.5
Construction & Demolition	11.58
Electronic Waste	0.03
Household Waste	22.9
Liquid Waste	0.4
Mulch & Green Waste	21.56
Other	1.76
Scrap Metal	1.39
Soil and Excavated Material	239.64
Tyres	3.27
Vehicles & Car Parts	28.68
<b>TOTAL</b>	<b>335.21</b>

**Figure 6: - Waste types and weight for the period (from RID online)**

The estimated cost to Council for the removal of the waste reported for the April – June quarter is \$32,271. The Correctional Service NSW Community Projects Team continue to support the RID Program in the Shoalhaven by removing waste from land managed by other public land custodians.

- (b) **Dog attacks:** - Rangers received and attended 92 reports of dogs attacking during the period. Of these reports, 22 investigations have been completed with 26 penalty

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notices issued (i.e., 26 x \$1,320 = \$34,320). A further 70 matters remain under investigation.

Although the penalty is high, dog attacks remain a major risk. Whilst there is more awareness in the community, there may still be a number of unreported dog attacks. Rangers continue to apply Council's resolution of 21 April 2020 for zero tolerance and issue penalty notices for all substantiated dog attacks.

A report is going to Council in October 2023 specific to the issue of dog attacks.

There was a total of 74 dog related penalty notices issued for the period (not including registration offences). Figure 7 provides information on the penalty notices issued by suburb for the period.

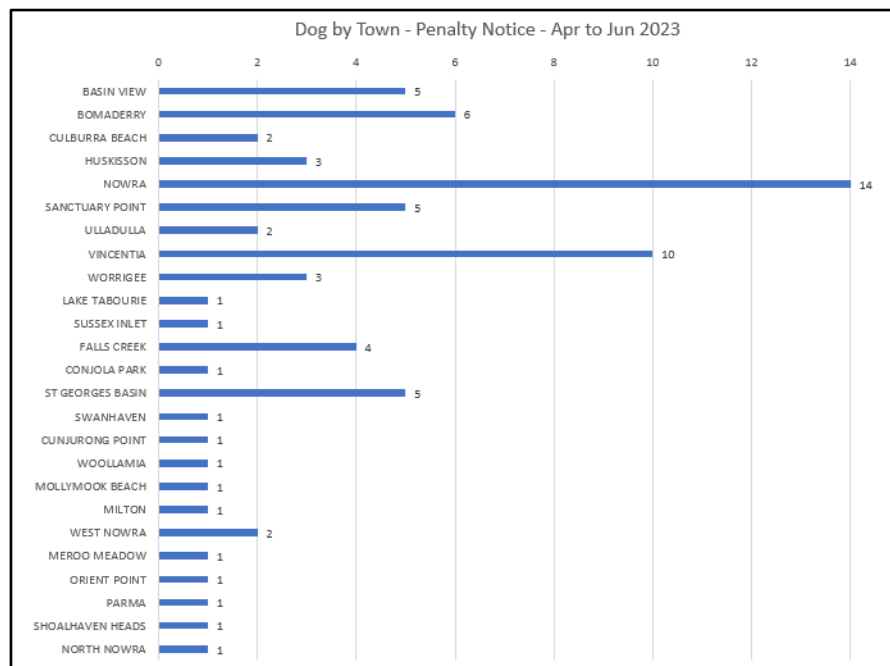


Figure 7:- Dog related penalty notices by town for the period

- (c) Responsible dog ownership project: - Planning has occurred this quarter to enable the production of five short videos about responsible dog ownership. The report on this project will be included in the dog attack report to Council in October 2023.
- (d) Keeping cats safe at home project: -
  - a. Networking with other councils involved with this project has commenced to share information and build momentum.
  - b. Number of cats desexed this quarter totals 14
  - c. Information from RSPCA has been posted on the Animal Shelter's Facebook.

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(e) Companion Animals Register: -

The numbers of companion animals per animal category is presented in Table 4.

**Table 4: - Companion animals in Shoalhaven LGA**

Animal category	Total animals in Shoalhaven		
	ID Only	Registered	Total
Cats	2,560	13,084	15,644
Dogs	9,834	48,717	58,551
<b>Total</b>	<b>12,394</b>	<b>61,801</b>	<b>74,195</b>

Incoming Companion Animal forms from the public are processed at the Animal Shelter. Pet owners can manage their own data via NSW Pet Registry, but the option exists to utilise Council for this service. The number of forms entered onto the NSW Companion Animals Register by Shelter staff this quarter are listed in Table 5.

**Table 5: - Companion animal forms processed by Council.**

Function	Number
Change of owner	1,025
Change of address	47
Permanent identification	225
Lifetime Registration	550
<b>Total</b>	<b>1,847</b>

A total of 543 registrations totalling \$30,908 were received via Council and 71 penalty notices were issued for non-compliance with the requirements for lifetime registration, microchipping and keeping details up to date on the Companion Animals Register.

When the *Companion Animals Act 1998* (NSW) was introduced, there were only four registration categories. Numerous categories now exist with many identified in Figure 10 below.

Registration Categories	Number	Total \$ Value
Cat - Desexed (sold by Pound/Shelter)	125	0
Desexed (sold by Pound/Shelter)	78	0
Working Dog	2	0
Jul 2015–Jun 2016 Non Desexed	1	192
Jul 2022–Jun 2023 Cat - Desexed (Pensioner)	11	319
Jul 2022–Jun 2023 Cat - Desexed or Not Desexed	13	767
Jul 2022–Jun 2023 Cat - Desexed or Not Desexed with Late Fee	2	156
Jul 2022–Jun 2023 Cat - Not Desexed (Breeder)	4	236
Jul 2022–Jun 2023 Dog - Desexed (by relevant age - Pensioner)	74	2146
Jul 2022–Jun 2023 Dog - Desexed (by relevant age - Pensioner) with Late Fee	6	288
Jul 2022–Jun 2023 Dog - Desexed (by relevant age)	91	6279
Jul 2022–Jun 2023 Dog - Desexed (by relevant age) with Late Fee	28	2464
Jul 2022–Jun 2023 Dog - Not Desexed (Breeder)	10	690
Jul 2022–Jun 2023 Dog - Not Desexed (Breeder) with Late Fee	2	176
Jul 2022–Jun 2023 Dog - Not Desexed (Not Recmd - Pensioner)	4	116
Jul 2022–Jun 2023 Dog - Not Desexed (Not Recmd)	27	1863
Jul 2022–Jun 2023 Dog - Not Desexed (Not Recmd) with Late Fee	1	88
Jul 2022–Jun 2023 Dog - Not Desexed or Desexed (after relevant age)	56	13104
Jul 2022–Jun 2023 Dog - Not Desexed or Desexed (after relevant age) with Late Fee	8	2024
<b>Grand Total</b>	<b>543</b>	<b>30908</b>

**Figure 10: - Registration income by registration type (Companion Animals Register).**

- (f) Beach patrols: - Rangers completed 1,007 beach patrols during this quarter. A number of dog owners were spoken to during this period with Rangers identifying 863 compliant dogs and 123 non-compliant dogs. Enforcement action and education is undertaken when offences are detected.
- (g) Shorebirds: - A report specific to shorebirds will be provided to Council in September 2023.

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- (h) Vegetation vandalism: - Rangers received 32 reports of vegetation vandalism and ten are still under investigation. Rangers continue surveillance of these vandalised areas in accordance with Council's Vegetation Vandalism Prevention Policy.
- (i) Animal Shelter: - The Shelter currently has over 22,637 followers on Facebook. This platform provides an effective means of advertising adoptions, lost dogs, and the promotion of responsible pet ownership.
- i. Income: - Overall income increased this quarter to \$49,452.30 from \$32,834.45 last quarter. The increase was predominately in adoption income and surrender income.
- ii. Animal desexing vouchers: - The Shelter collaborated with external organisations, obtaining continued support for the animal desexing program. This resulted in a total of 168 desexing vouchers being provided.
- iii. Contributions to the shelter: - The Shelter received \$521.40 in contributions from the public and businesses in the last quarter.

The Shelter would like to acknowledge the generosity of the public and these businesses. The Shelter will be using these donations to create friendly and bright spaces in the exercise yards.

Data for incoming and outgoing animals: -

Dogs		Cats		Number
Dogs incoming M/C	61	Cats incoming M/C		16
Dogs incoming not M/C	62	Cats incoming not M/C		85
<b>TOTAL</b>	<b>123</b>	<b>TOTAL</b>		<b>101</b>
Dogs incoming - Ranger	46	Cats incoming - Ranger		4
Dogs incoming - Public	72	Cats incoming - Public		87
Dogs Surrendered	38	Cats Surrendered		23
Emergency Boarding	0	Emergency Boarding		0
<b>TOTAL</b>	<b>156</b>	<b>TOTAL</b>		<b>114</b>
Dogs Reclaimed by Owner	52	Cats Reclaimed by Owner		11
Dogs Adopted	89	Cats Adopted		84
Dogs Euth'd aggressive	6	Cats Euth'd Feral		20
Dogs Euth'd medical	1	Cats Euth'd medical		2
Transferred to rescue	16	<b>TOTAL</b>		<b>117</b>
<b>TOTAL</b>	<b>164</b>	Cats returned home by Ranger		0
Dogs returned home by Ranger	59			

**Figure 11: - Data on incoming and outgoing dogs and cats.**

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Attachment to Report – D23/226306 - 60029E  
Quarterly Review for Compliance Matters - Ordinary Meeting 28/8/2023

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Penalties Issued by Team and Offence Code

Offence Code by Team	Number Issued	Offence Value	Total Amount
<b>Compliance</b>	<b>16</b>		<b>\$34,250</b>
Development without development consent - any other case - Corporation	1	6000	6000
Development without development consent - any other case - Individual	1	3000	3000
Development without development consent - class 1a or 10 building - Corporation	2	3000	6000
Development without development consent - class 1a or 10 building - Individual	4	1500	6000
Fail to comply with terms of development control order - Individual	1	3000	3000
Carry out building work without required certificate-class 1a or 10 building - Individual	1	1500	1500
Not ensure class 1a building or manufactured home has smoke alarms as prescribed	2	200	400
Occupy or use building without required certificate-class 1a/10 building - Individual	1	1500	1500
Carry out building work without required certificate-class 1a or 10 building - Corporation	1	3000	3000
Development not accord consent - class 1a or 10 building - Corporation	1	3000	3000



Fail to pay prevention notice issue fee with in 30 days - Individual	1	850	850
<b>Compliance Fire Safety</b>	<b>2</b>		<b>\$2,000</b>
Not give annual fire safety statement-1st week after expiry	2	1000	2000
<b>Compliance Pools</b>	<b>29</b>		<b>\$12,650</b>
Fail to maintain child-resistant barrier effective and safe	9	550	4950
Not comply with written direction - Owner	6	550	3300
Residential pool not have complying barrier - Owner	6	550	3300
Fail to erect prescribed warning notice - Occupier	6	110	660
Fail to ensure registration information entered on Register	2	220	440
<b>Enviro Health</b>	<b>7</b>		<b>\$29,000</b>
Development without development consent - any other case - Corporation	1	6000	6000
Development without development consent - any other case - Individual	1	3000	3000
Pollute waters - class 1 officer - Corporation	1	8000	8000
Pollute waters - class 1 officer - Individual	2	4000	8000
Provide false or misleading information ought reasonably to have known it was so - Corporation	1	3000	3000
Fail to pay fee within time provided under section - Corporation	1	1000	1000
<b>Ranger Animal</b>	<b>145</b>		<b>\$71,465</b>
Companion animal (other) not registered as prescribed - first offence	38	330	12540
Companion animal (other) not registered as prescribed - second or subsequent offence	6	330	1980
Fail to comply with nuisance dog order - 1st offence	1	275	275
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	33	220	7260
In charge of dog which rushes at/attacks/bites/harasses/chases any person/animal	10	1320	13200
Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	1	180	180
Owner of dog not under control in public place	12	330	3960
Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	16	1320	21120
Fail to comply with menacing dog control requirements	2	1760	3520
Former owner not notify change of ownership	2	180	360
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	2	180	360
Not comply notice to register companion animal - first offence	21	305	6405
Not comply notice to register companion animal - prior offence	1	305	305
<b>Ranger Environment</b>	<b>27</b>		<b>\$3,500</b>
Deposit litter excluding cigarette and from vehicle - Individual	3	250	750
Fail to comply with terms of notice erected by council	23	110	2530

Unlawfully remove plant/animal/rock/soil from public place	1	220	220
<b>Ranger Parking</b>	<b>2,407</b>		<b>\$375,408</b>
Disobey motor bike parking sign	43	120	5160
Disobey no parking sign	50	120	6000
Disobey no stopping sign	210	283	59430
Disobey no stopping sign (in school zone)	56	362	20272
Double park	6	283	1698
Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	57	110	6270
Not angle park as on parking control sign or road marking	15	86	1290
Not parallel park in direction of travel	27	283	7641
Not park wholly within parking bay	5	86	430
Not position front/rear of vehicle correctly - 90 degree angle parking	121	86	10406
Not position rear of vehicle correctly - 45 degree angle parking	283	86	24338
Not stand vehicle in marked parking space	19	86	1634
Parallel park close to dividing line/strip	3	283	849
Park continuously for longer than indicated	627	86	53922
Park vehicle for longer than maximum period allowed	507	86	43602
Park vehicle not wholly in marked parking space	4	86	344
Stop at side of road with continuous yellow edge line	97	283	27451
Stop in bus zone (in school zone)	38	362	13756
Stop in bus zone (not clearway or transit/bus lane)	35	283	9905
Stop in disabled parking area without current permit displayed	75	603	45225
Stop in loading zone	11	201	2211
Stop in taxi zone	18	201	3618
Stop on path/strip in built-up area	14	283	3962
Stop on/across driveway/other access to/from land	19	283	5377
Stop within 10 metres of an intersection (no traffic lights)	19	362	6878
Stop on/across driveway etc to/from land (in school zone)	3	362	1086
Stop in loading zone longer than 30 minutes	1	201	201
Not parallel park near left	3	120	360
Stop heavy/long vehicle longer than 1 hour	1	120	120
Not parallel park in direction of travel (road related area)	2	120	240
Disobey no parking sign (in school zone)	2	201	402
Park so as to obstruct vehicles/pedestrians	9	120	1080
Park vehicle designated disability parking space	4	603	2412
Stop on/near childrens crossing (in school zone)	2	481	962
Stop at/near bus stop (in school zone)	18	362	6516

Stop near postbox	1	120	120
Stop on painted island	2	120	240
<b>Grand Total</b>	<b>2633</b>		<b>\$528,273</b>

### Warnings Issued by Team and Offence Code

<b>Compliance</b>	<b>21</b>
Carry out any other activity without required certificate-class 1a/10 building - Individual	1
Carry out building work without required certificate-class 1a or 10 building - Corporation	1
Carry out building work without required certificate-class 1a or 10 building - Individual	1
Carry out building work without required certificate-not class 1a/10 building - Corporation	1
Carry out building work without required certificate-not class 1a/10 building - Individual	1
Development not accord consent - any other case - Individual	1
Development not accord consent - class 1a or 10 building - Individual	1
Development without development consent - class 1a or 10 building - Corporation	2
Development without development consent - class 1a or 10 building - Individual	8
Fail to comply with clean-up notice - class 1 officer - Corporation	1
Fail to give notice required under section 6.6-class 1a/10 building - Corporation	1
Occupy or use building without required certificate-class 1a/10 building - Individual	1
Pollute waters - class 1 officer - Individual	1
<b>Enviro Health</b>	<b>1</b>
Development not accord consent - any other case - Individual	1
<b>Ranger Animal</b>	<b>11</b>
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	6
Not identify companion animal as prescribed - not dangerous/menacing/restricted dog	1
Not notify change in registration/identification information - not dangerous/menacing/restricted dog	2
Owner of dog in prohibited public place	1
Owner of dog not under control in public place	1
<b>Ranger Environment</b>	<b>1</b>
Owner transport etc waste to unlawful facility - class 1 officer - Individual	1
<b>Ranger Parking</b>	<b>2</b>
Not parallel park in direction of travel	1
Park vehicle for longer than maximum period allowed	1
<b>Grand Total</b>	<b>36</b>

### Proactive Patrols - Dogs Beaches & Reserves

Beach / Reserve	# Beach / Reserve	# Compliant Dogs	# Non-compliant Dogs
Basin View Boat Ramp Reserve - Off Leash 24 hrs	1	0	0
Bawley Beach	8	6	2
Bawley Point Gannet Beach	6	2	0
Bawley Point Murramarang Beach	2	4	0
Bendalong Beach	1	0	0
Bendalong Boat Harbour Beach	13	5	1
Bendalong Dee Beach	6	0	0

Bendalong Flat Rock Beach Prohibited	14	0	0
Bendalong Washerwomans Beach Off Leash 24 hrs	3	11	0
Berrara Beach Spit Prohibited	18	0	3
Burrill Lake Burrill Beach	3	0	0
Burrill Lake Entrance Beach	1	0	0
Callala Bay	15	19	1
Callala Bay Bicentennial Park	9	9	3
Callala Bay Wowly Creek	13	27	3
Callala Beach East End	13	5	1
Callala Beach Prohibited Area	5	0	0
Callala Beach West End	4	1	0
Crookhaven Boat Ramp	1	0	2
Cudmirrah Beach - South	3	7	2
Cudmirrah Nature Reserve	1	0	0
Culburra Beach North On Leash	3	9	0
Culburra Beach South Off Leash timed	8	6	0
Culburra Beach Tilbury Cove	1	0	0
Culburra Lake Wollumboola Prohibited	28	0	1
Culburra Warrain Beach	4	4	2
Cunjarong Beach	2	3	1
Cunjarong Point	1	0	0
Currarong Abrahams Bosom Beach	21	22	5
Currarong Beach Off Leash timed	2	5	0
Currarong Rock Pool	1	0	0
Dolphin Point	3	0	0
Greenwell Point Foreshore Reserve	10	14	0
Huskisson Beach Off Leash timed	41	138	10
Huskisson Moona Moona Beach / Creek	81	16	6
Huskisson Shark Net Beach Prohibited	16	0	0
Hyams (Seamans) Beach	24	30	3
Hyams Beach Chinamans Beach - NPWS	23	15	3
Hyams Beach Little Hyams Beach	19	7	0
Inyadda Beach	7	5	1
Kioloa Beach	13	26	6
Kioloa Shelly Beach	1	0	0
Lake Conjola Conjola Beach	4	7	2
Lake Conjola Conjulong Beach Shore Birds	10	0	0

Lake Conjola Ocean Beach Spit Prohibited	10	0	0
Lake Tabourie Tabourie Beach	3	0	1
Manyana Beach	7	7	8
Merry Beach	3	4	1
Milton Showground	23	21	0
Mollymook Beach North Prohibited	30	0	3
Mollymook Beach On Leash 24 hrs	4	8	0
Mollymook Beach South Prohibited	23	0	0
Mollymook Bogey Hole	5	2	1
Mollymook Unknown Beach nth of Collers	1	0	0
Murramarang Beach	1	0	0
Myola Breakwall NPWS	3	2	0
Myola Spit Prohibited	21	1	0
Narrawallee Beach North Prohibited	28	0	0
Narrawallee Beach Off Leash timed	10	61	0
Narrawallee Beach South Prohibited	26	4	1
Narrawallee Spit Prohibited	9	0	2
Nowra Riverview Road	6	9	1
Nowra Showground	3	12	0
Orient Point Foreshore Reserve Orama Crescent	1	0	0
Sanctuary Point Paradise Beach Reserve	1	2	0
Sanctuary Point Ray Brooks Rsv (BTRMP - STR) PRHB	24	31	5
Shoalhaven Heads River Road Reserve Off Leash 24hr	5	3	0
Shoalhaven Heads Seven Mile Bch Off Lsh 24hr/OnLsh	50	158	4
Shoalhaven Heads Spit Prohibited	76	29	6
Sussex Inlet Waterfront Reserve	6	12	2
Swan Lake - Ski Club BR to Yaroma Ave BR Off Lsh T	3	3	0
Ulladulla Lobster Jacks	1	0	0
Ulladulla Racecourse Beach 1	5	12	0
Vincentia Barfleur Beach	7	7	0
Vincentia Blenheim Beach Prohibited	34	3	0
Vincentia Collingwood Beach Prohibited	82	24	8
Vincentia Nelsons Beach Off Leash timed	19	24	9
Vincentia Orion Beach	4	3	0
Vincentia Plantation Point	10	18	13
<b>Grand Total</b>	<b>1007</b>	<b>863</b>	<b>123</b>

Proactive Patrols - Other Categories

Patrol Type	# Patrol Type	Additional Information
Asset Protection	259	
Camping	166	
Illegal Dumping	337	Rubbish found = 92
Vegetation Vandalism	2	
CBD Foot Patrol	16	
Unauthorised Signage	1	
Parking	796	
Schools	109	
<b>Grand Total</b>	<b>1686</b>	

## CL23.288 Construction opportunity for a FORTIS House designed building within the Shoalhaven

**HPERM Ref:** D23/134550

**Department:** Certification & Compliance

**Approver:** Michael Roberts, Acting Director – City Development

### Reason for Report

Following the 2019/20 bushfires, Council participated in a community led project to design a bushfire resilient home. The project was coordinated by the Bushfire Building Council of Australia (BBCA), and it was known as the FORTIS House project. What resulted was the development of sustainable building designs that are resilient to natural disasters including bushfires, flooding, cyclones, and heat shock. The design manuals have been released electronically and are freely accessible to the public.

There has been significant interest for the FORTIS House project. The Resilient Building Council (RBC) (formerly known as the BBCA) has secured support from suppliers and sponsors to construct a new FORTIS House building and they have approached Shoalhaven City Council to enable the implementation of the project within the local government area (LGA).

This report seeks support to locate a Council owned allotment of land for the construction of FORTIS House. Council would then need to maintain this site and have it opened for the community to view. The building will remain the property of Council.

### Recommendation

That:

1. Council actively supports the location and dedication of land to construct a “FORTIS House” designed building within the Shoalhaven.
2. Staff identify likely Council owned site options and report back to Council for consideration and final approval.
3. A design brief and final plan details be completed for the chosen site in consultation with the Resilient Building Council and Council.
4. The final design be presented back to Council for approval.
5. A Development Application and Construction Certificate application be submitted to Council for determination.

### Options

1. Council adopt the recommendation.

Implications: Council staff will contact the Resilient Building Council (RBC) advising them the proposal has preliminary approval to move forward. Staff will then set about completing the items in the order of the resolution starting with the identification of likely site options and prepare a further report for Council’s consideration and approval.

2. Council provide an alternative recommendation.

Implications: Staff will action the recommendation.

CL23.288



## Background

The Currowan bushfire started on 26 November 2019 and finished on 8 February 2020. Over 1000 buildings and structures were destroyed and 312 of these buildings were residential dwellings.

The impact of the bushfires on the Shoalhaven community was significant. Since the cessation of this natural disaster, Council staff have worked diligently with external agencies and the homeowners to have the properties cleared, approvals issued, and homes rebuilt. It has been a huge commitment from all involved as owners embark on the journey of rebuilding their homes and lives. Some owners did not rebuild their homes and statistics indicate that 30% of all properties lost in the bushfires have been sold as vacant land.

Council was approached by the Bushfire Building Council of Australia (BBCA) to undertake a community led project to design a bushfire resilient home. The project was known as FORTIS House. The FORTIS House design is resilient to natural disasters including bushfire, flooding, cyclone, and heat shock. They are also energy efficient and sustainable.

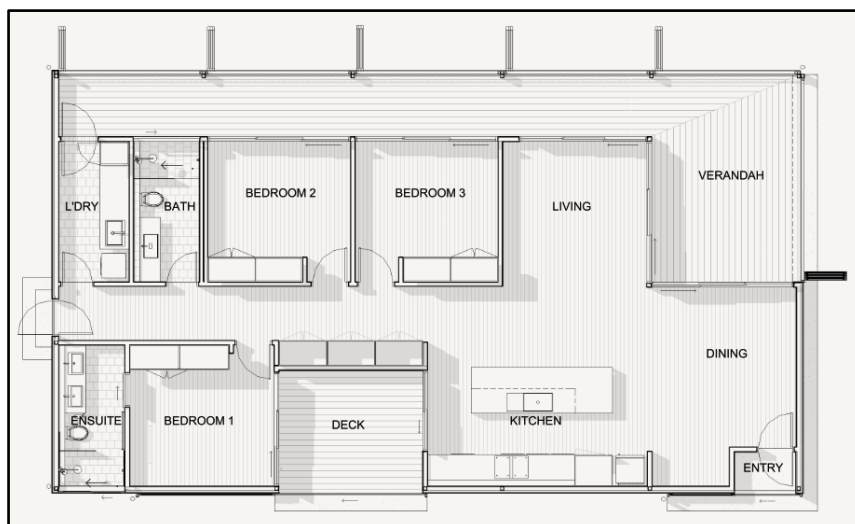
The journey of the FORTIS House story can be viewed at [The FORTIS House Story - YouTube](#). FORTIS House design manuals are also freely accessible online.

The principles of the design centre on a simple box configuration with flat or gentle sloping roofs that are known to be less combustible in bushfires. The buildings are constructed from steel frames and clad with metal sheet. The designs follow the requirements of AS3959 (2018) – *Buildings in bushfire prone areas* and the NASH Standard (National Association of Steel-Framed Homes – NASH). These comply with the National Construction Code, and they are suitable for all Bushfire Attack Levels (BALs) from BAL-12.5 to BAL-FZ.

The designs satisfy the core requirements of the community who were engaged in the project including the incorporation of alfresco living with the outdoors. This does present challenges for bushfire resilience, but it has been addressed with the clever inclusion of screens integrated as a design feature in the external walls. These can be closed off in a bushfire protecting the inside from the elements.

The design manuals also provide advice on good landscape design to improve bushfire resilience and to complement engineering controls associated with the building. This is essential since it is known that landscaping can act as a secondary bushfire attack mechanism to the buildings. If located too close to the building, combustible hard and soft landscaping can become involved in fire and potentially result in direct flame to the building.

The designs are the result of the community led project and they have been named to correspond with Shoalhaven villages impacted on during the fires. The following plans and elevations for FORTIS Conjola, FORTIS Tomerong, FORTIS Budgong, FORTIS Yerriyong and FORTIS Berrara provide an overview of the options available.



**Figure 1:- FORTIS Conjola – a 3-bedroom design**

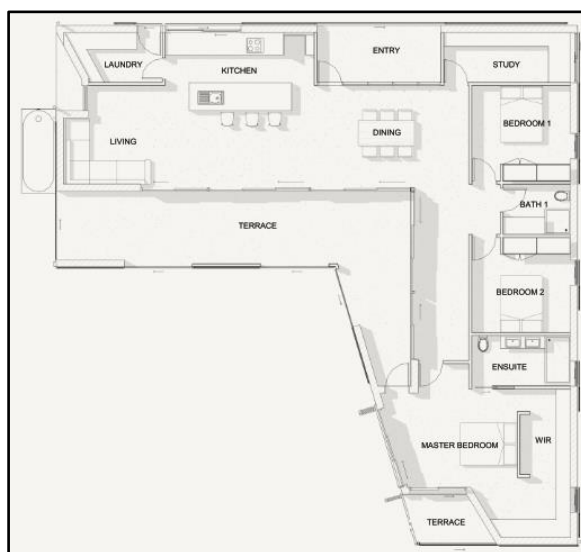
FORTIS Conjola is a popular design catering for families.

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**Figure 2:- FORTIS Tomerong – a 2-bedroom design**

This 2-bedroom design is ideal for smaller families and empty nesters with a spare room for visitors. The designs are clever with expansion in mind as it is relatively simple to add on additional living and bedroom space.

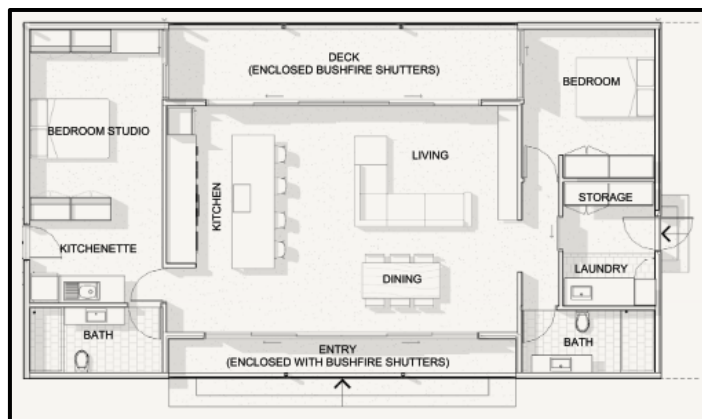


**Figure 3:- FORTIS Budgong – a 3-bedroom design**

FORTIS Budgong caters for families. It provides an alternative “L” shape design with a larger terrace for entertaining.

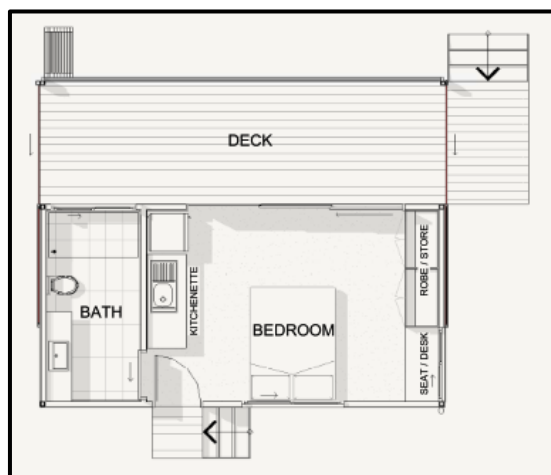
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**Figure 4:- FORTIS Yerriyong – a dual occupancy design**

FORTIS Yerriyong provides a dual occupancy option and supports the community need to cater for the elderly.



**Figure 5:- FORTIS Berrara – a tiny home design**

FORTIS Berrara lends itself to short term rental accommodation or a tiny home option. This will be popular as a detached habitable room and can accommodate the owner's teenage children, young married couples starting out, elderly parents or visitor accommodation.

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The designs set the principles and can be changed to suit the owners needs and the site conditions and constraints. For example, the designs in Figures 1 to 5 all show flat sites, but the designs can be equally adapted to sloping sites with two storey options. Figure 6 highlights a variation to FORTIS Conjola.



**Figure 6:- Variations to FORTIS Conjola showing sloping sites and two storey designs.**

Whilst the designs certainly address the residential market, the concepts can equally apply to all classes of building. Consider for example, the construction of a Men's Shed, a Tourist Information Centre, Rural Fire Station, Community Centre, Child Care Centre, Shops, Offices, Factories, Nursing Homes, or Libraries. If they are located in a bushfire prone area, then it would be prudent to adopt these simple design concepts.

### **Report**

The BBCA changed their name to Resilient Building Council (RBC). The RBC has continued work on projects and have recently developed a computer application for the upgrade of existing buildings in bushfire prone areas. This has been trialled and tested in the Shoalhaven LGA and a federally funded project has seen several buildings in the Shoalhaven upgraded already. The results of these upgrades will become available in coming months and the computer application launch will again feature the support and involvement from Shoalhaven City Council.

There has been a lot of interest for the FORTIS House project and the RBC are keen to have one built to showcase it to the public. RBC have secured support from suppliers and sponsors to construct the building and have approached Shoalhaven City Council once more in the hope a FORTIS House can be constructed here in the Shoalhaven where it all began.

Remembering that these designs are resilient to bushfire, flooding, cyclone, and heat shock it will satisfy many of the needs of the community wanting to develop on their allotments.

A Council owned allotment is needed to develop and construct a FORTIS House. Ideally, this would be vacant land but a knock down and re-build can also be considered. Once built, the property would be owned by Council and there would be an on-going commitment to have it opened to the public so they can experience the design. This is not dissimilar to a display home.

Looking at options, it may be possible to align the FORTIS build with another community-based use. For example, it could partner with a Men's Shed and perhaps the building itself could accommodate a "Tourist Information Centre" within an attached garage similar to the way an exhibition home is run and operated.

### **Recommendation**

This report recommends Council support in principle the construction of a FORTIS House within the Shoalhaven LGA in partnership with the RBC. Council's commitment would be the dedication of an allotment of land for the construction of the building and then the on-going maintenance and operation of the facility once it is constructed.

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With the approval of Council moving forward for the dedication of an allotment, staff will then seek out potential site options and present these back to Council for approval.

The final design can be completed in conjunction with the Resilient Building Council once the site is settled. Formal development and construction certificate applications can then be submitted for determination.

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## CL23.289 Shoalhaven City Council Submission - NSW Arts, Culture and Creative Industries Policy

**HPERM Ref:** D23/317600

**Department:** Arts & Culture

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

**Attachments:** 1. Draft Submission - NSW Arts, Culture and Creative Industries Policy [↓](#)

### Reason for Report

The purpose of this report is to advise Council of the submission that has been prepared in response to the request from the NSW Government for artists, creative industry practitioners, musicians, organisations and community members to contribute their insights and ideas to inform a new NSW Arts, Culture and Creative Industries Policy, and seek Council's endorsement prior to submission to meet the submission deadline of 31 August 2023.

### Recommendation

That Council endorse the submission to Create NSW, ensuring Shoalhaven City Council have input into the new NSW Arts, Culture and Creative Industries Policy.

### Options

1. Adopt the Recommendation

Implications: The submission shall be finalised and submitted prior to the cut-off date of the 31 August 2023.

2. Amend the Recommendation

Implications: The submission may not meet the requirements and be submitted in time.

3. Reject the Recommendation

Implications: Shoalhaven City Council will not participate in the request for public submissions to help shape the Arts and Cultural Policy for NSW.

### Background

Create NSW is currently seeking feedback from artists, creative industry practitioners, musicians, organisations, and community members to assist in the development of a new NSW Arts, Culture and Creative Industries Policy. This policy will be the first ever of its type for NSW, bringing together the Arts and Creative Industries. It will seek to support the Government's vision of growing the arts sector in NSW and unlock the potential for bigger and broader culture in NSW.

Members of Shoalhaven Arts Board, Councillors and Council staff met on 9 August 2023 to discuss the goals, the opportunities and challenges for Arts in the Shoalhaven, and what they would like to see in a new NSW Arts, Culture and Creative Industries Policy. The viewpoints of individual artists, organisations, community groups and Council were represented by those in attendance at the workshop.

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From that discussion a submission was drafted. The draft was reviewed by those in attendance and the attached document is the final draft that is recommended for submission to Create NSW.

### **Community Engagement**

Community members of the Shoalhaven Arts Board were instrumental in developing the submission, bringing their knowledge and experience of arts in the community and the challenges for individual artists and community groups to the discussion.

### **Policy Implications**

A NSW Arts, Culture and Creative Industries Policy will align to the National Cultural Policy and support and guide the ongoing development of the arts in the Shoalhaven. The new policy may be reflected in Council policies such as the Public Art Policy, the Cultural Gifts Program Procedure, the Community Strategic Plan, Shoalhaven Entertainment Sponsorship Policy and others as appropriate.

### **Financial Implications**

There are no financial implications to making a submission to the new NSW Arts, Culture and Creative Industries Policy. The new Policy may provide increased opportunity for grants and arts related funding to the Shoalhaven.



Council Reference: 2123E (D23/326441)  
Your Reference:

14/08/2023

The Hon. John Graham, MLC  
Minister for the Arts  
52 Martin Place  
SYDNEY NSW 2000

Submitted via website

To the Hon. John Graham, MLC,

**New NSW Arts, Culture and Creative Industries Policy Submission – Shoalhaven  
City Council**

The following information has been prepared and collated by Shoalhaven City Council in consultation with members of the Shoalhaven Arts Board and staff from Arts and Culture related departments across Council, in response to the call for submissions on a new NSW Arts, Culture and Creative Industries Policy.

Shoalhaven City Council is a Local Government Authority which owns and manages one Regional Gallery with a collection of almost 1,000 works; one performing arts venue with two state-of-the-art theatres with a capacity for over 1,000 patrons; and a library service that includes four buildings and two mobile library vehicles. The Shoalhaven has a population of 108,500 residents across 4,530sqkm and receives over 3 million visitors each year.

The information below outlines our responses to the three considerations of people, infrastructure and audiences and reviews the challenges, opportunities and importance of these considerations for our region.

**A new Look at People**

As a growing regional centre, the Shoalhaven anticipates population growth in excess of 25% over the next 15 years. This growth will see an increased expectation on the delivery of arts and cultural services to the population, and an associated increase in young people interested in a career in the arts.

**Skills Development**

It is important that the impact of COVID on the industry and aligned trades is clearly understood and that the loss of workers in the arts, cultural and creative industries is compensated for through the development of new and improved education and training pathways. Regional training organisations, such as TAFE, need to be supported to deliver skills-based courses that encourage students into the arts and creative industries. These courses need to be delivered across the state and not just in one or two locations. Support for on-site training is also sought, so that practical technical skills can be developed under the supervision of expert trainers.

Traineeships and formal mentoring opportunities also need to be supported and delivered through regional arts and cultural venues with sustainable resourcing and funding provided.

### **Delivery Challenges for Local Government**

Shoalhaven Entertainment Centre, as a seasonal / demand-based business in regional Australia struggles with regular staff shortages and relies on a business model with a large casual workforce. This has flow on impacts with staff unable to show secure employment, impacting their ability to get a loan approval for example, and significant mental health challenges for the staff.

In addition, venue management is being forced to constantly recruit and train as casual staff seek permanent roles to meet their needs. We encourage an understanding of the way Local Governments are increasingly funding the provision of cultural infrastructure, programming and support and would support a discussion on how the employment awards and funding structures for Local Government cultural services can be modified to better suit the realities of operating arts and cultural venues.

### **Support for First Nations Artists**

The Shoalhaven has a high proportion of residents who identify as Aboriginal and / or Torres Strait Islander people of 6.5% of residents (NSW average 3.4%). With communities with long cultural connections – including the Wreck Bay and Jerrinja communities, as well as people displaced from their own Country now connected to the Shoalhaven through the Bomaderry Aboriginal Children's Homes (Stolen Generations) – we believe that the support for Aboriginal artists and creatives to develop sustainable, professional careers on Country is critical to the growth and success of the sector.

The support for touring activities by major companies into regional Australia is strong, but more support is required to provide opportunities for those companies to spend time in regional locations, working with emerging artists and elders and developing programs that are specific to that place.

We have experienced the challenges of presenting shows developed in close collaboration with community in other parts of Australia and when performed or delivered locally the language used and the stories told are not relevant or, in the case of language, may have a vastly different meaning.

### **Recommendation**

The new NSW Arts, Culture and Creative Industries Policy needs to support a thriving sector where all artists, creatives, arts professionals and related technical trades are able to receive the training and development opportunities needed to develop a sustainable, professional career with a capacity to live and work regionally and collaborate across the sector to ensure important stories of place are told.

### **A new look at Infrastructure**

The 2019 report by *A New Approach* titled *The Big Picture: Public Expenditure on Artistic, Cultural and Creative Activity in Australia*, noted the increasing role of local government in

the provision of cultural infrastructure and support for artists. A census run by Museums and Galleries NSW in 2018 showed that the majority of public galleries in NSW were reliant on local government as their primary funders.

This research finding is in clear evidence in the Shoalhaven with Shoalhaven City Council covering all operational costs for the Entertainment Centre and Gallery that are not able to be met through ticket sales and associated revenue. State and Federal funding is project based and does not cover core staffing or essential operational costs including asset upkeep and renewal.

### **Funding Harmonisation**

Strong institutions require a harmonisation of funding across local, state and federal levels. There needs to be a recognition that at present local governments are carrying the majority of the risk in the arts and are the primary driver for artistic and cultural endeavours outside of the major cities. This is at the same time as local governments are facing increasing costs across all areas of operations, but particularly in infrastructure and disaster response.

### **Funding Requirements**

The arts and cultural infrastructure of the state needs planned consistent funding for building maintenance and renewal. A significant program of funding has been put towards investment in new cultural infrastructure over many years, however funding for the development of asset management plans and upkeep has been difficult to achieve.

### **Recommendations**

We encourage the new policy to consider a model of direct funding allocation to local governments alongside the regular programming grants funding. The direct allocation could be used for asset maintenance, staffing, community engagement and innovation as required by each area and would ensure improved access to spaces and support for cultural activity.

We would also encourage a policy to consider universal design principles that support accessibility, sustainability and connection to Country for new cultural infrastructure projects.

### **A new look at Audiences**

We firmly believe that the new NSW Arts, Culture and Creative Industries Policy should state the right for all people in NSW to have the ability to access cultural and creative experiences of quality.

The past few years have highlighted the role arts play in everyday lives, but also the challenges posed by the digital divide – digital literacy and access to high-speed internet is critical to supporting artists and performers to reach audiences both within and external to NSW.

As previously noted, we encourage funding and KPIs for major performing arts companies that support them to work in regional areas, developing locally relevant content alongside

regional artists, organisations and knowledge holders and then presenting that work in the community that holds the story.

### **Impact of Irregular Funding**

Shoalhaven City Council continues to be highly supportive of the Arts and seeks grants from public and private funds to support innovation and development of programs that bring new opportunities to the region and our audiences, but grants are increasingly difficult to achieve and when future programs are dependent on that funding, the level of service to our audiences is inconsistent.

For local government arts and cultural organisations, programming and community engagement are both of critical importance to audience development, and cannot happen in silos. Deep engagement with our community requires time, resourcing and flexibility. It requires consistency of programming and certainty that the large companies / artists will have the ability to spend time supporting that engagement strategy.

We encourage funding programs and outcomes to move away from quantitative data of audience numbers and revenue and move to qualitative outcomes of engagement, connection, development and opportunity.

### **Artists in Schools**

In considering a new look at Audiences we encourage the Policy to give consideration to the delivery of arts and culture in schools. Shoalhaven City Council and the Shoalhaven Arts Board have supported a community driven initiative that delivered an Artist in Residence in Schools program with artists from the visual, literary and performing arts working with schools across a period of time.

The results show a significant increase in confidence and engagement with all arts by the students involved. Audience growth and development needs to be supported across all ages and stages of life, and schools are a key audience that need to be supported with meaningful, sustained and sustainable connection to artists and the arts.

### **Arts and Health + Other industry alignment**

The building of audiences should also consider the aligned industries and opportunities for the arts and creative industries to move beyond traditional infrastructure and delivery models.

Regional galleries in recent years have increasingly developed partnerships with local hospitals and healthcare providers, engaging new audiences and supporting arts engagement in non-traditional settings.

These partnerships for delivery and engagement have shown significant benefits to all involved and funding and support for performing arts and creative practitioners to seek similar partnerships would provide a new way of delivering arts experiences to a more diverse audience.

**Other ideas and opportunities for a new NSW Arts, Culture and Creative Industries Policy**

We encourage the new Policy to clearly address the benefits and opportunities for the arts in supporting a wide range of health and wellbeing outcomes. In the Shoalhaven, as with other parts of Australia, the high rates of depression and suicide amongst young people has a significant impact on our community.

There are many different research projects that show how the arts have positive effects on mental health and support improved mental health outcomes. With nearly half the population impacted by mental health challenges by the time they are 40 this is an issue that must be addressed.

The arts offer evidence-based solutions for promoting mental health and societal wellbeing. Access to, and engagement with the arts needs to be deeply supported from a young age, with creative pathways provided, supported and encouraged for all.

The economic impact of the arts, and the opportunities provided by the Creative/ Cultural sector for diversified and sustainable economies should also be addressed in the Policy. Over the past 50 years the Australian economy has moved away from a goods-based economy and towards a service-based economy. In the Shoalhaven, we have seen a similar shift with strong growth in the tourism sector and associated services.

We encourage this policy to consider the changing economy and the place of the arts within that, where creative businesses, and businesses operated by / for creative and cultural output will provide career pathways and opportunities for regional youth to stay in their localities, encourage economic growth and new avenues for people moving to regional centres and support more resilient and vibrant communities.

Funding for Local Government Authorities to develop a Creative Economy strategy that aligns to the new NSW Arts, Culture and Creative Industries Policy would be welcomed and ensure the benefits of the NSW policy are supported through local growth and development.

We look forward to the development of the new NSW Arts, Culture and Creative Industries Policy and the opportunities for Local Governments and the arts and cultural programs delivered by Shoalhaven City Council to continue to grow and develop while also supporting artists across the breadth of their careers.

If you need further information about this matter, please contact Bronwyn Coulston, City Lifestyles on 1300 293 111. Please quote Council's reference 2123E (D23/326441).

Yours faithfully

**Stephen Dunshea**  
**Chief Executive Officer**

## CL23.290 Notice of Motion - The Uluru Statement from the Heart and the Voice to Parliament

HPERM Ref: D23/340062

Submitted by: Cllr Amanda Findley  
Cllr Gillian Boyd  
Cllr Matthew Norris  
Cllr Tonia Gray  
Cllr John Kotlash

### Purpose / Summary

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

### Recommendation

That Council

1. Reaffirms its support for the Uluru Statement from the Heart in full (Truth, Treaty and Voice) as adopted on 28 June 2018.
2. In reaffirming support for the Uluru Statement, actively participate in support for the Voice to Parliament (the YES Vote).
3. Set aside a small budget to support the raising of YES flags in Nowra town centre poles during the month of the referendum.
4. Amplify the activities of other local organisations who are also supporting the YES campaign through Councils communication channels.
5. Inform the Prime Minister and Leader of the Opposition of the passage of this motion.

### Background

Following decades of negotiations about Indigenous recognition, in December 2015, a 15-member Referendum Council was established to conduct national consultation about constitutional recognition (the Referendum Council). It was to report back to the then Prime Minister and Leader of the Opposition on options for a referendum proposal.

The Referendum Council held 12 Regional dialogues (the Dialogues) around Australia, each attended by 100 Indigenous people, to discuss five possible options for recognition, including the Voice to Parliament (the Voice). The Dialogues voted unanimously for the Voice, and elected representatives to attend the First Nations Constitutional Convention (the Convention) at Uluru in May 2017.

The convention was attended by 250 delegates from all over Australia. They endorsed the work of the Dialogues and adopted the Uluru Statement from the Heart, which calls for a sequenced reform process: 'Voice, Treaty, Truth' – in that order.

The Voice will be a permanent institution, enshrined in the Constitution (so it cannot be removed by subsequent governments) to advise Parliament and the Executive on laws and policies relating to Indigenous affairs. It will not have the power to make, reject or amend legislation.

Details as to the functions, powers and processes of the Voice will be worked out by the Parliament in later legislation.

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In June 2017, the Referendum Council endorsed the Uluru Statement from the Heart and recommended that a referendum be held to provide in the Constitution for a Voice to the Commonwealth Parliament.

**Shoalhaven Council acknowledges:**

1. Our Community Strategic Plan 2032 outlines the long-term vision to have a 'Resilient, Safe, Accessible & Inclusive Communities'.
2. The new Shoalhaven Council's DPOP has planned to undertake the Reconciliation Action Plan (RAP).
3. That a referendum around constitutional recognition through a Voice to Parliament for Aboriginal and Torres Strait Islander People will take place in late 2023 (the Voice).
4. That many individuals, local and state governments, politicians, universities, charities, a number of religious organisations, sporting codes, corporations, banks and professional associations have endorsed the Voice and support a 'YES' vote in the referendum, including:
  - i. All Australian State Premiers.
  - ii. Many NSW local Councils (including Waverley Council, Woollahra Council, Randwick Council, City of Sydney Council and the Inner West Council);
  - iii. Alex Greenwich MP;
  - iv. Allegra Spender MP;
  - v. Two former Chief Justices of the High Court of Australia, the Hon Murray Gleeson AC and the Hon Robert French AC;
  - vi. Another former Justice of the High Court of Australia, the Hon Kenneth Hayne AC;
  - vii. The Anglican Church of Australia, the Australian Catholic Bishops Council, the Australian National Imams Council, the Australian Sangha Association, the Executive Council of Australian Jewry, the Hindu Council of Australia, the National Council of Churches in Australia, the National Sikh Council of Australia and the Uniting Church in Australia Assembly;
  - viii. The Australian Football League, the National Rugby League, Rugby Australia, Netball Australia, Cricket Australia and Tennis Australia;
  - ix. The St Vincent de Paul Society, the Paul Ramsay Foundation and World Vision;
  - x. Over 20 Universities in Australia are supporting the Voice for instance The Australian National University, the University of New South Wales; the University of Melbourne and Charles Darwin University, which is based in the Northern Territory and has a strong history of Indigenous engagement. Locally, the University of Wollongong has also shown support see:  
<https://www.uow.edu.au/the-stand/2023/the-voice-to-parliament-is-a-beginning-not-an-end-.php#:~:text=So%20why%20do%20I%20support,Treaty%20and%20Truth%2Delling%20processes>
  - xi. The National Australia Bank, the Commonwealth Bank of Australia, the ANZ Bank;
  - xii. LendLease, BHP, Rio Tinto, Wesfarmers, Woolworths and Coles; and
  - xiii. The Australian Medical Association and The Law Council of Australia.
5. That 40 Mayors around Australia have committed to informing and educating communities about the Voice and starting conversations about how the referendum

can deliver real reconciliation for First Nations people, including our Mayor based on our adopted resolution.

6. Previously in 2022, adoption of our cultural immersion stance (see CL22.38 by Cllr Patricia White, Cllr Amanda Findley, Cllr Tonia Gray, Cllr Evan Christian) highlighted the value and importance of Cultural Immersion workshops to inform the non-Aboriginal community of their privilege and how that ongoing position of privilege continues to affect the Aboriginal community.
7. Shoalhaven Council has a commitment to work with the Nowra Local Aboriginal Land Council, Jerrinja Local Aboriginal Land Council and the Jerrinja Tribe.

**Note by the CEO**

The estimated cost for the flags would be in the order of \$3,000 and could be funded through an existing promotions budget.



## CL23.291 Notice of Motion - Nowra Carols by Candlelight

HPERM Ref: D23/331704

Submitted by: Cllr Paul Ell

### Purpose / Summary

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

### Recommendation

That the CEO report back to the September meeting of Council on the Nowra Carols including

1. The history of the event.
2. An update on 2023 event planning including the funding ask from the Bomaderry Nowra Lions Club and options for additional Council resources in 2023.
3. Detail on the future sustainability of the event and potential impacts on Council for consideration.

CL23.291

## 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.