

Ordinary Meeting

Meeting Date: Monday, 30 October, 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 - 9 October 2023
 - Extra Ordinary Meeting - 23 October 2023

6. Declaration of Interests

7. Presentation of Petitions

8. Mayoral Minute

Mayoral Minute

MM23.28	Mayoral Minute - Condolence Motion - Aunty Geraldine "Noonie" Ardler	1
MM23.29	Mayoral Minute - Condolence Motion - Aunty Wendy Brown	2

9. Deputations and Presentations

10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

12. Committee Reports

CL23.388	<u>Report of the Shoalhaven Sports Board - 20 September 2023</u>	3
SB23.12	Additional Item - Tourism Report	
CL23.389	<u>Report of the Nowra CBD Revitalisation Strategy Committee - 11 October 2023</u>	4
CBD23.49	Election of Chairperson	
CBD23.39	Acknowledgement of Resignation - Wesley Hindmarch	
CBD23.41	Standing Report - Budget Update - October 2023	
CBD23.46	Annual Financial Statement - Nowra CBD Promotions Budget - 2022-2023	

13. Reports

City Performance

CL23.390	Investment Report - September 2023	8
CL23.391	Kangaroo Valley Show - Request for Application of Partial Public Holiday 2024/2025	13
CL23.392	Register - Annual Disclosure of Pecuniary Interest Returns - 2022/2023	34
CL23.393	Ongoing Register of Pecuniary Interest Returns - September 2023	46
CL23.394	Internal Reporting Policy - Changes to the Public Interest Disclosure Act	48
CL23.395	Data Breach Policy & Privacy Management Plan	52

City Futures

CL23.396	New Proponent Initiated Planning Proposal - 88 North Bendalong Rd Bendalong	55
CL23.397	Proposed Revised Strategic Planning Project Plan to Support Delivery of New Land Use Planning Scheme	67

City Services

CL23.398	Creation of Asset Protection Zone (APZ) over Council Land - Lot 38 DP 802671, Norfolk Avenue, South Nowra	73
----------	---	----

CL23.399	Acceptance of Grant Funding - Infrastructure Betterment Fund - The Basin Walk and Illaroo Rd. North Nowra	79
----------	---	----

City Development

CL23.400	Access Agreement Gas Pipeline - Shoalhaven Starches Bomaderry	82
----------	---	----

City Lifestyles

CL23.401	Request for Plaques and Memorials	88
----------	---	----

CL23.402	Integrated Emergency Management Centre Memorial Proposal - Consultation Outcome.....	90
----------	--	----

CL23.403	Procedure - Community Grants Program	98
----------	--	----

CL23.404	Bay and Basin Boxing Club: site investigations and proposed engagement activity	112
----------	---	-----

14. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

CL23.405	Notice of Motion - Changes to Shoalhaven LEP - Orient Point - Oyster Operations.....	120
----------	--	-----

CL23.406	Question on Notice - Bushfire Preparedness at Shoalhaven Council	121
----------	--	-----

15. Confidential Reports

Nil

MM23.28 Mayoral Minute - Condolence Motion - Aunty Geraldine "Noonie" Ardler

HPERM Ref: D23/430768

Recommendation

That Shoalhaven City Council notes the passing of Aunty Geraldine Ardler and acknowledges her significant contribution to cultural education and community and extend condolences to the Ardler family.

Details

Aunty Geraldine Ardler was a proud Wodi Wodi woman and prominent Elder of the Wreck Bay community who was affectionately known as “Noonie” to her grandchildren and great grandchildren.

A lifelong resident of Wreck Bay, Aunty Geraldine was a loving mother, grandmother, great grandmother and aunty to many, who had a fierce love for her family and culture.

Aunty Geraldine will be fondly remembered for her passion for bush flowers and connecting family to culture, sharing stories and knowledge about the Wreck Bay lands and living by the sea.

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

MM23.28

MM23.29 Mayoral Minute - Condolence Motion - Aunty Wendy Brown

HPERM Ref: D23/430923

Recommendation

That Shoalhaven City Council notes the passing of Aunty Wendy Brown and acknowledges her significant contribution to community, culture and education, and extend condolences to her husband Phillip Lonesborough and their family.

Details

Aunty Wendy was a proud Aboriginal woman and prominent Elder of the Wreck Bay community who was known to many for her passion for education and seeing the younger generations thrive in their culture.

Aunty Wendy lived at Wreck Bay, and was a proud and loving mother to Angie, Kenny, Ashleigh and Keiron and grandmother and aunty to many.

Aunty Wendy will be remembered for her tireless efforts in the community, her fierce advocacy for education and instilling cultural knowledge and learnings with children of the community.

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

MM23.29

CL23.388 Report of the Shoalhaven Sports Board - 20 September 2023

HPERM Ref: D23/409966

SB23.12 Additional Item - Tourism Report

Recommendation

That the Shoalhaven Sports Board receive regular updates/reports on sporting events that have been bid for or secured, similar to the report previously provided to the Shoalhaven Tourism Advisory Group.

Note: This was previously requested at the 25 May 2022 Meeting (See SB22.12 Part 4 resolution) and again on 24 August 2022 and further resolved at Council on 26 September 2022 (See MIN22.668) but is yet to be reported to the Shoalhaven Sports Board and therefore was requested to be resolved by Council again.

Note by the CEO:

All events can be viewed at <https://www.shoalhaven.com/events>. Filter by 'sport' available. A Tourism staff representative will attend the next meeting to guide the members through accessing the website and to consider options for the most efficient way to keep the Sports Board updated with timely information regarding sporting events in the Shoalhaven.

CL23.388

CL23.389 Report of the Nowra CBD Revitalisation Strategy Committee - 11 October 2023

HPERM Ref: D23/423802

Attachments: 1. Attachment - CBD Committee Budget Update - October 2023 [↓](#)
2. Nowra CBD Revitalisation - Promotions Financial Account - Statement - FY 2022-2023 [↓](#)

CBD23.39 Acknowledgement of Resignation - Wesley Hindmarch

HPERM Ref:
D23/381295

Recommendation

That Council

1. Acknowledge the receipt of resignation from Wesley Hindmarch
2. Call for Expressions of Interest for Community Membership to fill the vacant position.

CBD23.41 Standing Report - Budget Update - October 2023

HPERM Ref:
D23/384347

Recommendation

That Council

1. Notes the following for information:
 - a. That \$15,077 has been spent since the start of the 2023/24 financial year.
 - b. The total year-to-date spend for the 2023/2024 financial year is \$1,320,277 of the available budget of \$1,921,241. (Note \$1.3M for Betta Electrical)
 - c. A summary of the budget is provided in the Attachment to this report (D23/387795)

Note by the Acting CEO:

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

CBD23.46 Annual Financial Statement - Nowra CBD Promotions Budget - 2022-2023

HPERM Ref:
D23/350427

Recommendation

That the Annual Financial Statements for the 2022-2023 Financial Year (Attached) provided by the Nowra CBD Business Chamber be received for information.

Note by the Acting CEO:

This is provided to Council in line with the Committee's Terms of Reference Clause 11.3

CL23.389

The Nowra Business Chamber Inc will provide an annual report to Council on the promotional activities and related expenditure.

CBD23.49 Election of Chairperson

Recommendation

That Council reaffirm James Caldwell as Chairperson for the period to September 2024 for the Nowra CBD Revitalisation Committee.

CL23.389

Nowra CBD Revitalisation Strategy Committee 3 Year Spending Plan

October 2023

	Actual Expenditure 2023-2024	Budget 2023-2024	Proposed Budget 2024-2025*	Proposed Budget 2025-2026*
Incoming Funds				
Carry Fwd		\$ 1,336,161	\$ 63,486	\$ 74,566
CBD Levy Allocation		\$ 585,080	\$ 585,080	\$ 585,080
Total Incoming Funds		\$ 1,921,241	\$ 648,566	\$ 659,646
Outgoing Funds				
Finance ID				
102948 Nowra CBD Renewal				
103898 Berry Street Footpath Upgrade				
102949 Nowra CBD City Walks				
102947 Shopfront Façade				
102512 CBD Promotions Disabled Access	\$ -	\$ 56,000	\$ 56,000	\$ 56,000
106232 Place Making Project	\$ 14,522	\$ 396,000	\$ 430,000	\$ -
A1 Endorse the Action Plan				
A2 2020-21 Preparation Work				
Contingency	\$ -	\$ 20,000	\$ 20,000	
A3 Place Manager for Nowra CBD	\$ 14,300	\$ 75,000	\$ 100,000	
A4 CBD Events & Programs (+Easter Event)	\$ -	\$ 36,000	\$ 75,000	
A5 Social Media and Graphics Support		\$ 20,000	\$ 20,000	
A6 Junction Court Revitalisation Project (via DPIE grant)		\$ -		
A7 Branding and Marketing Strategy	\$ -	\$ -		
A8 Monthly Cleaning and Maintenance Program		\$ -	\$ 25,000	
A9 Annual Christmas Wonderland	\$ 222	\$ -		
A10 Action Plan Impact Review		\$ -	\$ 20,000	
A11 Parklet Program		\$ 85,000	\$ 15,000	
A12 "Try Local" Campaign		\$ -	\$ 15,000	
A13 Monthly Fresh Food Markets		\$ -	\$ 20,000	
A14 Major Activation Feasibility Study + Project Implementation		\$ 40,000	\$ 100,000	
A15 Art and Light Project		\$ 120,000		
A16 Greening Nowra		\$ -	\$ 20,000	
Other Place Making Projects		\$ -		
Shovel Ready Designs				
North St Strategic Masterplan	\$ 5,755	\$ 5,755	\$ -	
Weekly Maintenance	\$ -	\$ 100,000		
Better Electrical Demolition	\$ 1,300,000	\$ 1,300,000		
Jelly Bean Park Amenities Design			\$ 88,000	
Jelly Bean Park Amenities Construction				\$ 880,000
Total Outgoing Funds	\$ 1,320,277	\$ 1,857,755	\$ 574,000	\$ 936,000
Carry forward to Next Financial Year				
		<i>Budgeted</i>	<i>Budgeted</i>	<i>Budgeted</i>
	\$	63,486	\$ 74,566	-\$ 276,354

*Assuming a continuation of the current funding agreement with Council

Nowra CBD Revitalisation Committee Promotions Account				
<u>Financial Statement 01.07.2022 - 30.06.2023</u>				
<u>Income</u>			<u>Expenses</u>	
	Funds	GST		
SCC FY 2022-2023	54,891.09	5,489.11	C'Mas	9,183.15
Readers Writers	5,000.00		Advertisin	3,661.50
ATO (Refund)	1,383.00		SBC Golf	550.00
ATO (Refund)	5,064.00		Freedom o	17,562.00
			Equipment	1,919.00
			Storage	6,000.00
			Gen Expen:	691.03
			GST	5,216.00
	66,338.09	5,489.11		
		66,338.09		
Sub/Total		71,827.20		
		71,827.20		
Total		71,827.20		44,782.68
<u>Trial Balance</u>			<u>Bank Rec</u>	
B'Fwd		57,470.37	27-Jun-23	84,514.89
Income		71,827.20		
Expenses		- 44,782.68		
		84,514.89		84,514.89

CL23.390 Investment Report - September 2023

HPERM Ref: D23/420718

Department: Finance

Approver: Kerrie Hamilton, Director City Performance

Attachments: 1. Shoalhaven Monthly Investment Report - September 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 30 September 2023.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 4.41% per annum for the month of September 2023, outperforming the benchmark AusBond Bank Bill Index (4.18% pa) by 23 basis points (0.23%).
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 30 September 2023 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 30 September 2023 be requested.

Implications: Nil

3. The report of the record of Investments for the period to 30 September 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 October 2023.

Implications: Nil

Background

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

Portfolio Return

The investment returns (excluding growth fund) were a stable 4.41% p.a., outperforming the benchmark AusBond Bank Bill Index (4.18% p.a.) by twenty-three basis points (0.23%).

CL23.390

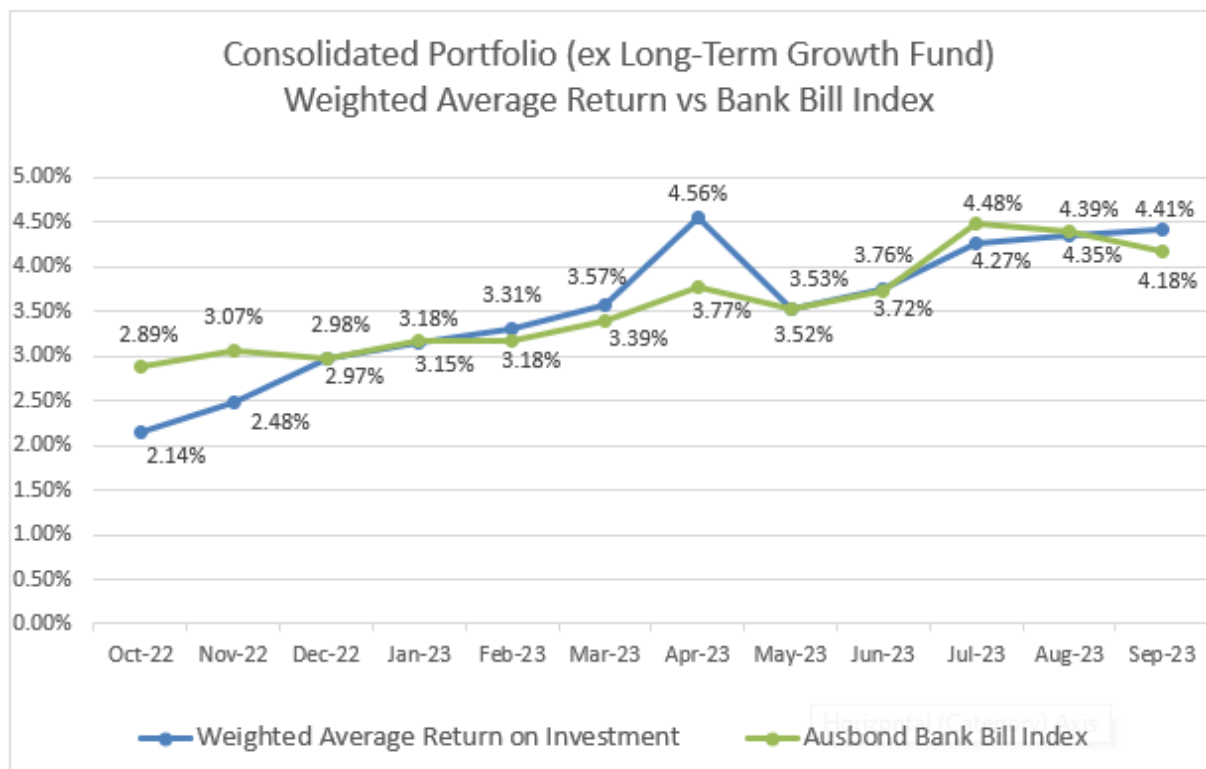
Due to the negative movement of the growth fund, the overall portfolio (excluding cash) returned a negative -0.62% p.a. for the month of September 2023, underperforming the benchmark AusBond Bank Bill Index return by -4.81% p.a.

The Reserve Bank of Australia kept the official cash rate steady at 4.1% on Tuesday 3rd of October 2023, with the RBA's October Board Minutes indicating the low tolerance for a slower return of inflation to target.

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 underperformed and returned a negative -\$481,769.43 or -2.31% (net actual) for the month of September 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.

CL23.390

Investment Interest Earned – September 2023

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

Table 1- Interest Earned for the Month of September 2023

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	251,198	297,554	46,355
Water	85,151	223,049	137,898
Sewer	55,068	78,330	23,262
Total excluding Long-Term Growth Fund	391,417	598,933	207,515

The interest earned for the month of September, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$598,933 compared to the monthly revised budget of \$391,417.

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.

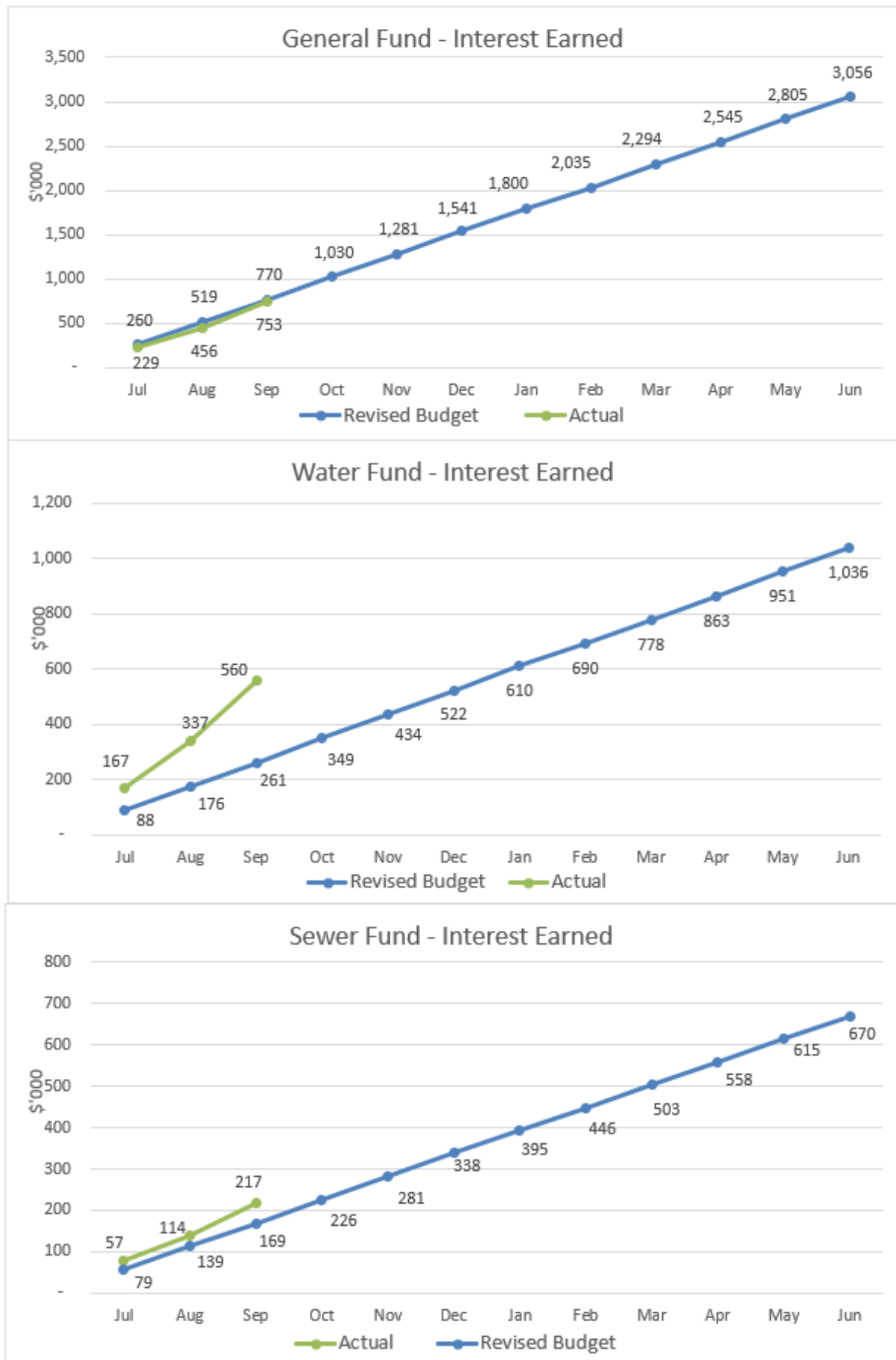
Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	3,056,247	753,055	24.64%
Water	1,036,000	559,922	54.05%
Sewer	670,000	216,960	32.38%
Total excluding Long-Term Growth Fund	4,762,247	1,529,937	32.13%

The cumulative interest earned for the year (July to September), excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,529,937 which is 32.13% 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:

CL23.390

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



CL23.390

Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators

At the time of preparing this report, Finance was in the process of finalising the September quarter budget reviews. Accordingly, the Cash and Restricted Assets, Restricted Asset Movements and Liquidity Indicators sections have necessarily been excluded from the September Investment Report.

As at 30 June 2023, Council had spent \$35M in grants spent in advance. In accordance with Council's adopted Liquidity Contingency Plan, internal restrictions were utilised to fund the grants spent in advance.

Since 30 June 2023 and up to 30 September 2023, Council received \$18.6M of the outstanding grants spent in advance balance. Council has also received an advance payment of \$10.8M in Natural Disaster funding, which will ease pressure on Council's cashflow and ensure the continuation of much needed disaster recovery works. Between 30 September 2023 and 23 October 2023, Council has received an additional \$1.6M of the outstanding grants spent in advance balance.

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: 24 October 2023

CL23.390

CL23.391 Kangaroo Valley Show - Request for Application of Partial Public Holiday 2024/2025

HPERM Ref: D23/339584

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

Attachments:

1. Application - Kangaroo Valley A&H Association [↓](#)
2. Ministerial Guidelines [↓](#)
3. Collated Letters of Support Received (as part of application) [↓](#)
4. REMPLAN (Tourism) [↓](#)
5. Email to Visit Kangaroo Valley [↓](#)
6. South Coast Register and Facebook Advertisement [↓](#)
7. Submissions Received Not In Favour [↓](#)

Reason for Report

To consider an application request from Kangaroo Valley Agricultural & Horticultural (A&H) Association for the proclamation of a Public Holiday for the Kangaroo Valley Show as a Partial Public Holiday for both 2024 and 2025. The proposed dates are the first days of each of the 2024 and 2025 Shows, being Friday 16 February 2024 and Friday 14 February 2025.

Recommendation

That Council

1. Note the outcomes of the public consultation process outlined in the report.
2. Commence the process to make a biennial application to The Minister for Industrial Relations under the Public Holidays Act 2010, over the localities of Kangaroo Valley, Upper Kangaroo Valley and Barrengarry within the Shoalhaven City Council area, as highlighted in the map detailed in the report and published on Council's webpage, for the proclamation of a partial public holiday (9am-5pm) on the first day of the Kangaroo Valley Show to be held on the following dates:
 - a. Friday 16 February 2024
 - b. Friday 14 February 2025

Options

1. As Recommended

Implications: This will continue the historic practice of support from the Council and submission of an application to the Minister for a Public Holiday for the first day of Kangaroo Valley Show for the years 2024 and 2025. All those bodies and organisations who were consulted and or made submissions will be informed of the Council decision.

2. Council adopts an alternate recommendation, such as not supporting to proceed with the application, request amendment to arrangements for 2025 or other amendment.

Implications: A resolution other than support will impact the usual practice of the 2024 Show. Applications are due with the Minister by 10 November 2023, so there is now insufficient time to amend the scope of the Public Holiday and undertake the required

CL23.391

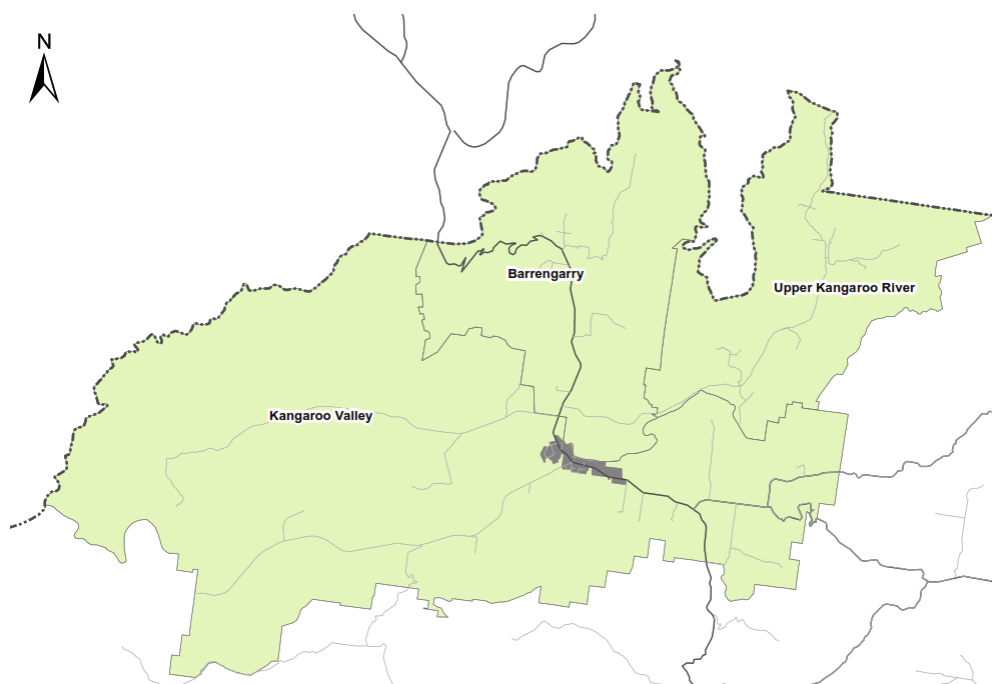
public consultation to make application in time for the 2024 Show. Kangaroo Valley A&H Association would need to be informed accordingly.

Background

Council received a request (on 21 August 2023) from the Kangaroo Valley Agricultural & Horticultural (A&H) Association (Attachment 1) for Council to make an application to the Minister for Industrial Relations for the proclamation of a public holiday for the first day of the Kangaroo Valley Show as a partial Public Holiday under the Public Holidays Act 2010. Kangaroo Valley A&H Association have made an application for a Public Holiday for the Kangaroo Valley Show for more than 20 years. Each previous application has been approved by the Minister.

Applications are now made biennial to achieve approval for two consecutive years under each application (if required). The Guidelines for Local Public Holidays are provided as Attachment 2 to this report.

It is proposed that the partial Public Holiday will cover the localities of Kangaroo Valley, Upper Kangaroo Valley and Barrengarry within the Shoalhaven City Council area as highlighted and detailed in the below map:



Under the Public Holidays Act 2010, Council has an obligation to process any application received for a Public Holiday.

Employees whose place of work is within a local public holiday area will be entitled to be absent from work for the day or part day declared to be a public holiday. In addition, employees who work on the day or part day may have an entitlement to penalty rates under a relevant award or enterprise agreement.

Once an application is received by Council, the application process involves:

- Consultation by Council and the Kangaroo Valley A&H Association with the affected community and other relevant stakeholders located in the local area.
- Resolution of the Council to proceed with the application and consultation process.
- Submission of the application by 10 November 2023 to the Minister. The application is to contain the following information:

CL23.391

- a statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
- the date, the designated area and, if relevant, the hours during which the public holiday or local event day is to be observed.
- the extent of community consultation undertaken in respect of the proposal.
- copies of advertisements seeking public comment and a summary of the responses from the local community.
- a summary of correspondence to, and responses from, relevant stakeholders, including bank managers, school principals, and chambers of commerce regarding the Council's proposal.
- internal reports or information prepared for consideration by the Council and a copy of the Council's resolution authorising the making of the application.

Internal Consultation:

The following comment has been provided by the Acting Economic Development Manager/Tourism Manager:

The Kangaroo Valley show goes for two days. Total visitation is 1,300 people through the gates (750 per day).

Out of the 1300 people that attend,

- *300 people are domestic visitors staying overnight.*
- *1,000 are domestic day visitors.*

The Kangaroo Valley Show retains the character of a country show and so is a drawcard for visitors from other areas. People are rebounding from COVID and still looking for weekend getaways. On this basis I think that the actual economic impact is understated.

However, if the above assumptions are correct then the total economic impact for the Kangaroo Valley Show would be \$235,000 generating \$62,000 in wages and salaries and adding \$122,000 to the economy of the Shoalhaven.

See REMPLAN (Attachment 4)

The Community Connections Manager provided the following comment:

"Events such as the Kangaroo Valley Show are important in the life of rural communities. They bring the whole community together in an atmosphere of pride, celebration, and fun. As such, they promote the building and development of strong and cohesive social networks. This is especially important as the Kangaroo Valley community emerge from three years of Natural Disasters including fires, floods, storms and landslips.

The creation of a Public Holiday for the Kangaroo Valley Show increases the opportunity for members of the local community to be available to join in the event and would aid in increasing the social capital of the area. The KV Show will aid community healing and improve wellbeing."

Community Engagement

As part of the application process, a notice was placed in the South Coast Register seeking feedback and placed on the [Council's website](#) for a period of 28 days for comment in relation to both years under the application. A targeted Facebook Campaign was also promoted during the consultation period. (Attachment 6)

The A&H Association has contacted local community groups to seek support and the following responses of support were received and provided with the application (shown within Attachment 3):

- Osborne Park Management Committee – (Chairperson)
- Kangaroo Valley Lions Club – (Secretary)
- Kangaroo Valley Public School - (Relieving Principal)
- Kangaroo Valley Tourist Association – (Community Manager)
- Shine Bus Company

There are no banking institutions in Kangaroo Valley.

Ms Coralie Bell – Tourism & Economic Development Manager forwarded an email (Attachment 5) on 24 August 2023 seeking feedback from [Visit Kangaroo Valley Directory](#). However, in addition to the letters of support received, feedback was also received from 3 businesses in Kangaroo Valley who informed Council that they did not support the Public Holiday on the basis of expected resultant staff shortages, loss of business and cost to business these responses are detailed within Attachment 7.

Financial Implications

Council incurs the cost of advertising in the *South Coast Register* and *Facebook Advertising* as part of the community consultation process and the associated administrative tasks in the preparation and lodgement of the application.



Kangaroo Valley Agriculture &
Horticultural Association Inc.
PO Box 6234, Kangaroo Valley NSW 2577
E. ahsociety@kangaroovalley.nsw.au
W. kangaroovalleyshow.org.au

16 July 2023

Claire Andriske
Governance Officer
Shoalhaven City Council
P O Box 42
Nowra NSW 2541

Dear Claire

Kangaroo Valley A&H Association would like to apply for a Partial Public Holiday for a 2year period 2024 and 2025 for our annual show.

The Kangaroo Valley Show is run under the auspice of the Agriculture and Horticulture Association. It has been held for 187 years and plays a critical role in the major event calendar for Kangaroo Valley. The purpose of the Show is to demonstrate the value and contribution of agricultural pursuits in the region. It upholds important community vlues of community, resilience and sharing.

The Show is run exclusively by volunteers, over 130 people form the local community contribute as well as local business providing important sponsorship. It attracts several thousand people and is an important tourism event. It provides economic benefits to local hospitality and accommodation businesses. Also many local community groups and businesses have a stall at the Show.

In addition, there are hundreds of entries from cattle, horse events, to jams, cakes and arts and craft with several hundred people of all ages participating.

It is a very family centered event with the public holiday allowing children an opportunity to attend with family and participate in the numerous children events.

I have written support (attached) from the following parties for a Partial Public Holiday.

Osborne Park Management Committee
Kangaroo Valley Lions Club
Kangaroo Valley Public School
Kangaroo Valley Tourist Association

Accordingly, I would now like to apply for a Partial Public Holiday for Friday 16 February 2024 and Friday 14 February 2025 for the annual Kangaroo Valley ShowIf you would like any more information, please do not hesitate to contact me via 0401993452 or ahsociety@kangaroovalley.nsw.au

Yours Faithfully

Lauren Murray
Hon Sec
Kangaroo Valley Show
ahsociety@kangaroovalley.nsw.au
www.kangaroovalleyshow.org.au





Guidelines for Local Public Holiday and Local Event Day applications

The following guidelines are provided to assist in the making of applications to the Minister for the Public Service and Employee Relations for the declaration of local public holidays and local event days under the *Public Holidays Act 2010* (NSW).

Under the *Public Holidays Act 2010* all public holidays and local event days (including part-days) must be declared by Order of the Minister and published on the NSW legislation website.

In determining whether to apply for a local public holiday or local event day, it is important that the Council be mindful of the potential impact the application will have upon businesses and communities located within designated public holiday areas.

Declaration of a Local Public Holiday

In circumstances where a local public holiday is declared by the Minister, a bank located in the designated holiday area will be required to close during the declared public holiday hours unless the bank is exempted from the requirement to close under Part 3A of the *Retail Trading Act 2008*. Shops located within the designated holiday area are free to open without restriction.

Where it is proposed to request a half-day public holiday, consideration should be given to the effect the half day holiday will have on local schools and on the transport of students who attend school on the day. **In this regard, it is expected that the consultation process with local schools will take account of the transport arrangements for students on the half day.**

Implications for Employers

The public holiday provisions contained in the National Employment Standards of the *Fair Work Act 2009* (Cth) apply to local public holidays declared under the *Public Holidays Act 2010*. This means that all employees irrespective of their former entitlements and whose place of work is within a local public holiday area will be entitled to be absent from work for the day or part day declared to be a public holiday. In addition, employees who work on the day or part day may have an entitlement to penalty rates under a relevant award or enterprise agreement.

In considering an application to the Minister for a public holiday or part-day holiday, it is expected that the Council will consult with the affected community and other relevant stakeholders as to the impact of a local public holiday or part-holiday on businesses located in the local government area.

Declaration of a Local Event Day

The capacity for the Minister to declare a local event day or part day at the request of a local council is also available under the *Public Holidays Act 2010*. The Minister must be satisfied that the day or part day is, and will be observed as, a day of special significance to the community in the area concerned.

The declaration of a local event day or part day does **not preclude banks or shops located within the designated holiday area from opening or trading on the day.**

Implications for Employers

A declared local event day does not automatically mean that employers in the particular locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract. This goes some way to restoring the industrial arrangements that existed prior to changes in the Commonwealth workplace laws.

The application process

An application for the declaration of a local public holiday or local event day (including a part-day holiday or event day) must be made in writing to the Executive Director, Employee Relations, Department of Premier and Cabinet and contain the following information:

1. a statement regarding the history of the event and whether the event day has traditionally been observed as a full or half-day public holiday.
2. the date, the designated area and, if relevant, the hours during which the public holiday or local event day is to be observed;
3. the extent of community consultation undertaken in respect of the proposal;
4. copies of advertisements seeking public comment and a summary of the public's responses;
5. a summary of correspondence to, and responses from, relevant stakeholders, including bank managers; school principals; and chambers of commerce regarding the Council's proposal.
6. internal reports or information prepared for consideration by the Council and a copy of the Council's resolution authorising the making of the application;
7. where an application is made for a public holiday or part-day holiday, details of:
 - alternatives considered by the Council including the declaration a local event day; and
 - arrangements for school students (including the provision of transportation for students attending schools on the day of a part-day public holiday).

Biennial declaration of public holidays and local event days

Applications may be made for the declaration of public holidays and local event days (and part days) over a consecutive two-year period for the holding or celebration of annual events, such as a local show day, race day or carnival.

However, in making an application for a full or part-day public holiday it is expected that the Council will provide additional information focused on the economic and social importance of the event for the designated holiday area. This could include information provided by event organisers, local businesses or relevant industry surveys or statistics.

Additional information required for biennial applications

Where a Council intends to make a biennial application for the declaration of public holidays or local event days (including part-day declarations), the Council must conduct a consultation process as to the proposal and provide the following information:

- the level of support for and against the application from local businesses and stakeholders
- the benefits to the local community in terms of employment, business activity, tourism and industry promotion of the region
- demonstration of the economic benefits to the local community in terms of employment, business activity, tourism and industry promotion of the region
- details of the importance of the event from a social and community perspective

Sections 5 and 8 of the *Public Holidays Act 2010*

Copies of sections 5 and 8 of the *Public Holidays Act 2010* relating to the declaration of local public holidays and local event days have been included for the information of the Council in Appendix A.

Appendix A

Sections 5 and 8 of the Public Holidays Act 2010

5 Additional public holidays

- (1) The Minister may by order published on the NSW legislation website declare a specified day or part-day in a particular year to be a public holiday. The order must be published at least 7 days before the public holiday.
- (2) The order can declare a public holiday for the whole State or for a specified part of the State.
- (3) The Minister may by order published on the NSW legislation website cancel a public holiday declared under this section. The order must be published at least 7 days before the public holiday.

8 Local event days

- (1) The Minister may by order made at the request of the council of a local government area declare a specified day or part-day to be a local event day in the local government area or in a specified part of the local government area.
- (2) The Minister is not to declare a local event day unless satisfied that the day or part-day is, and will be observed as, a day of special significance to the community in the area concerned.
- (3) The order declaring a local event day must be published on the NSW legislation website at least 7 days before the local event day.
- (4) The declaration of a local event day does not make the local event day a public holiday.



02 4465 1182
kangaroova-p.school@det.nsw.edu.au
140 Moss Vale Road, Kangaroo Valley 2577
<https://kangaroova-p.schools.nsw.gov.au>

KANGAROO VALLEY PUBLIC SCHOOL

Date: 19th July, 2023

Kangaroo Valley Agricultural Show Day Public Holiday

NSW Government and Shoalhaven City Council

I am writing to you to add my support of a request for a public holiday for the Kangaroo Valley community for Kangaroo Valley Agricultural Show Day in 2024 and 2025. The public holiday show day has been an integral part of our school community event days and our students are encouraged to enter a range of activities and events and submit work for judging on the public holiday. Your consideration of the school's request to support this promotion would be very much appreciated

Your Sincerely

Regards,

Jennifer Arnott
Relieving Principal
Kangaroo Valley Public School





PO Box 6218 Kangaroo Valley NSW 2577
Visitkangaroovalley.com.au

To whom it may concern

We wish to indicate our support for the partial Public Holiday for the Kangaroo Valley Show for 2024/25.

The Show brings important tourism to the Valley with people attending from across the Shoalhaven and beyond. In addition, it showcases the producers, local businesses and tourism activities available in Kangaroo Valley to an extensive audience..

Many local businesses are financial Sponsors of the Show and many local community groups have stalls.

The Public Holliday means that the School Children of the locale can attend with their families to the important community event as there are many kid's activities and competitions on Friday.

Yours sincerely

Natalie Harker

Community Manager

Kangaroo Valley Chamber of Tourism & Commerce

KANGAROO VALLEY BUS COMPANY

ABN: 60198426162

ACCREDITATION NO. 42946

shinemaintenance@rocketmail.com

7th September 2023

Claire Andriske
[Governance Officer](#)
Shoalhaven City Council

Dear Claire

We are the owner and operators of the local bus transport service in Kangaroo Valley. We understand that the Public Holiday which is allocated for the Friday before the Kangaroo Valley Show is being considered for renewal and we are writing to advise that this Public Holiday has no impact on our business. Our buses will be operating regardless because even though the Primary School will be closed and therefore there will be no primary school aged students to transport, we have high school students to look after on this day.

From a community member's perspective, we've been in support and thoroughly enjoyed this Public Holiday for 20 years, our daughter attended the local primary school and always participated in the day's events at the show on the Friday. She's now 18 years old and always talks about how the Friday is the best day at the show, it's known as 'locals day'.

Without this Public Holiday, we believe that the show would be at risk of becoming obsolete and after the recent years of hardship in the Valley due to fires and floods, this would be a very disappointing scenario.

Yours sincerely

Shelly & Simon Shine

CL23.391 - Attachment 3

Dear Minister

We wish to give our whole hearted support to the continuation of the Public Holiday for the Kangaroo Valley Show in 2024 and 2025.

The Friday half Holiday means that children of the region can attend with their parents and see the country values and community spirit first hand demonstrated in the events and competitions of the Show.

The Show has been held yearly in kangaroo Valley for 186 years at Osbourne Park, and as a Management Committee we are proud to support the Show, as a significant community and cultural event in Kanagroo Valley.

Best regards

Natalie Harker Secretary on behalf of
David Kent - Chairperson

Osborne Park Management Committee



KANGAROO VALLEY LIONS CLUB

ABN 36 060 858 834
PO BOX 6002, KANGAROO VALLEY NSW 2577

PRESIDENT: DAVID LONCASTY
SECRETARY: LORRAINE MAIRINGER
TREASURER: JILL TURNBULL

Shoalhaven City Council

PO Box 42

Nowra. 2541

To Whom It May Concern:

The Lions Club of Kangaroo Valley fully supports the request to have the Friday 16th. February 2024 declared a Public Holiday for the Kangaroo Valley Show.

This will enable the Youth of Kangaroo Valley to compete in Junior events including exhibits in the Show Pavilion, and other Junior events which are only on the Friday.

Kind Regards,

Lorraine Mairinger

(Secretary)

12/7/2023.



Tourism Impact Summary Report for Shoalhaven (C) (Tourism Activity: 2 days)

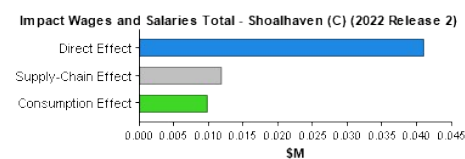
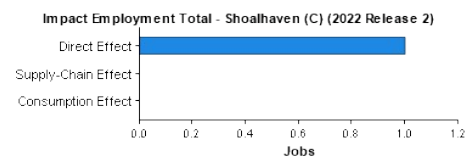
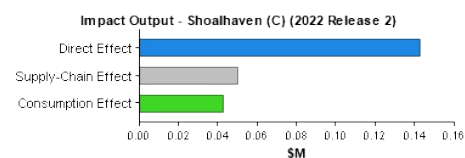
Tourism Impact Scenario

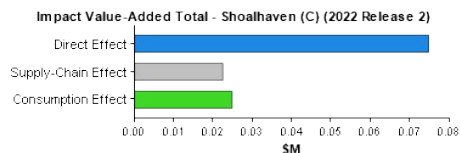
Name	Kangaroo Valley Show
Duration	2 days

Direct Impact	Domestic Day	Domestic Overnight	International	Total
Number of Visitors	1,000	300	0	1,300
Number of Nights	n/a	1.00	0.00	
Estimated Expenditure per Visitor per Day (\$)	\$102	\$135	\$78	
Total Estimated Expenditure (\$)	\$102,000	\$40,500	\$0	\$142,500

Estimated Expenditure per Visitor per Day data sourced from:
TRA 2019 Shoalhaven (C) Local Government Area Tourism Profile

Tourism Impacts





Under this scenario Gross Regional Product is estimated to increase by \$0.122 million (0.00%) to \$7,247.309 million. Contributing to this is a direct increase in output of \$0.143 million, 1 additional job, \$0.041 million more in wages and salaries and a boost in value-added of \$0.075 million.

From this direct expansion in the economy, flow-on supply-chain effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further increase to output valued at \$0.050 million, 0 more jobs, \$0.012 million more paid in wages and salaries, and a gain of \$0.022 million in terms of value-added.

These supply-chain effects represent the following Type 1 economic multipliers:

Impact	Type 1 Multipliers
Output	1.351
Employment	1.000
Wages and Salaries	1.288
Value-added	1.300

The increase in direct and indirect output and the corresponding creation of jobs in the economy are expected to result in an increase in the wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under the scenario are expected to further boost output by \$0.043 million, employment by 0 jobs, wages and salaries by \$0.010 million, and value-added by \$0.025 million.

Under this scenario, total output is expected to rise by \$0.235 million. Corresponding to this are anticipated increases in employment of 1 job, \$0.062 million wages and salaries, and \$0.122 million in terms of value-added.

The total changes to economic activity represent the following Type 2 economic multipliers:

Impact	Type 2 Multipliers
Output	1.650
Employment	1.000
Wages and Salaries	1.527
Value-added	1.632

Tourism Impact Summary (Tourism Activity: 2 days)

Impact	Direct Effect	Supply-Chain Effect	Consumption Effect	Total Effect	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	\$0.143	\$0.050	\$0.043	\$0.235	1.351	1.650
Long Term Employment (Jobs)	1	0	0	1	1.000	1.000
Wages and Salaries (\$M)	\$0.041	\$0.012	\$0.010	\$0.062	1.288	1.527
Value-added (\$M)	\$0.075	\$0.022	\$0.025	\$0.122	1.300	1.632



Disclaimer

All figures, data and commentary presented in this report are based on data sourced from the Australian Bureau of Statistics (ABS), most of which relates to the 2021, 2016, 2011, 2006 and 2001 Censuses, and data sourced from the National Visitor Survey (NVS) and International Visitor Survey (IVS) published by Tourism Research Australia.

Using ABS datasets and an input / output methodology industrial economic data estimates for defined geographic regions are generated.

This report is provided in good faith with every effort made to provide accurate data and apply comprehensive knowledge. However, REMPLAN does not guarantee the accuracy of data nor the conclusions drawn from this information. A decision to pursue any action in any way related to the figures, data and commentary presented in this report is wholly the responsibility of the party concerned. REMPLAN advises any party to conduct detailed feasibility studies and seek professional advice before proceeding with any such action and accept no responsibility for the consequences of pursuing any such action.

From: Coralie Bell
Sent: Thursday, August 24, 2023 1:53 PM
To: Visit Kangaroo Valley <contact@visitkangaroovalley.com.au>
Cc:
Subject: Request for feedback - Kangaroo Valley Show - Seeking Support for Public Holiday

Hi Kangaroo Valley Businesses,

Council has received a request to make an application for partial Public Holiday for the 2024 and 2025 Kangaroo Valley Show.

As part of the consultation process, Council is seeking your feedback from an Economic and Tourism perspective and the benefits of the Show (and the proposed public holiday) for the local community.

Would you mind letting us know from the local business perspective:

- a. The economic and social importance of the event
- b. The benefits to the local community in terms of employment, business activity, tourism and promotion of the region
- c. Any other comments?

Thanks

Coralie Bell
Tourism + Economic Development Manager

Shoalhaven City Council

Bridge Rd (PO Box 42) Nowra NSW 2541

RESPECT | INTEGRITY | ADAPTABILITY | COLLABORATION



Request Application for Partial Public Holiday – Kangaroo Valley Show 2024 and 2025

Council has received a request and intends to make an application to NSW Industrial Relations for the proclamation of a partial Public Holiday for the Kangaroo Valley Show for a 2 year period. The proposed dates are **Friday 16 February 2024** and **Friday 14 February 2025** between the hours of 9.00am to 5.00pm.

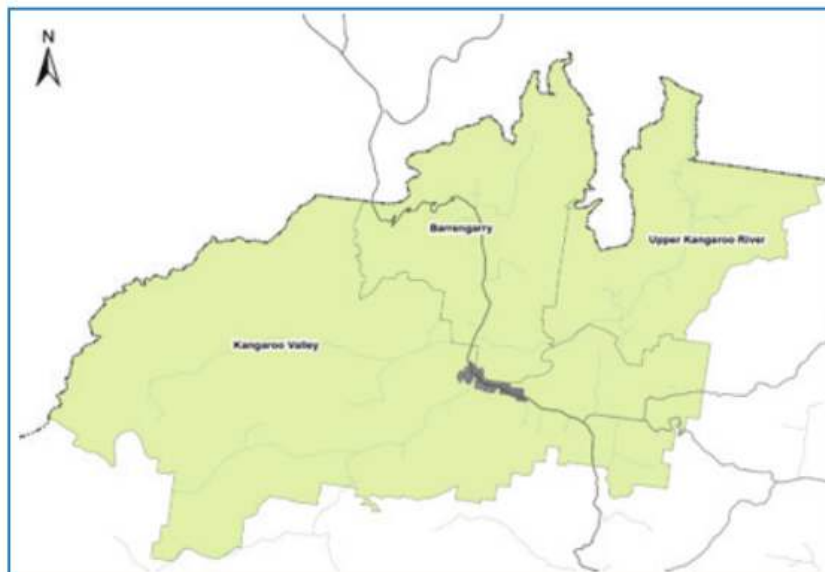
It is proposed the Partial Public Holiday will cover the localities of Kangaroo Valley, Upper Kangaroo Valley and Barrengarry within the Shoalhaven City Council area, as highlighted in the below map.

Noting the terminology of the description has changed from previous years (being over that part of the county of Camden, the Parish of Cambewarra and those portions


of the Parishes of Burrawang, Bugong, Yarrawa and Wallawa, situated in the City of Shoalhaven), the area for the proposed partial Public Holiday remains the same.


Written submissions are invited in regard to this proposal and are required to be submitted by **Friday 6 October 2023** and should be directed to the Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541. Submissions may also be made by email to council@shoalhaven.nsw.gov.au

Enquires should be directed to Claire Andriske, Governance Officer on (02) 4429 3361.



Facebook Campaign


Shoalhaven City Council

Sponsored · 

📁 Council has received a request and intends to make an application to NSW Industrial Relations for the proclamation of a partial public holiday for the Kangaroo Valley Show for a 2 year period.



📅 The proposed dates are Friday 16 February 2024 and Friday 14 February 2025 between the hours of 9.00am to 5.00pm.

📍 It is proposed the Partial Public Holiday will cover the localities of Kangaroo Valley, Upper Kangaroo Valley and Barrengarry within the Shoalhaven City Council area.

✍️ Written submissions are invited in regard to this proposal and are required to be submitted by Friday 6 October 2023 and should be directed to the Chief Executive Officer, Shoalhaven City Council, PO Box 42, Nowra NSW 2541. Submissions may also be made by email to council@shoalhaven.nsw.gov.au.

👉 Head to the Council website for more info bit.ly/3PkZFry



Contact Us promotion						
	4 Sep • Created by Clare Margaret	Completed	3,242 Reach	80 Link Clicks		
	Contact Us button clicks					
	 Council has received a request...					
<hr/>						
Contact Us promotion						
	18 Sep • Created by Clare Marga...	Completed	3,466 Reach	76 Link Clicks		
	Contact Us button clicks					
	 Council has received a request...					

Submissions Received Not in Favour - Proposed Public Holiday – Kangaroo Valley 2024/2025

No.	Submission	Content
1.	Kangaroo Valley Business General Cafe	<p><i>I'm a small business owner in kangaroo valley, and I'm opposed to the public holiday on the Friday that the show opens.</i></p> <ol style="list-style-type: none"> <i>1. We have a large down turn in business on the Friday - always.</i> <i>2. We have an employment shortage of adults under the age of 18. ... meaning that all staff are over the age of 20, so a average wage per hour for 1 staff member ranges from \$54 per hour to 62 per hour.</i> <p><i>Usually when we open on a public holiday... like the long weekends it's a state wide day(s) off and our valley heaves with tourists... marking the wage hike manageable. Our show doesn't bring anything near that level of tourism on a Friday.</i></p> <ol style="list-style-type: none"> <i>3. Last year our business ran at a loss on the Friday. It was stressful. There are 3 places at the show that act as a cafe and from my observations one of those places runs with volunteers.</i> <p><i>I'm happy to offer more reasons why I'm opposed to the public holiday on the Friday if needed.</i></p>
2.	Kangaroo Valley Business Kangaroo Valley Escapes	<p><i>Having been around KV for the last 20 years I am more than aware this has been requested in the past. I am keen to understand what benefit this offered? I know the children are given a days leave to attend the show. I am concerned that this will mean I have to pay my staff for a public holiday? For us the benefit will simply not be worth the cost. We will need to close the office and just myself as owner will have to take care of the business Any thoughts gratefully received</i></p>
3.	Kangaroo Valley Business Kangaroo Valley Safari's	<p><i>The weekend of the show is usually busy for us. Mostly people doing overnight canoe trips on the river. I always ask the day hire customers if they have come from the show. Over 95% don't know the show is on. I have never been able to find local people from Kangaroo Valley to work for us. So having a public holiday in the Valley could cost our business. If we had to pay penalty rates to our staff.</i></p> <p><i>There has always been a holiday for the Primary school. I think that should stay. Though for local business I don't think it is a good idea.</i></p>

CL23.392 Register - Annual Disclosure of Pecuniary Interest Returns - 2022/2023

HPERM Ref: D23/317158

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

Attachments:

1. City Development [↓](#)
2. City Futures [↓](#)
3. City Lifestyles [↓](#)
4. City Performance [↓](#)
5. City Services [↓](#)
6. CEO Group and Shoalhaven Water [↓](#)
7. Committees [↓](#)
8. Councillors [↓](#)

Reason for Report

This report is being submitted directly to the Ordinary Meeting due to the requirements under the Code of Conduct and the Local Government Act 1993. To provide Council with the Register of Pecuniary Interest Returns lodged with the Chief Executive Officer (CEO) for the period of 1 July 2022 to 30 June 2023 as required under Section 4.21 of the Code of Conduct.

Recommendation

That:

1. The report regarding the Register – Disclosure of Pecuniary Interest Returns lodged for the period of 1 July 2022 to 30 June 2023 be received for information.
2. The Chief Executive Officer consider appropriate action in respect of any Designated Persons who have failed to provide their return for the period of 1 July 2022 to 30 June 2023.

Options

1. Council may withdraw delegated authority to the Committees whose members have not completed the returns.

Implications: Withdrawing Delegated Authority from Committees may impact on more resolutions being reported to Council.

2. The Chief Executive Officer may suspend membership of Committees for any member in contravention of the Model Code of Conduct.

Implications: Suspending membership until the form has been returned may result in the Committees not reaching Quorum for meetings.

Background

The lodgement date for Pecuniary Interest returns covering 1 July 2022 to 30 June 2023 was 30 September 2023.

CL23.392

Persons with an obligation to lodge a pecuniary interest return by 30 September 2023 are listed in **Attachments 1-8** of the register tabled at this meeting.

Notice was provided to:

- All Councillors via hard copy and email on 17 August 2023
- Designated Staff between 31 July and 17 August 2023
- Committee members on 8 August 2023.

Reminders in addition to follow up phone calls, were sent via email to designated officers on 12, 19, 25 September 2023, reminding them to complete the form.

Despite the attempts and reminders stated above, At the time of writing this report one designated person as noted in Attachments has not completed a return and has not provided explanation for their failure to do so (i.e., not away, or unable to complete due to illness or other reason). It is anticipated that completed returns will be completed by this person within the month of October.

Advice provided to Council by the Office of Local Government in September 2015 was that 'hard copies' of returns are no longer required to be tabled at the Council meeting. Therefore, the register of returns for this period is attached and tabled.

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.

Executive Management Team at its meeting on 23 November 2021 resolved as follows:

That EMT:

2. *Amend the approach of the Council to reflect the requirements of the GIPA Act by placing appropriately redacted Returns of Interest of Councillors and Designated Officers on the Council Website from 1 April 2022.*

Risk Implications

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

CL23.392

Directorate	Position	Surname	First	Date Returned
City Development	Ranger	Aydogan	Levi	17/08/23
City Development	Development Assessment Officer	Bailey	Elisabeth	11/08/23
City Development	Ranger	Bandulet	Angela	01/09/23
City Development	Manager - Development Services	Bern	Cathy	9/08/23
City Development	Development Engineer	Bowman	Ryleigh	9/08/23
City Development	Development Planner	Bransgrove	Tim	8/08/23
City Development	Development Engineer	Brizga	Harry	15/08/23
City Development	District Environmental Health Officer	Burke	Blaire	24/08/23
City Development	Senior Ranger	Chapman	Scott	18/08/23
City Development	Ranger	Costa	Roberta	01/09/23
City Development	Team Supervisor - Certification	Dillon	Malcolm	6/09/23
City Development	Senior Development Planner	Downing	Elizabeth	11/08/23
City Development	Compliance Officer	Dwyer	Chris	15/08/23
City Development	Team Supervisor - Compliance	Freeman	Luke	14/08/23
City Development	Ranger	Fuller	Peter	10/08/23
City Development	Plumbing and Drainage Inspector	Graham	Micheal	25/08/23
City Development	Team Supervisor - Ranger Support	Hernell	Anna	16/08/23
City Development	Ranger	Hislop	Suzanne	14/08/23
City Development	Cadet Environmental Health Officer	Johnson	Ariana	8/08/23
City Development	Lead - Development Services - South	Johnston	Peter	11/08/23
City Development	Senior Development Planner	Jones	Lachlan	14/08/23
City Development	Plumbing and Drainage Inspector	Judd	Vaughan	25/08/23
City Development	Senior Environmental Health Officer	Khodaverdi	Kamran	18/08/23
City Development	Senior Development Planner	Lamerton	Justin	11/08/23
City Development	Senior Environmental Health Officer	Lee	Glendon	17/08/23
City Development	Building Surveyor (Casual Position)	Mackay	Rochelle	14/08/23
City Development	Assistant Ranger / Animal Attendant	Marcocci	Laura	9/08/23
City Development	Senior Environmental Health Officer	Marr	Thelma	25/08/23
City Development	Senior Planner	McDonald	Anne	11/08/23
City Development	Building Surveyor	McLoughlin	Patrick	15/08/23
City Development	Compliance Officer	McLuckie	Amber	9/08/23
City Development	Ranger (Casual Position)	McNeice	Phil	15/08/23
City Development	Swimming Pool/Compliance Officer	Moffitt	Luke	14/08/23
City Development	Senior Ranger	Nile	David	30/08/23
City Development	Lead – Ranger Services	Pearman	Tony	10/08/23
City Development	Building Surveyor	Pendlebury	Darryl	9/08/23

Directorate	Position	Surname	First	Date Returned
City Development	Development Assessment Officer	Pitt	Stephen	9/08/23
City Development	Manager - Environmental Services	Roberts	Michael	11/08/23
City Development	Senior Building Surveyor	Sage	Mark	18/08/23
City Development	District Environmental Health Officer	Sheehan	Bethany	16/08/23
City Development	Senior Ranger	Smith	Michael	14/08/23
City Development	Senior Compliance Officer	Staples	Ian	14/08/23
City Development	Senior Environmental Health Officer	Swan	Trent	24/08/23
City Development	Lead - Land Management	Swanson	Peter	17/08/23
City Development	Building Surveyor	Tooley	Diana	9/08/23
City Development	Senior Development Planner	Vernez	Andre	04/09/23
City Development	Development Planner	Witte	Jethro	23/08/23
City Development	Manager - Certification & Compliance	Wood	Colin	9/08/23
City Development	Team Supervisor - Development Assessment	Woodworth	Peter	11/08/23
City Development	Assistant Ranger	Wright	Jonathan	10/08/23
City Development	Development Engineering Coordinator	Haylett	Scott	23/08/23
City Development	Compliance Officer	Keith	Kerrie	7/09/23
City Development	Development Planner	Lisowski	Linda	8/08/23
City Development	Development Planner	May	Emily	10/08/23
City Development	Environmental Health Officer	Sneesby	Mark	10/08/23
City Development	Environmental Health Officer	Csanitz	Elizabeth	24/08/23
City Development	Environmental Health Officer	Clunas	Emma	9/08/23
City Development	Environmental Health Officer	Watts	Catherine	18/08/23
City Development	Environmental Health Officer	Howarth	Gregory	14/08/23
City Development	Lead Development Services	Lockart	Rebecca	10/08/23
City Development	Lead Environmental Health	Pickering	Shane	16/08/23
City Development	Lead Floodplain Management	Stone	Mark	23/08/23
City Development	Biosecurity Coordinator	Galbraith	Scott	16/08/23
City Development	Plumbing Inspector/Building Surveyor	McMillan	Kane	29/08/23
City Development	Compliance Officer	Kilminster	Nicholas	16/08/23
City Development	Compliance Officer	Taylor	Rachel	24/08/23
City Development	Development Assessment Officer	Lawrence	Adrian	23/08/23

Directorate	Position	Surname	First	Date Returned
City Development	Development Assessment Officer	Smith	Thomas	21/08/23
City Development	Development Planner	Balukoski	Zoran	18/08/23
City Development	Development Planner	Mendoza-Kehlet	Tara	11/08/23
City Development	Development Planner	Munson	Janelle	18/08/23
City Development	Development Planner	Shaw	Glenn	9/08/23
City Development	Manager Business Support	Spreitzer	Carmen	7/09/23
City Development	Development Planner	Yeganeh	Soolmaz Zafari	11/09/23
City Development	Director City Development	Ruprai	James	13/09/23
City Development	Ranger	Martin	Celia	21/08/23
City Development	City Development	Development Planner	Jitendra	17/08/23
City Development	Team Supervisor - Animal Shelter	Parnell	Jodie	22/08/23
City Development	Ranger	Choros	Roy	11/08/23
City Development	Compliance Officer	Komadina	Natalia	26/09/23
City Development	Lead - Coastal Management	Smith	Nigel	26/09/23
City Development	Portal & Planning Support Coordinator	Page	Emma	26/09/23
City Development	Fire Safety Specialist	Irwin	Garon	26/09/23
City Development	Plumbing & Drainage Inspector	McMullen	David	27/09/23
City Development	Environmental Health Officer - Soil & Water	Balding	Kate	26/09/23
City Development	Ranger (Casual Position)	Langdon	Michael	27/09/23
City Development	Development Planner	Smits	Edo	27/09/23
City Development	Environmental Health Officer	Jones	Nathaly	27/09/23
City Development	Environmental Health Officer	Melleuish	Josh	28/09/23
City Development	Indigenous Ranger	Brown	Shane	28/09/23
City Development	Plumbing & Drainage Inspector	Parker	Andrew	28/09/23
City Development	Development Assessment Officer	Bedson	Hannah	On extended leave
City Development	Planning Delegations	Reple	Janez	On extended leave

Directorate	Position	Surname	First	Date Returned
City Futures	Manager - Corporate Performance & Reporting	Fraser	Jim	4/8/23
City Futures	Principal Traffic Engineer	Wells	Scott	4/8/23
City Futures	Coordinator - Policy Planning Team	Tague	Jenna	4/8/23
City Futures	Coordinator - Strategy Planning Team	Rose	Matthew	4/8/23
City Futures	Strategic Planner	O'Sullivan	Kristy	7/8/23
City Futures	Strategic Planner	Lynch	Kate	4/8/23
City Futures	Cadet Town Planner	Kassis	Fallon	4/8/23
City Futures	Spatial Analyst	Gray	Sue	7/8/23
City Futures	Strategic Planner	Chapman	Maggie	7/8/23
City Futures	Strategic Planner	Carter	Richard	4/8/23
City Futures	Team Supervisor - Graphics	Bone	Kaye	7/8/23
City Futures	Tourism Manager	Bell	Coralie	7/8/23
City Futures	Coordinator - Local Planning Team	Jameson	Ryan	9/8/23
City Futures	Town Planner	Dwyer	Terry	15/8/23
City Futures	Strategic Landuse Planner	Hollinger	Eric	11/8/23
City Futures	Strategic Planning Manager	Clark	Gordon	11/8/23
City Futures	Strategic Property Officer	Venturini	Julie	16/8/23
City Futures	Spatial Analyst	Grant	Jennifer	16/8/23
City Futures	Strategic Planner – Local Planning Team	Kell	Emma	17/8/23
City Futures	Director – City Futures	McIntyre	Carey	21/8/23
City Futures	Strategic Planner	Aldous	Kaitlin	31/8/23

Directorate	Position	Surname	First	Date Returned
City Lifestyles	Central Leisure Manager	Brown	Simon	11/08/23
City Lifestyles	Manager - Library Services	Taylor	Sarah	10/08/23
City Lifestyles	Food, Beverage & Events Coordinator	Foley	Leah	10/08/23
City Lifestyles	Southern Leisure Manager	Graham	Matthew	15/08/23
City Lifestyles	Northern Leisure Manager	Musgrove	Darlene	16/08/23
City Lifestyles	Manager – Arts and Culture	Coulston	Bronwyn	18/08/23
City Lifestyles	Project Manager - Minor	Horgan	Craig	16/08/23
City Lifestyles	Northern Leisure Manager	Harding	Jaimie	22/08/23
City Lifestyles	Manager – Community Connections	Paine	Michael	18/08/23
City Lifestyles	Manager - Shoalhaven Entertainment Centre	Patterson	Karen	21/08/23
City Lifestyles	Precinct Coordinator - Program & Assets	Coker	Clinton	22/08/23
City Lifestyles	Ulladulla Customer & Community Resources Manager	Burns	Cathryn	23/08/23
City Lifestyles	Sanctuary Point Library Manager	Lee	Anna	23/08/23
City Lifestyles	Bookings & Events Officer	Dubois	Alison	24/08/23
City Lifestyles	Collection & Resources Manager	Glynn	Carissa	24/08/23
City Lifestyles	Manager - Shoalhaven Swim Sport Fitness Manager - Community Planning & Projects	Norwood	Kevin	24/08/23
City Lifestyles	Customer & Community Resources Manager	Lonesborough	Nicole	24/08/23
City Lifestyles	Director - City Lifestyles	Lewis	Jane	28/08/23
City Lifestyles	Marketing & Media Coordinator	Chalmers	Kar	06/09/23
City Lifestyles	Lead - Community Capacity Building	McWalters	Carly	06/09/23
City Lifestyles	Outreach & Digital Services Manager	Sharpe	Robin	07/09/23
City Lifestyles	Community Recovery Officer	Forsyth	Andrea	11/09/23
City Lifestyles	Operations Supervisor	Spencer	Shane	06/09/23
City Lifestyles	Ulladulla Function Centre Manager	Babington	Michelle	12/09/23
City Lifestyles	Social Infrastructure Planning Lead	Donnelly	Paul	27/09/23

Directorate	Position	Surname	First	Date Returned
City Performance	Chief Financial Officer	Buckman	Katie	15/08/2023
City Performance	Chief Information Officer	Hamilton	Dane	24/08/2023
City Performance	Chief Safety Officer	Griffin	Lisa	31/08/2023
City Performance	Complaints Officer	Sheldrick	Juanita	14/08/2023
City Performance	Contact Centre Lead	Raison	Karla	21/08/2023
City Performance	Director City Performance	Hamilton	Kerrie	23/08/2023
City Performance	Governance Coordinator	Aldous	Brooke	10/08/2023
City Performance	Information Officer	Goldsmith	Michael	15/08/2023
City Performance	Information Officer	Denton	Christina	09/08/2023
City Performance	Information Systems and Technology Project Manager	Oke	Monica	09/08/2023
City Performance	Lead - Human Resources	Winton	Lucas	09/08/2023
City Performance	Lead - Payroll	Jones	Cristy	23/08/2023
City Performance	Legal Services Counsel	Neilson	Samantha	23/08/2023
City Performance	Manager - Budgeting & Analysis	Phelan	Vanessa	16/08/2023
City Performance	Manager - Business Assurance & Risk	McMahon	Sara	09/08/2023
City Performance	Manager - People & Culture	Crangle	Amanda	24/08/2023
City Performance	Manager - Procurement	French	Paul	14/08/2023
City Performance	Manager - Reporting & Controls	Webb	Debbie/Debra	18/09/2023
City Performance	Manager - Revenue	Timmins	Peter	11/08/2023
City Performance	Manager Customer Experience	Buckingham	Lauren	09/08/2023
City Performance	Senior Workers Compensation Officer and Acting Lead Enterprise Risk Management	Hinks	Matthew	11/08/2023
City Performance	Unit Manager – GIS	Noroozi	Hamed	10/08/2023
City Performance	Unit Manager – IT Support	Jones	Daniel	16/08/2023
City Performance	Unit Manager - Records	Ball	Roslyn	19/09/2023
City Performance	Business Systems Manager	Formosa	Michelle	26/09/2023
City Performance	Lead - Enterprise Risk Management	Whittle	Damian	On extended leave

Directorate	Position	Surname	First	Date Returned
City Services	District Engineer – Central	Wilson	David	17/8/23
City Services	Engineer	Hazell	Kieran	17/8/23
City Services	District Engineer – North	Berzins	Michael	17/8/23
City Services	Buildings Operations Manager	Herald	Peter	17/8/23
City Services	Project Officer	Neradil	Sharon	17/8/23
City Services	District Engineer - South	Punnett	Troy	17/8/23
City Services	Senior Civil Engineer	Pieresco	David	18/8/23
City Services	Building Services Manager	George	Gary	18/8/23
City Services	Engineering Officer - Roads	Hillman	Dene	22/8/23
City Services	Manager - Roads Construction Manager	Dark	Lee	23/8/23
City Services	Waste Services Manager	Hojem	David	23/8/23
City Services	Manager – Fleet & Mechanical Services	Kennedy	Kate	24/8/23
City Services	Manager – Commercial Services	Sierra	Edward	19/8/23
City Services	Road Asset Manager	Paisley-Topp	David	30/8/23
City Services	Engineer	McCarthy	Leon	24/8/23
City Services	Assets Coordinator	Russell	Jacqueline	24/8/23
City Services	Senior Asset Management Advisor	McQueen	Peter	31/8/23
City Services	Waste Operations Coordinator	Windley	Peter	30/8/23
City Services	Project & Contracts Advisor	Alder	Matthew	30/8/23
City Services	Manager – Technical Services	Exton	Craig	30/8/23
City Services	Manager – Design Services	Tipton	Micaiah	30/8/23
City Services	Manager - Bereavement Services	Schembrie	Charmaine	1/9/23
City Services	Coordinator - Fleet Services	Andriske	Mark	8/9/23
City Services	Manager – Works & Services	Dando	Trevor	29/8/23
City Services	Senior Project Manager	Hulme	Beorn	7/9/23
City Services	District Engineer - Basin	Lynch	William	15/9/23
City Services	Waste Operations Coordinator	Hasler	Ben	28/09/23
City Services	Manager - Tourist Parks	Rachel	Dyer	12/10/23

Directorate	Position	Surname	First	Date Returned
Shoalhaven Water	Unit Manager Mechanical/Electrical	Ellis	Craig	8/8/23
Shoalhaven Water	Unit Manager – Water – Capital Program	Galea	Anthony	2/8/23
Shoalhaven Water	Water Revenue Manager	Hoerlein	Patricia	6/8/23
Shoalhaven Water	Executive Manager	Horner	Robert	2/8/23
Shoalhaven Water	Unit Manager	Jennings	Mark	1/8/23
Shoalhaven Water	Section Manager WAPD	Kidd	Matthew	31/7/23
Shoalhaven Water	Manager Business Services	Logue	Brenden	8/8/23
Shoalhaven Water	Project Manager	Clugston	Joshua	1/8/23
Shoalhaven Water	Water & Sewer Development Consultant	Ferrier	Calvin	1/8/23
Shoalhaven Water	Project Manager	Saraya	Nadeen	9/8/23
Shoalhaven Water	Unit Manager - Business Operations	Rodgers	Julia	8/8/23
Shoalhaven Water	Unit Manager – Projects & Assets	Dougherty	Christopher	14/8/23
Shoalhaven Water	Water Capital Portfolio Unit Manager	Singleton	Craig	14/8/23
Shoalhaven Water	Telecommunications Property Specialist	Walker	Lachlan	8/8/23
Shoalhaven Water	Communications Site Coordinator	Bowman	Fiona	3/8/23
Shoalhaven Water	Business Analyst	St John	Bettina	16/8/23
Shoalhaven Water	DCS Unit Manager	Gilkes	Allan	17/8/23
Shoalhaven Water	Water Regulatory & Development Manager	Solari	Andrew	17/8/23
Shoalhaven Water	Project Manager	Ahmed	Abrar	15/8/23
Shoalhaven Water	Unit Manager	Wady	Ivan	21/8/23
Shoalhaven Water	Water Operations Manager	McVey	Andrew	8/9/23

Directorate	Position	Surname	First	Date Returned
CEO Group	Chief Executive Officer	Dunshea	Stephen	25/9/23
CEO Group	Strategic Planner	Reynolds	Ian	7/9/23
CEO Group	Manager – Media & Communications	Lewis	Caitlyn	10/10/23

Committee Name	Position (Member/ Chair)	Surname	First	Date Returned
Nowra CBD Revitalisation Strategy Committee	Member	Baxter	Scott	14/8/23
Nowra CBD Revitalisation Strategy Committee	Member	Goddard	Brendan	14/8/23
Nowra CBD Revitalisation Strategy Committee	Member	Hindmarch	Wesley	Resigned and on extended sick leave
Nowra CBD Revitalisation Strategy Committee	Member	Caldwell	James	12/9/23
Nowra CBD Revitalisation Strategy Committee	Member	Di Giulio	Carlo	12/9/23
Nowra CBD Revitalisation Strategy Committee	Member	Shields	Catherine	19/9/23
Nowra CBD Revitalisation Strategy Committee	Place Manager	Henry	Alison	19/9/23
Nowra CBD Revitalisation Strategy Committee	Member	Bromley	Jessica	10/10/23
Nowra CBD Revitalisation Strategy Committee	Member	Cox	Jason	Will complete in October
Nowra CBD Revitalisation Strategy Committee	Member	Gash	Jo	11/10/23
Nowra CBD Revitalisation Strategy Committee	Member	Parker	George	27/9/23
Audit, Risk & Improvement Committee	Member	Rygate	Donna	17/08/23
Audit, Risk & Improvement Committee	Member	Gordon	John	28/08/23
Audit, Risk & Improvement Committee	Chairperson	McLean	Peter	21/09/23

Councillor	Surname	First	Date Returned
Councillor	White	Patricia	17/08/23
Councillor	Watson	Greg	18/08/23
Councillor	Gray	Tonia	21/08/23
Councillor	Wells	John	22/08/23
Councillor	Findley	Amanda	24/08/23
Councillor	Kotlash	John	18/08/23
Councillor	Copley	Serena	24/09/23
Councillor	Kitchener	Mark	26/09/23
Councillor	Christen	Evan	18/08/23
Councillor	Norris	Matthew	28/09/23
Councillor	Ell	Paul	28/09/23
Councillor	D'Ath	Moo	5/10/23

CL23.393 Ongoing Register of Pecuniary Interest Returns - September 2023

HPERM Ref: D23/392825

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 August to 31 August 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 September to 30 September 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
Councillor	Clr Gillian Boyd	4/07/2023	26/09/2023
City Development	Sharon Johnson	4/09/2023	27/09/2023

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*.

CL23.393

Risk Implications

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

CL23.393

CL23.394 Internal Reporting Policy - Changes to the Public Interest Disclosure Act

HPERM Ref: D23/410044

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

Attachments: 1. Internal Reporting Policy (Public Interest Disclosure Act, 2022) (under separate cover) [↗](#)

Reason for Report

For Council to endorse the updated Internal Reporting Policy based on a Model Policy from the NSW Ombudsman as required by the Public Interest Disclosures Act 2022

Recommendation

That Council adopt the attached Internal Reporting Policy (POL23/41), as endorsed by Executive Management Team (EMT).

Options

1. As recommended

Implications: Council endorses the Policy adopted by EMT in accordance with the requirements of the Public Interest Disclosures Act 2022, which came into effect 1 October 2023.

2. Request that updates to be made to the Policy and or the CEO take additional steps with regard to the implementation of the requirements under the Public Interest Disclosures Act 2022

Background

The Public Interest Disclosures Act 2022 (**PID Act 2022**) commenced 1 October 2023 at which time it repealed the Public Interest Disclosures Act 1994 (**PID Act 1994**). The new PID Act 2022 introduces significant reforms to the ways that public interest disclosures are made, received, and dealt with in New South Wales and is intended to provide greater protection of persons who make public interest disclosures than that currently afforded.

What has changed in the new Act?

The definition of Public Interest Disclosure

Under the PID Act 2022, public interest disclosures will be separated into three categories:

1. Voluntary public interest disclosures
2. Witness public interest disclosures
3. Mandatory public interest disclosures

Mandatory public interest disclosures are disclosures about serious wrongdoing made by a public official either while meeting the ordinary requirements of the official's particular role or functions, or under a statutory or other legal obligation.

CL23.394

Witness public interest disclosures are disclosures of information in an investigation of serious wrongdoing, or at the request of or in response to a requirement of a person or agency investigating the serious wrongdoing, whether or not the investigation:

- relates to or arises from the making of a voluntary public interest disclosure, or
- constitutes dealing with a voluntary public interest disclosure.

Voluntary public interest disclosures are most comparable to public interest disclosures under the current act.

For a disclosure to qualify as a voluntary disclosure, the person making the disclosure must honestly and on reasonable grounds believe that the disclosure shows or tends to show serious wrongdoing. Employment grievances which do not have significant implications beyond matters personally affecting an individual or disagreements as to reasonable management actions are not voluntary public interest disclosures: s26(3).

There is also a power for the head of an agency to make a determination that a disclosure made by a person is a voluntary public interest disclosure, even if the disclosure would not otherwise be such.

The administrative requirements for receiving and dealing with voluntary public interest disclosures are set out at Part 5 of the PID Act 2022.

Serious wrongdoing

Each of the categories of disclosure provide protections to the maker of the disclosure where the disclosure is about *serious wrongdoing* by a public officer. Serious wrongdoing is defined in s 13 of the PID Act 2022 as the following:

- a. corrupt conduct,
- b. a government information contravention,
- c. a local government pecuniary interest contravention,
- d. serious maladministration,
- e. a privacy contravention,
- f. a serious and substantial waste of public money.

Relevantly, a disclosure is *about* serious wrongdoing if the disclosure:

- a. includes an allegation of the serious wrongdoing, or
- b. otherwise shows or tends to show the serious wrongdoing.

The threshold seriousness set by a number of the categories of wrongdoing is lower than that under the PID Act 1994. For example, *serious maladministration* refers to conduct 'other than conduct of a trivial nature'. By contrast, the PID Act 1994 defines maladministration as only being relevant 'action or inaction of a serious nature.'

A disclosure will not be a public interest disclosure if the maker of the disclosure wilfully makes a false statement or misleads or attempts to mislead.

1. Who can make a public interest disclosure?

The categories of persons who can make a public interest disclosure are significantly expanded. In addition to persons employed by an agency, persons providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer, will be able to make a public interest disclosure.

Councils are 'agencies' under the PID Act 2022, and accordingly any employees, contractors, subcontractors and volunteers of any of any of those agencies will be a 'public official' for the purposes of the Act.

2. Who is a public interest disclosure made to?

CL23.394

Under the PID Act 2022 a person will not be disadvantaged by making a disclosure to the 'wrong' person – as rather than there being separate pathways for making a public interest disclosure, all public interest disclosures will be made in the same manner.

Disclosure officers are the primary people to whom a report will be made to within an agency. Under the new regime the number of Disclosure Officers has been widened to include:

- the head of an agency
- the most senior ongoing employee who ordinarily works at a '*permanently maintained worksite*' where more than one employee works
- the '*member*' of an unelected governing body within an agency.

The PID Act 2022 also imposes a mandatory obligation on managers who receive a public interest disclosure, to communicate, as soon as practicable, the disclosure to a disclosure officer for an agency with which either the manager or the public official who made the disclosure is associated. Manager is very broadly defined in section 15 of the PID Act 2022.

3. **Who is a public interest disclosure made to?**

Part 3 of the PID Act 2022 provides the protections for persons who makes a public interest disclosure, by making it an offence to take '*detrimental action*' against a person who has made a public interest disclosure, where their making of the public interest disclosure is a contributing factor to the taking of the action. This is a lower threshold than that under the PID Act 1994, under which it is only an offence to take detrimental action against the maker of a public interest disclosure that was "substantially in reprisal" for the disclosure.

The Internal Reporting Policy.

Key documents from the NSW Ombudsman, including a Model Policy document forms the basis for the attached Policy. As the new legislation is very prescriptive on the policy content there is not much room for alteration by the Council, except for alignment with Council titles and terminology.

The attached policy was adopted by the Executive Management Team on 26 September 2023, with the following actions required for the implementation of the Policy document:

- An internal communication campaign highlighting the Policy and new legislative requirements and protections utilising tools provided by the NSW Ombudsman
- Roll out the OLG Training Modules via online training to meet the legislative timeframes.
- Create an information hub on the Digital Workplace for Internal Reporting related contact lists, tools, and templates.

Several visual aids, videos and other tools have been made available by the NSW Ombudsman which will be used to promote internally the commencement of the new policy.

Internal Consultations

Internal consultation has occurred to formulate Appendix B of the attachment and to facilitate the training module hosting. Given the prescriptive nature of the policy and legislation, internal and external consultation has *not* occurred.

Policy Implications

This policy retains the name of the previous policy of the Council and is linked to the Code of Conduct, Fraud Prevention Policy, Complaint Handling Policy and other related policy documents which deal with reporting and investigation of allegations of wrongdoing by Council officials.

Financial Implications

Work will be completed within existing resources.

Risk Implications

Council is required under legislation to adopt this policy and support and manage Internal Reports. Supporting and facilitating Internal Reporting supports accountability and compliance within the organisation.

CL23.394

CL23.395 Data Breach Policy & Privacy Management Plan

HPERM Ref: D23/406087

Department: Business Assurance & Risk

Approver: Kerrie Hamilton, Director City Performance

Attachments: 1. Data Breach Policy - DRAFT (under separate cover) [↗](#)
2. Privacy Management Plan (under separate cover) [↗](#)

Reason for Report

For Council to adopt the proposed Data Breach Policy and updated Privacy Management Plan.

Recommendation

That Council adopt the draft Data Breach Policy and updated Privacy Management Plan.

Options

1. As recommended

Implications: The Policy and Privacy Management Plan will be adopted in accordance with the Mandatory Notification of Data Breach (MNDB) Scheme that will come into effect 28 November 2023.

2. Request further updates to be made to the Policy, prior to it being adopted and published on the Council website.

Background

Amendments to the *Privacy and Personal Information Protection Act 1998* (PIIP Act) will come into effect on 28 November 2023. The amendments impact the responsibilities of agencies under the PIIP Act, and require agencies to provide notifications to affected individuals in the event of an eligible data breach of their personal or health information by a NSW public sector agency or state-owned corporation subject to the PIIP Act.

The changes to the PIIP Act include:

- creating a Mandatory Notification of Data Breach (MNDB) Scheme which will require public sector agencies bound by the PIIP Act to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information likely to result in serious harm
- applying the PIIP Act to all NSW state-owned corporations that are not regulated by the Commonwealth *Privacy Act 1988*
- repealing s117C of the *Fines Act 1996* to ensure that all NSW public sector agencies are regulated by the same mandatory notification scheme.

Under the MNDB Scheme Councils and other NSW agencies will have an obligation to:

- immediately make all reasonable efforts to contain a data breach
- undertake an assessment within 30 days where there are reasonable grounds to suspect there may have been an eligible data breach

CL23.395

- during the assessment period, make all reasonable attempts to mitigate the harm done by the suspected breach
- decide whether a breach is an eligible data breach or there are reasonable grounds to believe the breach is an eligible data breach
- notify the Privacy Commissioner and affected individuals of the eligible data breach
- comply with other data management requirements.

The Information and Privacy Commission (IPC) has releasing various guides for agencies to get ready on their [website](#).

The Data Breach Policy attached to this report has been created to meet the requirements as set out under s59ZD of the Privacy and Personal Information Protection Act (PPIPA) and in line with the IPCs requirements and guidelines in relation to what the policy must entail.

The Policy has been created to identify how Council will prepare and protect itself against risks of a data breach.

The Policy outlines steps that will be taken in the situation that a Data Breach. The definition of the Data Breach being “*an incident, in which personal or confidential information, or non-personal information that could be sensitive or commercial, is compromised, disclosed, copied, transmitted, accessed, removed, destroyed, stolen, or used by unauthorised individuals, whether accidentally or intentionally.*” Examples of data breaches include;

- a device with a customer’s personal information is lost or stolen
- a database with personal information is hacked
- personal information is mistakenly given to the wrong person.

Internal Consultations

Consultation was undertaken with the Governance Coordinator, Chief Information Officer, Council’s Cyber Security Analyst, Chief Internal Auditor and Council’s Information and Privacy Officer and feedback was received. Research has been undertaken to ensure this captures requirement listed under the Act, reflects the guidance provided by the IPC and is consistent with other NSW Councils.

Once adopted an internal communications strategy will be put in place to notify staff of requirements for reporting suspected data breaches.

Policy Implications

This policy will work alongside Council’s Privacy Management Plan and Public Access to Council Information policy and will be referred to in the event of a Cyber Incident.

The new Section 33(2)(c1) will require the Privacy Management Plan to include provisions relating to the procedures and practices used by the agency to ensure compliance with the obligations and responsibilities set out in Part 6A for the mandatory notification of data breach scheme. This has been achieved by including a section within the Privacy Management Plan which describes and provides a link to the agency’s Data Breach Policy and any other relevant policy documents. This addition is shown in red within the Privacy Management Plan (attached). This is the same wording used within the IPC’s own Privacy Management Plan.

The MNDB Scheme will require agencies to satisfy other data management requirements, including to maintain an internal data breach incident register, and have a publicly accessible data breach policy.

Internal Procedural documentation will be developed to support the processes outlined in the policy. These procedures will be presented to the EMT separately and will not be public documents due to security and risk implications.

Risk Implications

In order to remain in line with requirements set out in s59ZD of the Privacy and Personal Information Protection Act (PPIPA), Council must prepare a Data Breach Policy.

CL23.395

CL23.396 New Proponent Initiated Planning Proposal - 88 North Bendalong Rd Bendalong

HPERM Ref: D23/348382

Department: Strategic Planning

Approver: Coralie Bell, Acting Director - City Futures

Attachments: 1. Preliminary PP assessment - 88 North Bendalong Road [↓](#)

Reason for Report

The purpose for this report is to introduce and seek direction on a new Planning Proposal (PP) request, initiated by the proponent. This request aims to amend Shoalhaven Local Environmental Plan 2014 (SLEP 2014) by creating a dwelling entitlement at 88 North Bendalong Road, Bendalong. The PP was submitted by MMJ Town Planning & Advisory on behalf of the owners, Bendalong Essential Services Pty Ltd.

Recommendation

That Council:

1. Support the Planning Proposal (PP) request to create a dwelling entitlement for Lot 32 DP 1191742 (88 North Bendalong Road, Bendalong) on the basis that the owners intend to surrender their development consent for '10 Holiday Cabins, 2 Accessible Accommodations, Common Facilities, and an Office' (DA14/2397) prior to conclusion of the PP process.
2. Prepare and submit the PP documentation to the NSW Department of Planning and Environment (DPE) for a Gateway determination.
3. Request that DPE include a condition in the Gateway determination that DA14/237 be surrendered prior to notification of the LEP amendment.
4. Depending on the outcome of the above, receive a report back after public exhibition.

Options

1. Proceed with the PP as recommended.

Implications: This choice allows for a less intensive use of the property, as it proposes a single dwelling house, subject to approval through a development application. This contrasts with the current approval for '10 Holiday Cabins, 2 Accessible Accommodations, Common Facilities, and an Office' (DA14/2397). It's important to note that the project developers plan to surrender the existing approval if the new proposal moves forward.

Given the property's development history and its location, the new proposal is seen as having both strategic merit and site-specific advantages. Therefore, this option is recommended.

2. Not proceed with the PP.

Implications: The current minimum lot size in SLEP 2014 does not allow a dwelling house to be approved. The owners may decide to proceed with the approved tourist development. There is a risk that the site may be utilised for more intense forms of

CL23.396

development, which is not supported by the community and not considered appropriate given the environmental sensitivities of the site and exposure to bushfire risk.

Background

The subject land, 88 North Bendalong Road, Bendalong (Lot 32 DP 1191742) is an irregular shaped allotment with an area of approximately 6,349m².

The land is predominately cleared with patches of established vegetation. Adjoining bushland extends to the north, east and south over the adjoining Crown Reserve (Lot 1 DP 1187143).

The site slopes gently from the northwest to the southeast. Bangalay Sand Forest, an Endangered Ecological Community (EEC), is located on the adjacent Crown Reserve and overlaps with the south-eastern fringe and eastern tip of the subject land.

An aerial photograph of the subject land is shown in **Figure 1**. Surrounding land uses include:

- Low Density Residential properties ranging from 502m² to 1362m² to the west and northwest.
- A vegetated public reserve to the north, east and south which separates the subject land from Flat Rock Beach to the north and Dee Beach to the south.
- An established public beach access is located within the vegetated public reserve to the north to provide direct access to Flat Rock Beach.



Figure 1. Aerial view of the subject land (2023).

Subdivision and Development History

- 1950s to 2014 - the land was formerly used as a tourist facility called 'Allawah Beachside Cabins'. The site used to have various buildings, including cabins, a

CL23.396

manager's residence, and additional structures like an amenities block and storage sheds (**Figure 2**, on the left).

- 2013 - The lot was created as part of a larger subdivision, SF10125 (as modified). This created 18 residential lots, including the subject land. The residential subdivision was registered on 21 November 2013.



Figure 2. Aerial view of the site in 2009 (left) showing the Allawah Beachside Cabins development and latest Nearmap (right) showing the site cleared

- 2014 - a Development Application (DA14/2397) was submitted for the site to replace existing structures with 10 Holiday Cabins, 2 Accessible Accommodations, Common Facilities, and an Office (**Figure 3**), approved on June 10, 2015.
- 2015 - A Construction Certificate (CC15/1959) was issued on August 7, 2015. Although the existing structures were demolished as approved, the new development has not been constructed. The site remains empty with a gravel driveway constructed during DA14/2397 (**Figure 2**, right).

CL23.396



Figure 3. Site Masterplan approved by DA14/2397.

Shoalhaven Local Environmental Plan 2014 (SLEP 2014)

Under SLEP 2014, the subject land is zoned C3 Environmental Management. The site was previously zoned 6(C) Recreation (Proposed) under the SLEP 1985. The current land use zoning of the subject land and surrounds is shown in **Figure 4**.



Figure 4. Land use zoning of the subject land (blue outline) and surrounds under the SLEP 2014

Forms of development which are permissible in the C3 zone include, but not limited to the following: Camping grounds; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Group homes; Home-based child care; Home businesses; Home industries; Information and educational facilities; Kiosks; Tourist and visitor accommodation.

The mapped minimum lot size is 40ha. While dwelling houses are permissible in the C3 zone, the subject land is 6,349m² and therefore does not comply with the minimum lot size 'development standard' for a dwelling.

Planning Proposal (PP) Request

In accordance with the NSW Department of Planning and Environment's (DPE) [Local Environmental Plan Making Guideline](#), the following pre-lodgement consultation process was followed:

- The proponent submitted a scoping proposal report to Council.
- The scoping proposal was referred to the relevant Council staff and external agencies for comment.
- Feedback received was collated and a pre-lodgement meeting held with the proponent and landowner representatives.
- A 'pre-lodgement letter' was issued to the proponent dated 12 May 2023. Council's letter is included in the proponent's documentation - see below.

A PP request was submitted to Council on 19 July 2023 and can be accessed on [Council's website](#) and includes the following documents:

- [Planning Proposal Report](#)
- [NSW Rural Fire Service \(RFS\) Scoping Proposal Response](#)
- [NSW DPE Biodiversity Conservation Division \(BCD\) Scoping Proposal Response](#)
- [Council Scoping Proposal Feedback](#)
- [Stormwater Management Plan](#)

CL23.396

- [Flora and Fauna Report](#)

The PP request seeks to enable a dwelling house to be constructed on the lot, subject to a future development application. The proponents' PP report states that:

"The eco tourist development DA14/2397 will be surrendered as part of the finalisation of the PP to permit a dwelling house."

Should the PP be progressed to finalisation, DA14/2397 would need to be surrendered prior to amending SLEP 2014. Should Council choose to support the PP, it is recommended that Council seek to have a condition included in the Gateway determination that DA14/237 be surrendered prior to notification of the LEP amendment.

The intended outcome would be achieved by reducing the mapped minimum lot size from 40 ha to 6,000 m². The proposed amendment to the mapped minimum lot size would not allow the land to be subdivided.

The PP would seek to amend the SLEP 2014 map overlay to potentially enable a development application for a dwelling to be approved. If SLEP 2014 is ultimately amended as requested, it is understood that the landowners intend to lodge a future development application for a single dwelling on the subject site. Any future development application for a dwelling house would be assessed on its merits at that time.

Preliminary Assessment

A preliminary assessment of strategic and site merit criteria within the framework set out in the NSW Government's [Local Environmental Plan Making Guideline](#) (last updated September 2023) is provided in **Attachment 1**. This framework requires the planning authority (Council) to consider several questions when determining the strategic merit and site merit of a PP.

Key findings are summarised below:

- The PP is generally consistent with the [Illawarra Shoalhaven Regional Plan 2041](#), particularly Objective 12: Build Resilient Places and Communities. The PP will facilitate a single dwelling instead of the approved tourist facility which is considered more appropriate given the site's proximity to an EEC and bushfire exposure.
- The PP is consistent with the [Shoalhaven 2032 Community Strategic Plan](#), particularly with the key themes of resilient, safe, accessible communities and sustainable, liveable environments.
- No significant inconsistencies with any [Ministerial Directions](#) have been identified including Direction 3.1 (Conservation), Direction 4.2 (Coastal Management), and Direction 4.3 (Planning for Bushfire Protection). The PP does not meet the acceptable solutions of Planning for Bush Fire Protection (PBP) 2019, and therefore is inconsistent with Direction 4.3. However, this inconsistency is considered minor and justifiable provided the existing consent is surrendered as part of the PP process.

In conclusion, the PP request is considered to have the required strategic merit and site merit to warrant Council's support and progression to the Gateway step. It is broadly consistent with applicable strategies and actions in the strategic planning framework, and no significant site merit issues or concerns have been identified to date.

Internal Consultation

The following internal stakeholders were invited to comment on the PP (including as part of the scoping proposal process):

- City Development – Environmental Assessment and Coastal Management, and

- City Services – Southern Maintenance, Works and Services and Technical Services.

Feedback from these stakeholders was provided in the scoping proposal meeting notes to the proponent. This feedback has informed the current PP.

Community Consultation

Adjoining landowners, the Red Head Villages Association, and Manyana Matters were notified on 7 August 2023 that the PP had been received. Additional consultations were conducted by the landowner prior to the formal commencement of the PP process with the Red Head Villages Association.

Council's letter requested any comments be provided within 21 days, i.e., by 28 August 2023. Four submissions were received, all in support of the PP. A copy of the submissions can be provided upon request.

Previous submitters and the Red Head Villages Association will be advised of the outcome of this report. Should the PP receive a favourable Gateway determination, the community will be formally consulted at the public exhibition stage.

External Consultation

As noted, the NSW Rural Fire Service (RFS) and NSW DPE - Biodiversity Conservation Division (BCD) were consulted during the scoping proposal process. DPE - Planning was notified on 4 August 2023 that a PP had been received by Council.

Should the PP progress and a favourable Gateway determination be received from the NSW Government, public exhibition would be undertaken in accordance with legislative and Gateway requirements.

Financial Implications

The PP would be managed as a 'standard PP', fully funded by the proponent in accordance with the applicable Council fees and charges.

CL23.396

Preliminary Planning Proposal (PP) Assessment - 88 North Bendalong Road, Bendalong

Section A – need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The PP is not the result of an endorsed LSPS, strategic study or report. The subject land is already zoned appropriately as determined by the 2014 citywide LEP process and the proposed reduction in the mapped minimum lot size is not something that would normally be identified by a broad strategic planning process.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are no alternative approaches to achieve the objectives or intended dwelling house outcome as described in the submitted PP request. The subject land has a total land area that is less than the mapped minimum lot size and therefore does not currently have a 'dwelling entitlement'. Further, there is no State Environmental Planning Policy that provides a suitable mechanism to permit the dwelling house. An opportunity to vary development standards per Clause 4.6 of Shoalhaven LEP is not applicable to the intended outcome as the extent of the variation required exceeds "an appropriate degree of flexibility", as the total variation required would represent an 84 percent (approximately) departure to the development standard described by Clause 4.2D(a). Therefore, a PP is the best and only way to achieve the intended outcome.

Section B – relationship to the strategic planning framework (strategic merit)

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The PP is generally consistent with the Regional Plan, particularly Objective 12: Build Resilient Places and Communities. The amendment sought will facilitate a single dwelling instead of the approved tourist facility which is a more intensive form of development. This outcome is considered more appropriate given the natural hazards, particularly bushfire risk.

Q4. Is the planning proposal consistent with a council Local Strategic Planning Statement (LSPS) that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

The PP is generally consistent with the LSPS. The PP seeks to facilitate a less intensive form of development that is more responsive to natural hazards, consistent with Planning Priority 10 (Protecting the environment) and Planning Priority 11 (Adapting to natural hazards through building resilience). Further, the PP is supported by relevant studies including a Strategic Bushfire Study which concludes that a future dwelling on the site will "will reduce the number of occupants from 24 persons and reduce the occupant risk profile from Special Fire Protection Purpose to Residential" which was echoed in feedback from the NSW Rural Fire Service received during the scoping proposal stage.

Further, the PP is consistent with the Shoalhaven 2032 Community Strategic Plan, particularly with the key themes of resilient, safe, accessible communities and sustainable, liveable environments. The PP is also broadly consistent with the Shoalhaven Growth Management Strategy (GMS) 2014. Bendalong is identified as having very limited growth potential in the GMS. However, the subject site is largely cleared and is adjacent to an identified residential area and has an existing approval for a more intensive form of development. The mapping in Section 7.13 identified the site as "physically constrained

land”, however, the submitted technical studies indicate that the proposed dwelling house will be able to appropriately respond to these constraints.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The PP is generally consistent with the Housing 2041 NSW Housing Strategy.

Q6. Is the planning proposal consistent with applicable SEPPs?

The PP is considered to be consistent with the State Environmental Planning Policy (Resilience and Hazards) 2021 and State Environmental Planning Policy (Biodiversity and Conservation) 2021, noting that the site is largely cleared, and the intended outcome (a single dwelling house) is significantly less intensive than the approved tourist cabins.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

No significant inconsistencies with any Ministerial Directions have been identified. Directions 3.1, 4.2 and 4.3 are pertinent and are discussed below.

Direction 3.1 (Conservation) seeks to protect and conserve environmentally sensitive areas. The PP has demonstrated that the proposed future development outcomes will facilitate the protection and conservation of identified biodiversity values on the site, subject to more detailed consideration at the Development Application stage. Any future asset protection zone required to achieve bushfire safety will need to be contained within the property boundary.

Direction 4.2 (Coastal Management) is applicable to the site as it is identified as an area of Coastal Environment and Coastal Use Area per the State Environmental Planning Policy (Resilience and Hazards) 2021. While the PP does not seek to rezone the site, the purpose of the PP is to reduce the intensity of land use on the site and is supported by the required supporting technical studies that demonstrates consideration of the relevant objectives of this direction.

Direction 4.3 (Planning for Bushfire Protection) applies to this PP as the site is identified as being bushfire prone land. NSW RFS commented on the proposal on 17 February 2023 during the pre-lodgement (scoping proposal) process. The [RFS correspondence](#) is included in the proponent's supporting documentation, and includes the following:

The site is subject to a significant level of risk, however the justifications put forth as part of the scoping report include recognising that this proposal seeks to replace an existing lawful development consent (that is unconstructed) for a special fire protection purpose (SFPP) with a proposed residential use.

The proposed residential development footprint shown is subject to likely direct flame contact in the event of a fire, and as such does not meet the acceptable solutions of Planning for Bush Fire Protection (PBP) 2019. Notwithstanding, given the proposed reduction in the risk profile of future occupants (going from a SFPP to residential), the NSW RFS supports the proposal subject to the following:

- *The existing development consent for SFPP development be surrendered as part of any approved planning proposal that would allow a residential land use. In this regard the proponents should be aware that if development consent was surrendered, future development applications for a SFPP development on the site would be assessed against current legislative bush fire requirements (and not take into account previous existing use rights nor a surrendered development consent as precedence). Therefore future applications for SFPP*

development would be unlikely to be supported by the NSW RFS due to the level of risk at the site and its inability to comply with the current requirement for new SFPP development to have a 10KW asset protection zone.

- *The NSW RFS notes that the scoping report has not been supported with a Strategic Bush Fire Study in accordance with Chapter 5 of PBP 2019. Whilst this is not generally accepted, in this instance the NSW RFS is prepared to accept the proposed Bush Fire Assessment prepared by Building Code & Bushfire Hazard Solutions Pty Ltd, Reference 230204, dated 28th October 2022, as being appropriate to support any future planning proposal given the unique premise of the proposal.*

In summary, the proposal does not meet the acceptable solutions of Planning for Bush Fire Protection (PBP) 2019, and therefore is inconsistent with Direction 4.3. However, this inconsistency is considered minor and justifiable provided the existing consent is surrendered as part of the PP process.

Section C – environmental, social and economic impact (site merit)

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land is predominately cleared, including where a dwelling is likely to be located. There are scattered trees and native vegetation within the area that would need to be maintained as a bushfire asset protection zone (APZ). The proponent's PP report indicates that no tree removal is required to accommodate the conceptual building envelope, and that some trees are proposed to be retained within the bushfire APZ.

A mapped Endangered Ecological Community (EEC), being the Bangalay Sand Forest, occurs on the adjoining Crown Reserve and overlaps with the eastern and southern edges of the subject land. The southern part of this mapped EEC is dissected by the existing driveway. The proponent's PP report suggests that the driveway will be retained in its current location but notes that some pruning and maintenance will be required.

Any future development application (DA) would be considered on merit having regard to the objectives of the C3 Environmental Management zone. Alternative alignments for the driveway should be considered at the DA stage.

Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No other adverse environmental effects of the PP are anticipated. The proponent's concept plans suggest no tree removal is required to facilitate construction. Surrounding properties will not be impacted by overshadowing or reduced solar access (noting the mapped maximum height of buildings is 6.0 m). Further, the site is not identified as being flood affected. The PP will facilitate a more appropriate development in context of bushfire risks.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The PP will facilitate provision of an additional residential dwelling in the area instead of the approved tourist cabins. The reduced development intensity for the site will reduce bushfire safety risks. The PP is likely to generate a minor economic benefit during the construction phase. The PP is not anticipated to impact on any existing retail centres or social infrastructure.

Construction of the approved tourist cabins would have created economic stimulus during construction and provided additional tourism in the locality, however the proponent's PP report states that the approved development was not commercially viable.

Given the circumstances, the PP is not expected to have any significant social and economic effects.

Q11. Is there adequate public infrastructure for the planning proposal?

The PP will not generate additional infrastructure needs. Existing public infrastructure is sufficient.

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The NSW Rural Fire Service (RFS) and NSW Department of Planning and Environment – Biodiversity Conservation Division (NSW BCD) were consulted as part of the pre-lodgement (scoping proposal) process.

As noted earlier, the RFS expressed in principle support for the PP on the basis that the existing consent will be surrendered, as it will result in a reduced occupant risk profile from Special Fire Protection Purpose to Residential.

NSW BCD recommended that a flora and fauna assessment be completed to allow potential impacts on biodiversity to be assessed. A flora and fauna assessment is included in the proponents' documentation.

Consistency with Council's Guideline for Proponent-Initiated Planning Proposals

In addition to the criteria set out in DPE's Local Environmental Plan Making Guideline, Section 1.7 of Council's [Guideline for Proponent-Initiated Planning Proposals \(PPs\)](#) states that a PP is more likely to be supported by Council if one or more of the following criteria are met:

1. There is a clear error or anomaly in the LEP. **Comment:** Not applicable
2. Council is satisfied that the proposed amendment is minor and has sound justification. **Comment:** The PP is considered minor given that it would facilitate a single dwelling house in place of the existing tourist facility development approval.
3. The proposal presents a small, albeit acceptable risk of setting an undesirable precedent. **Comment:** There is a risk that the PP may result in a precedent for other rural or environmental lands in similar circumstances, e.g., properties with existing tourist cabins that don't currently have a dwelling entitlement. This risk is considered acceptable given that:
 - The development history and circumstances are likely to be unique: an operational consent has been secured for the development of a more intensive development, is adjacent to an established residential area and is a predominately cleared site.
 - The PP will facilitate a reduced development intensity that better respond to the site constraints and opportunities, and generally has the required site merit.
 - The PP is generally consistent with overarching strategic planning themes, objectives and controls.
4. The proposal would provide environmental, social and economic benefits to the community/public and is consistent with the objects of the Environmental Planning and Assessment Act, 1979. **Comment:** The PP will permit the delivery of an additional residential housing opportunity which is a lesser environmental and social

impact than the existing tourist facility development approval. Further, the proposal is likely to generate economic benefits throughout the construction phase.

Conclusion

The PP request is considered to have the required strategic merit and site merit to warrant Council's support and progression to the Gateway step. It is broadly consistent with applicable strategies and actions in the strategic planning framework, and no significant site merit issues or concerns have been identified to date.

CL23.397 Proposed Revised Strategic Planning Project Plan to Support Delivery of New Land Use Planning Scheme

HPERM Ref: D23/397296

Department: Strategic Planning

Approver: Coralie Bell, Acting Director - City Futures

Attachments: 1. Proposed Revised Project Plan - New Land Use Planning Scheme [↓](#)

Reason for Report

The purpose of this report is to reconsider the adopted Strategic Planning Project Plan (Project Plan) in light of recent Council adjustments to the program. This report follows a Councillor Briefing held on 26 September 2023.

Recommendation

That Council:

1. Endorse the revised Strategic Planning Project Plan (Project Plan) in **Attachment 1** that outlines the priorities over the remaining term of Council relating to:
 - a. Stage 1 of the new Citywide Land Use Planning Scheme (new Scheme).
 - b. 'Business as usual' obligations.
2. Provide delegation to the CEO, or his delegate, to manage the timing and delivery of the projects in the Project Plan, to enable an agile response to business and resourcing needs over time. Noting priority is to be given to the following projects in Stage 1 of the new Scheme:
 - a. Citywide Housing Strategy - Research and Strategic Principles.
 - b. A simplified DCP Chapter for Berry, east of the Princes Highway ('old Berry'), addressing key issues for the Berry community.
3. Receive regular updates on the status of the Project Plan via the Strategic Planning Working Party.

Options

1. As recommended.

Implications: This option enables Council to strategically respond to a range of new and emerging land use planning challenges, community expectations and resolve legacy matters across the City. It starts the preparation of a new City-wide Land Use Planning Scheme (Stage 1), enables the continuation of certain 'business as usual' projects and enables an agile response to the ongoing business needs and resourcing constraints of the organisation through the delegation of delivery/timing of the Project Plan to staff.

This Project Plan sets the works program for the remaining term of this Council.

2. Adopt an alternative recommendation.

Implications: This depends on the nature of the alternative option.

CL23.397

The addition of new projects to Stage 1 of the new City-wide Planning Scheme or 'business as usual' efforts will divert resources away from the currently proposed priorities and work, which includes the Stage 1 Planning Scheme projects which are identified as priorities for the City. Alternative projects may not address current and emerging land use planning priorities.

Background

On 28 August 2023, Council considered a contemporary Project Plan to facilitate the commencement of a new land use planning scheme for the Shoalhaven local government area. Council resolved (MIN23.451) to support the new Project Plan, as follows:

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.*
2. *Commence Stage 1 of the new Citywide Land Use Planning Scheme as detailed in Attachment 1, with the inclusion of the investigation and possible progression of a Princess Street heritage conservation area in Berry.*
3. *Endorse the following guiding principles for the preparation of the new planning scheme:*
 - a. *Preference for urban consolidation and increased/higher densities in existing centres wherever possible,*
 - b. *any outward expansion to be focused on cleared/unvegetated land; and*
 - c. *ability to adequately and economically deliver the development and service the needs of the community in preparing new planning schemes,*
 - d. *ecologically sustainable development for resilient and climate-friendly design.*
4. *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](#)).*
5. *Incorporate the current review of the Milton-Ulladulla Structure Plan into the new Citywide Land Use Planning Scheme.*

On 11 September 2023, Council considered a notice of motion regarding the Princes Street Heritage Conservation Area (HCA) and the proposed new Berry DCP (east of the Princes Highway (known as old Berry)) prepared by the Berry Forum. Council resolved (MIN23.496) that Council:

1. *Give priority to the finalisation of the Princess Street Heritage Conservation areas and the completion of a draft DCP for the area of Berry east of the Princes Highway (known as old Berry).*
2. *Incorporate this work in the new program for the Shoalhaven Land Use Planning Scheme.*
3. *Refer the current Strategic Planning Works Program to the Strategic Planning Working Party for a review of priorities having regard to parts 1 and 2, with a report back to Council in October with amendments that would enable works on the Berry DCP to proceed as a priority matter.*

The Strategic Planning Working Party (Working Party) meeting referred to in MIN23.496(3) was held on 26 September 2023. The outcomes of the Working Party meeting are outlined in the following section.

CL23.397

Since the Working Party Meeting, Council has also resolved (MIN23.580, 9 October 2023) to prepare a planning proposal relating to 100 St Vincent Street, Ulladulla to facilitate a homeless shelter type use at the site. As such, this additional body of work has also been added to the Project Plan.

For clarity, a complete list of projects currently on the Project Plan relating to the Stage 1 new land use planning scheme scope and the current 'business as usual' projects is outlined in **Attachment 1**. This Project Plan established the program of work that will commence/continue for the remaining term of this Council.

As previously reported to Council, the Stage 2 planning scheme scope includes the following matters, which will be confirmed with Council prior to commencement:

- Updated character statements and development controls.
- Citywide growth management strategy.
- Place-based planning work resulting from the Milton-Ulladulla Bypass.
- New/updated local environmental plan/s and development control plan.

Outcome of Working Party Meeting – 26 September 2023

The Working Party meeting was held on 26 September 2023, with six Councillors in attendance. The Working Party considered opportunities to refine the Project Plan to consider the resourcing impact of the projects that have been added since the Project Plan was initially considered in August 2023, and to address current resourcing constraints.

It is understood from the meeting that there are difficulties with deferring the progression of a number of projects in the Stage 1 and concurrent 'business as usual' scope. The consensus among Councillors present was that staff could be given delegation to manage the timing and delivery of the projects in the Project Plan, prioritising the following key priority focus areas in the Stage 1 scope:

- Housing Strategy.
- A simplified DCP Chapter for Berry, east of the Princes Highway ('old Berry'), addressing key issues for the Berry community. A more comprehensive review of this area (in addition to the broader City) would need to occur during the Stage 2 work in response to the Growth Management Strategy work and the NSW Government's direction for growth across the LGA.

This would allow the Project Plan to be responsive to the needs and constraints of the organisation at any time. The Working Party advised that regular updates on the status of the Project Plan would be appreciated, including progress and resourcing.

External, Internal and Community Consultations

The Project Plan is an internal tool to manage Council's strategic land use planning work/effort over the next two terms of Council. 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 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 accomplished in such a way as to maximise the on-going support of those stakeholders.

Policy Implications

The proposed Project Plan refinements and clarifications will provide more certainty to the broad range of stakeholders through the preparation of a contemporary land use planning scheme for Shoalhaven that responds to change, challenges and community expectations. The Project Plan also sees the continuation of a number of 'business as usual' projects.

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 and Risk Implications

The Working Party meeting considered the current resource difficulties (both staff and budget). Current resources 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. It is noted that there are current vacancies in the Strategic Planning team and difficulties recruiting due to an industry-wide shortage in land-use planners. Given it is essential to provide the resource capacity to prepare the new Scheme and continue with 'business as usual', this is a risk that needs to be acknowledged, and in respect of the industry-wide skills shortage, is somewhat outside the organisations control.

It is noted that a number of new projects have been added to the Project Plan since August 2023. The capacity of staff to actively work on all projects on the Project Plan is becoming more constrained as the number of projects increase. Council will need to be disciplined should further requests for strategic planning projects or work be received/suggested. Staff delegation to internally manage the timing and delivery of the projects on the Project Plan will also help manage the increase in workload; however, it is noted that it is likely that not all projects on the Project Plan will be completed within this term of Council. This will have implications for the commencement of the Stage 2 work, pushing back the ultimate delivery of the new Citywide Land Use Planning Scheme.

CL23.397

Attachment 1: Proposed Revised Project Plan

Stage 1: New Land Use Planning Scheme
New Local Infrastructure Contributions Framework, including new Contributions Plan and associated processes.
Simplified DCP Chapter for Berry, east of the Princes Highway ('old Berry').
Initial Local Character Planning Provisions in the LEP, as well as investigations into the new Princes Heritage Conservation Area in Berry.
Managing Short Term Rental Accommodation.
Affordable Housing Strategy and Related Research.
Citywide Housing Strategy - Research and Strategic Principles.
Business as Usual
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).
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.
Review planning and development controls for Nowra City Centre, to enable appropriate redevelopment opportunities, particularly residential. Project will be informed by the outcomes of the NSW Government's Strategic Roadmap for the City Centre project. Includes Nowra CBD Revitalisation Strategy and involvement in the Nowra CBD Revitalisation Strategy Committee.
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. Includes participation in the NSW Government's Precinct Profile project.
Council-initiated Planning Proposals, including the listing of Huskisson Church as a Heritage Item, homeless shelter site at Ulladulla and potential new planning controls for Nebraska Estate.
Proponent Planning Proposals and Scoping Proposals (including rezoning request responses).
Maintenance of Local Environmental Plan (LEP), Development Control Plan (DCP), and Development Contributions Plan. Includes a number of current LEP housekeeping amendments, and the monitoring and possible future adjustment of the 45 Degree Rule exemption, Medium Density amendment and Tourism amendment in the DCP.
Administration of development contributions, including processing COVID-19 discount requests.
Infrastructure delivery agreements.
Collaboration with Local Aboriginal Land Councils, including opportunities to plan for Aboriginal Cultural Heritage, renewal of Council's AHIMS licence and the preparation of an Aboriginal Cultural Planning Toolkit and predictive mapping.
Local Heritage Grants Scheme (for 2023/24).

Attachment 1: Proposed Revised Project Plan

Response to legislative change.
Collaboration and advocacy activity with NSW Government Agencies.
Provide planning information: respond to customer enquiries, issue planning information certificates, and undertake dwelling entitlement potential searches.
Collaboration with other directorates to support work on risk management and resilience, community-led strategic plans, reconciliation action plan, tackling homelessness, and development applications.

CL23.398 Creation of Asset Protection Zone (APZ) over Council Land - Lot 38 DP 802671, Norfolk Avenue, South Nowra.

HPERM Ref: D23/381329

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

Attachments:

1. Plan of Proposed APZ over Lot 38 DP 802671 - 25 Norfolk Ave South Nowra [↓](#)
2. Letter - Bushfire Assessment - Binowee - request for APZ over Lot 38 DP 802671 (under separate cover) [⇒](#)
3. Flora and Fauna Assessment Report - Lot 37 Norfolk Ave, South Nowra (under separate cover) [⇒](#)
4. Tree removal plan - Creation of APZ - Lot 38 DP 802671 - 25 Norfolk Ave South Nowra [↓](#)

Reason for Report

The reason for this report is to seek a resolution from the Council to create an Asset Protection Zone (APZ) over Council owned Lot 38 DP 802671, Norfolk Avenue, South Nowra. The APZ is to benefit Lot 37 DP 802671, 25 Norfolk Avenue, South Nowra and is required for existing operations and proposed development undertaken by the landowner being The Flagstaff Group Ltd.

Recommendation

That Council:

1. Grant an Easement for Asset Protection Zone in accordance with the provisions of the Conveyancing Act 1919 over Lot 38 DP 802671 to benefit Lot 37 DP 802671 by way of Positive Covenant identified in Attachment 1 (D23/381865);
2. Require that the landowners of Lot 37 DP 802671 indemnify Council against any loss, injury or damages incurred whilst on Council owned land and undertaking the activities defined in the development consent conditions and pay all costs, fees and charges (including legal) associated with the creation of the positive covenant;
3. Require that The Flagstaff Group Ltd as the owner of Lot 37 DP 802671 fund all costs associated with the creation and registration of the Asset Protection Zones.
4. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended.

Implications: The creation of the APZ will address the requirements of Section 47 of the Rural Fire Regulation 2022 for the current and proposed development of 25 Norfolk Avenue, South Nowra

2. Not adopt the recommendation.

CL23.398

Implications: The proposed development will not be able to proceed. The current building does not meet the requirements of Section 47 of the Rural Fires Regulation 2022.

Background

The Flagstaff Group Ltd (Flagstaff) is a not for profit social enterprise providing life skills and work for people with disabilities and have been operating in the Shoalhaven since 2008.

In 2020 Flagstaff moved many of their operational divisions to 25 Norfolk Avenue, South Nowra from 102-104 Pitt Street, North Nowra. Flagstaff then acquired the property in 2022.

In March 2023 Flagstaff submitted a development application for the construction of a steel framed and clad enclosed bay, a steel awning and construction of additional carparking spaces in order to expand their operations and provide additional employment opportunities for people with disabilities. The development application was returned as the proposed development will be used by vulnerable people and therefore required consideration as a Special Fire Protection Purpose (SFPP) in accordance with Section 100B of the Rural Fires Act 2022.

A Bushfire Report was subsequently prepared and outcomes are described in the attached 'Letter - Bushfire Assessment - Binowee - request for APZ over Lot 38 DP 802671' (Attachment 2 - D23/379280). The letter states that 'Due to the vulnerable nature of the occupants of SFPP developments, there is more reliance on the provision of an Asset Protection Zone (APZ) and emergency management'. The requested APZ is integral to the proposed development and expansion of services offered by Flagstaff.

Originally, the requested APZ was to be created over land that is zoned E4 General Industrial, RU2 Rural Landscape and SP2 Infrastructure – sewerage system (as shown in Annexure 1, Attachment 2).

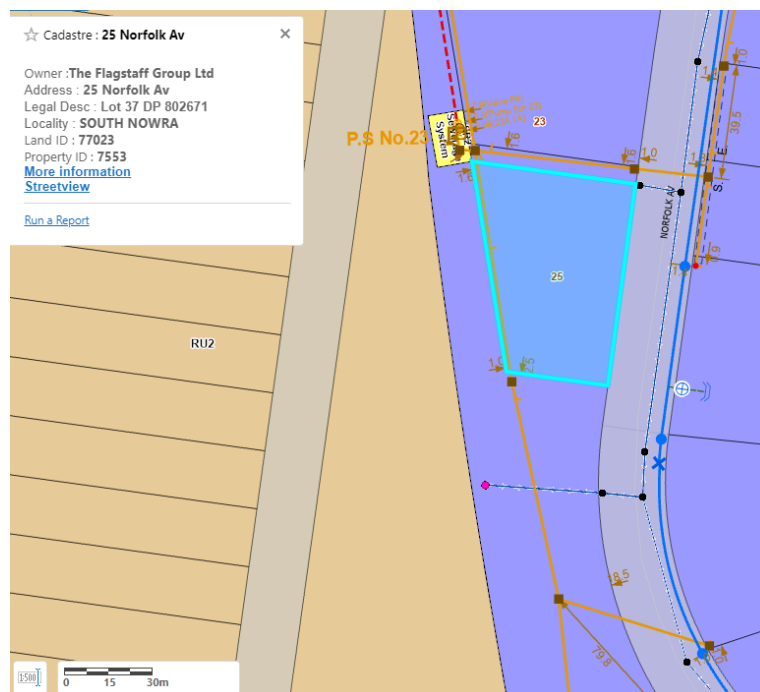


Figure 1: 25 Norfolk Ave (blue) and surrounding zoning.

The creation of an APZ is consistent with the objectives of E4 – General Industrial. The proposed APZ is also consistent with the objectives of RU2 – Rural Landscape specifically to provide for a range of compatible land uses, including extensive agriculture.

CL23.398

The SP2 zoning is due to the presence of a sewerage pumping station. The creation of an APZ gives the adjoining landowner limited rights of access. The granting of these rights could be in conflict with the current use. As such the APZ has been updated and will be established around the sewer pumping station but will not include land with a SP2 zoning. The establishment of an APZ adjacent to Council's sewerage pumping station results in increased bushfire protection for this valuable asset.

The updated proposed APZ is shown adjacent and is included in this report as Attachment 1.

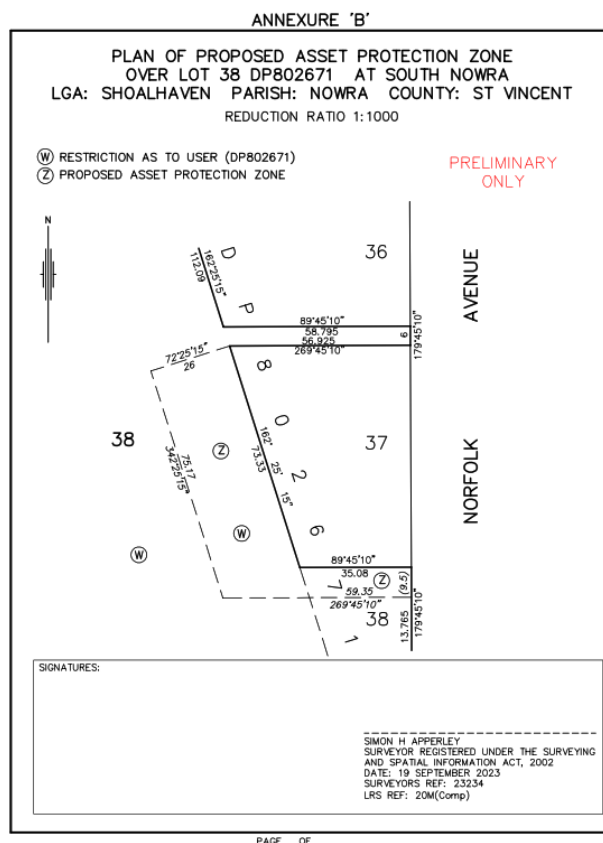


Figure 1: Plan of proposed Asset Protection Zone over Lot 38 DP802671

The Flagstaff Group commissioned a Flora and Fauna study of the proposed APZ which is to be managed as an Inner Protection Zone (Attachment 3). The report concluded that no threatened ecological communities, fauna or flora species or populations are expected to be significantly impacted as a result of the proposed APZ. An updated tree removal plan is attached for consideration (Attachment 4).

Internal Consultations

Economic Development as the Asset Custodian has been consulted and is supportive of the creation of the APZ over Lot 38 DP 802671 as its creation will not adversely impact any future development of the Council owned lot.

Shoalhaven Water has been consulted to ensure that the proposed APZ does not adversely impact their infrastructure.

External Consultations

External consultation has been undertaken with the proponent.

Community Consultations

No community consultation has been undertaken as this is an operational matter.

Policy Implications

The proposed creation of the APZ has been processed in accordance with Council's Creation of an Asset Protection Zone (APZ) over Council Owned or Managed Land Policy

CL23.398

Financial Implications

The creation of the APZ will be at nil cost to Council. The landowner of the benefiting lot will be responsible for all costs associated with the creation of the APZ and will also pay an application fee as listed in Council's Fees & Charges.

Ongoing maintenance of the APZ will be the responsibility of the landowner of the benefiting lot.

The creation of the APZ will have no impact on land value of the Council owned lot as any future development would also be subject to requirements under the Rural Fires Regulation 2022 and Planning for Bushfire Protection 2019.

Risk Implications

Risks have been mitigated and/or avoided in the following ways.

Financially there is no risk to Council as all financial impacts are borne by the landowner of the benefiting lot.

A Flora and Fauna report has been prepared (Attachment 3) and concludes that no threatened ecological communities, fauna or flora species or populations are expected to be significantly impacted as a result of the creation of the APZ despite the removal of a number of trees. The creation of the APZ is necessary as the benefiting lot being 25 Norfolk Avenue, South Nowra is classified as a 'sheltered workshop, or other workplace, established solely for the purpose of employing persons with disabilities' and therefore is a special fire protection purpose.

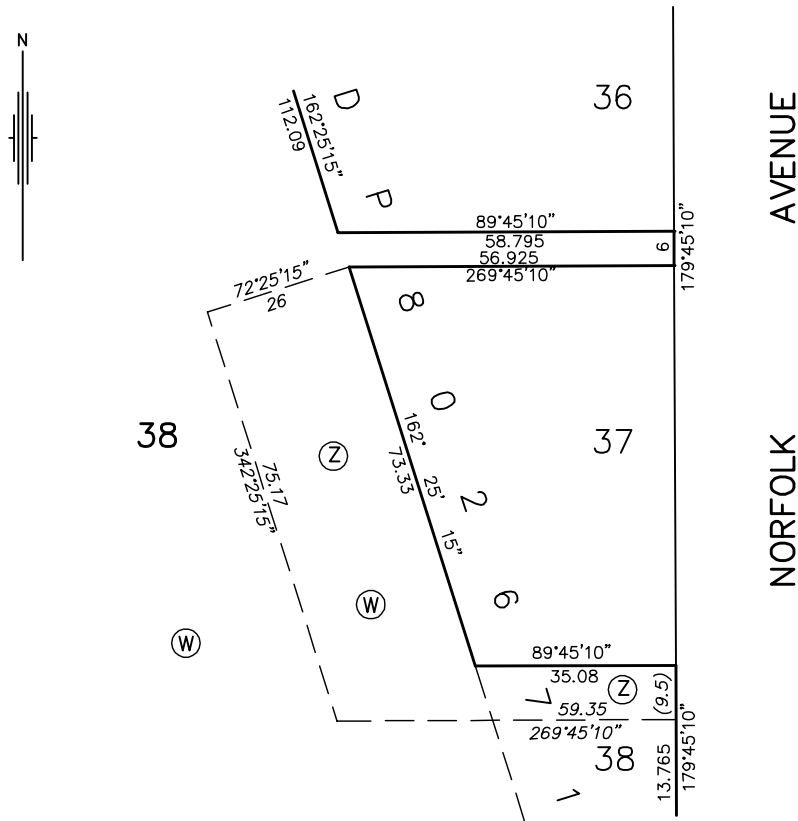
Any future potential access conflicts have been avoided as the SP2 zoning is not included in the APZ.

ANNEXURE 'B'

PLAN OF PROPOSED ASSET PROTECTION ZONE
OVER LOT 38 DP802671 AT SOUTH NOWRA
LGA: SHOALHAVEN PARISH: NOWRA COUNTY: ST VINCENT
REDUCTION RATIO 1:1000

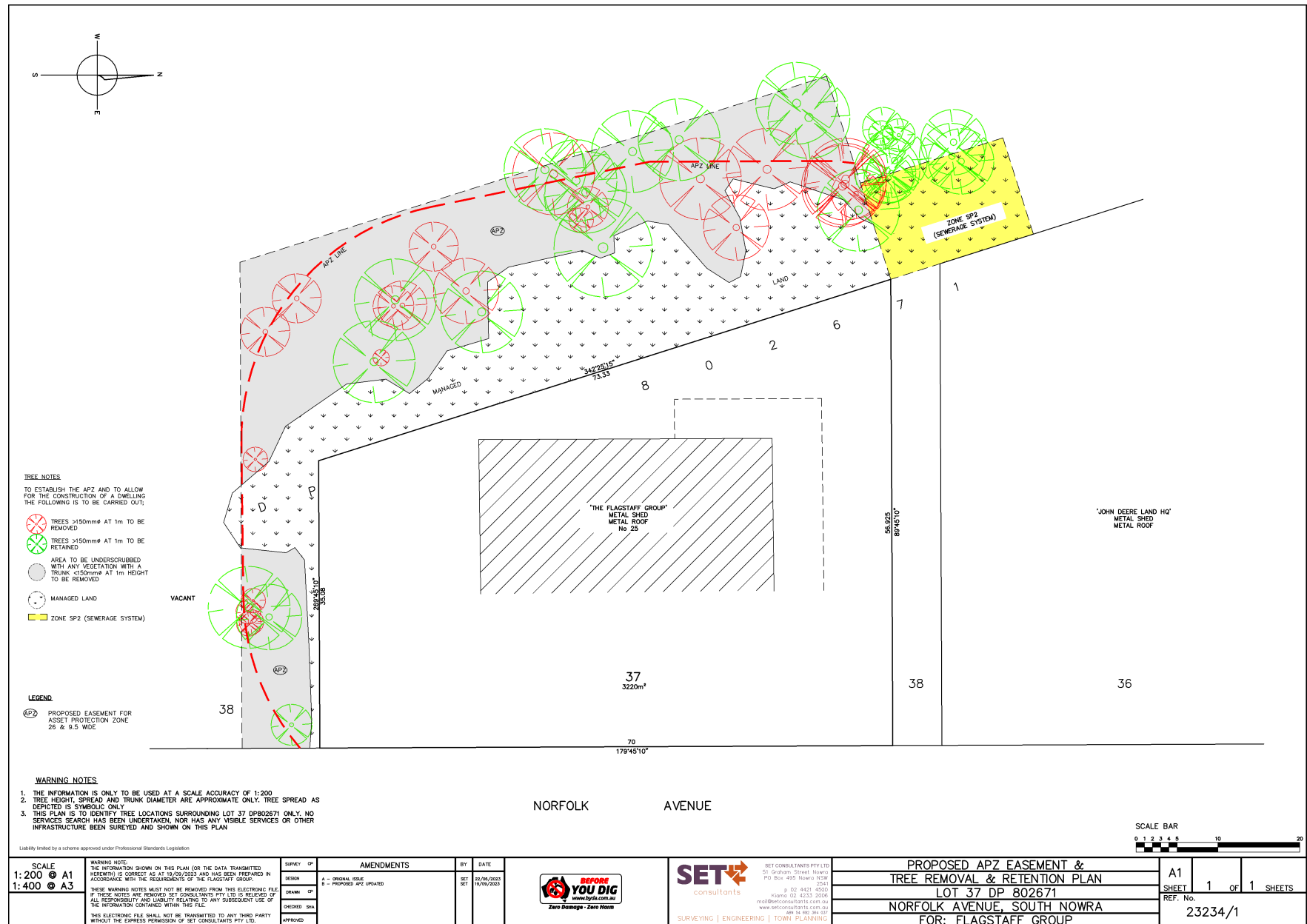
- Ⓢ RESTRICTION AS TO USER (DP802671)
Ⓢ PROPOSED ASSET PROTECTION ZONE

PRELIMINARY
ONLY



SIGNATURES:

SIMON H APPERLEY
SURVEYOR REGISTERED UNDER THE SURVEYING
AND SPATIAL INFORMATION ACT, 2002
DATE: 19 SEPTEMBER 2023
SURVEYORS REF: 23234
LRS REF: 20M(Comp)



CL23.399 Acceptance of Grant Funding - Infrastructure Betterment Fund - The Basin Walk and Illaroo Rd. North Nowra

HPERM Ref: D23/368437

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

To inform Council of successful grant funding applications under the Infrastructure Betterment Fund and seek Council acceptance of the funding for:

- Betterment of the Basin Walk
- Betterment of Illaroo Road North Nowra

Recommendation

That Council

1. Accept the offer of funding for the successful grant applications under the Infrastructure Betterment Fund for:
 - a. Delivery of Betterment of the Basin Walk, Sanctuary Point in the amount of \$763,926.
 - b. Delivery of Betterment of Illaroo Road, North Nowra in the amount of \$4,447,974.
2. Make arrangements to forward letters of thanks to the Minister for Agriculture, for Regional NSW and for Western NSW, The Hon. Tara Moriarty MLC.

Options

1. Adopt the recommendation.

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

- Betterment of the Basin Walk, Sanctuary Point
- Betterment of Illaroo Road, North Nowra

2. Council adopts an alternative recommendation.

Implications: Depending on the nature of the alternative recommendation, this may not meet community expectations and, given current price escalation, could potentially result in insufficient funds and delay the delivery of the Basin Walk, Sanctuary Point and Illaroo Road, North Nowra

Background

In January 2023, applications under the Infrastructure Betterment Fund were made for the following projects:

- Betterment of the Basin Walk, Sanctuary Point
- Betterment of Illaroo Road, North Nowra

CL23.399

In October 2023, Council was advised that these applications were successful, and Council is now required to formally accept the grant funding. Details of each project follows:

Betterment of the Basin Walk, Sanctuary Point

The Basin Walk, Sanctuary Point was one of the seven Shoalhaven Sustainable Tourism Infrastructure projects undertaken with the Restart NSW grant awarded in May 2020. It consisted of two projects:

- Stage 1 – Shared User path along from Larmer Ave to Palm Beach. This was constructed by SCC Basin Construction team and is complete and open to the public.
- Stage 2 – Upgrade of the 5km Basin Foreshore Walking Track from Palm Beach to Wool Lane (Loralyn Ave) and consisted of a mixture of gravel paths and boardwalks.

The Betterment funding has been awarded for Stage 2. Stage 2 was completed in February 2021 which was affected by both the March 2022 and July 2022 storm events. Significant damage to the existing boardwalks, bridges, and drains (new and old), and washout of the newly installed gravel sections occurred. The Betterment Grant will involve the following works:

- 536m of boardwalk replacing the gravel sections of the path below Greville Ave, Sanctuary Point.
- 39m of boardwalk subfloor improvements
- Boardwalk clip fixing improvements in vulnerable locations (i.e. south facing) of the walk.
- Replacement stairs at Milson St, Sanctuary Point

Betterment of Illaroo Road, North Nowra

Illaroo Road, North Nowra was severely damaged by the storm events of March 2022 and July 2022. Despite undertaking repairs eligible under the Disaster Recovery Funding Arrangement, the remaining pavement has been significantly damaged by water ingress and resulting saturation and has therefore shown rapid signs of deterioration while not eligible for funding under Disaster Recovery Funding Arrangements. The Betterment Grant will involve continuous pavement rehabilitation commencing at the roundabout at West Cambewarra Road and continuing west for approximately 4km along Illaroo Road.

Community Consultations

Notification of works will be via Council's webpage as part of the Natural Disaster Updates.

Financial Implications

The combined grant funding for both projects is as follows:

Betterment of the Basin Walk, Sanctuary Point	\$763,926
Betterment of Illaroo Road North Nowra	\$4,447,974
Total Grant Funding	\$5,211,900

The projects are currently funded as follows:

The Basin Walk, Sanctuary Point

There is no further funding.

Illaroo Road, North Nowra

Disaster Recovery Funding Arrangement - \$1,511,279.81

CL23.399

Next StepsBetterment of the Basin Walk

Upon approval and finalisation of the funding agreement, Council staff will finalise detailed design and commence construction.

Betterment of Illaroo Road North Nowra:

Upon approval and finalisation of the funding agreement, Council staff will finalise detailed design and commence construction.

CL23.400 Access Agreement Gas Pipeline - Shoalhaven Starches Bomaderry

HPERM Ref: D23/344205

Approver: James Ruprai, Director - City Development

Attachments:

1. Agreement to Grant Easement to Low Pressure Gas Pipeline - Shoalhaven Starches (under separate cover) [⇒](#)
2. Standard Drawings - Proposed Gas Pipeline - Shoalhaven Starches (under separate cover) [⇒](#)

Reason for Report

At its Ordinary Meeting of 27 June 2022 (MIN22.416), Council resolved to enter into a formal Deed of Agreement with Shoalhaven Starches Pty Ltd, for the purposes of allowing easements to install a low-pressure gas pipeline to a future co-generation energy plant at their manufacturing site on Bolong Road, Bomaderry.

The purpose of this report is to present Council with a Deed of Agreement (the Deed) for consideration between Shoalhaven City Council (Council) and Shoalhaven Starches Pty Ltd (Manildra Group). The new Deed has been drafted by legal representation on behalf of both parties, and if agreed and executed, will further formalise easements over Council managed land. For that reason, a resolution of Council is sought.

Manildra Group has expressed urgency to progressing the pipeline agreements and easement documents for approvals at multiple levels of Government, and accordingly this report is being presented to Council for consideration.

Recommendation

That Council:

1. Receive and note the report titled "Access Agreement Gas Pipeline – Shoalhaven Starches Bomaderry".
2. Delegate authority to the CEO to execute the Deed of Agreement and associated Easement documents on behalf of Shoalhaven City Council.

Options

1. As recommended.
2. That Council resolve to not enter into the Amended Deed of Agreement with Shoalhaven Starches.

Implications: The progression of the gas pipeline will halt, and requisite economic and environmental benefits will not be realised.

3. That Council resolve other directions as they see fit and advise the CEO accordingly.

CL23.400

Background

Manildra Group (of which the entity operating in Nowra are known as Shoalhaven Starches Pty Ltd) are Australia's largest manufacturer of wheat and ethanol products, presenting a major economic benefit domestically. Launched in 1952, Manildra Group employ over 1000 people nationwide as a diverse agribusiness partnering with Australian families to produce food and industrial products at their world-class manufacturing sites. The Shoalhaven Starches site in Nowra, is considered a global leader in the production of vital wheat glutes, modified proteins, syrups to ethanol, wheat starches and animal stockfeed. It is the largest wheat gluten manufacturing facility of its kind in the world, contributing to Manildra Group being one of the largest container product exporters through Port Botany.

As part of their corporate strategy, Manildra Group are moving to exit their existing coal mining interests, drawing on an \$85 million investment as a significant step to reducing their greenhouse gas emissions footprint. The Clean Energy Finance Corporation (CEFC) investment on behalf of the Australian Government intends on shifting the manner in which steam and energy for processing is generated at the Nowra Manildra Group facility, eliminating the need for coal and replacing it with a gas co-generation plant (producing both heat and electricity) for manufacturing energy needs.

Domestic manufacturing presents a major decarbonisation challenge nationally, and the proposal will see the largest integrated wheat starch, wheat gluten, glucose and ethanol production facility of its kind in the world contribute to Australia's decarbonisation targets, reducing carbon emissions in Australian manufacturing. The project presents a contribution to Australia's 2050 net-zero target, but also provides an opportunity for Shoalhaven to showcase an industrial scale co-generation facility at one of the region's major economic and employment generators.

The \$190 million project is funded through the CEFC, in addition to a \$95 million debt package backed by Export Finance Australia. Manildra Group has registered the project with the Clean Energy Regulator to generate Australian Carbon Credits.

The co-generation facility requires a consistent gas source, which will benefit both operationally and environmentally from steady gas supply infrastructure, as opposed to either coal or gas being trucked in on a daily basis. The project therefore requires a permanent gas pipeline be constructed to supply the co-generation plant from existing bulk gas supply lines.

While recognised that it is not wholly viable to undertake Australian manufacturing through the use of renewable energy sources at present, the shift to reduce reliance on coal provides a transitional step towards carbon reduced processing and eventual shift to utilisation of renewable sources for the Australian manufacturing sector. Manildra Group have confirmed to Council that they intend on introducing hydrogen as a clean fuel source at the Shoalhaven Starches site in Nowra once it becomes commercially available.

PROJECT BENEFITS

Manildra Group currently employ 480 persons at their Nowra site, with integrated manufacturing processes requiring steam to create heat and electricity on a daily basis, 365 days per annum. The overall proposal generates a projected 80 jobs during the construction phase, with 10 further permanent jobs created at the Nowra facility once operational.

The operation of a fully functional gas supplied co-generation facility is projected to yield a 40% reduction in greenhouse gas (GHG) emissions from the Shoalhaven Starches Nowra site, abating an estimated 332,000 tonnes of carbon dioxide (CO₂-e) annually once operational. Furthermore, the construction of a permanent gas pipeline will significantly improve truck traffic to and from the site, reducing truck movements by up to 112 movements per week through relinquishing the need to transport coal and coal ash waste.

The new facility will remove the need to transport and dispose of coal ash waste from Nowra, as it will no longer be a by-product of energy generation. By nature of its source and through the combustion of coal, coal ash can contain residual contaminants including mercury,

cadmium and arsenic. Disposal of coal ash is now regulated by the NSW Environmental Protection Authority (EPA) as it poses a risk to the environment through leaching, waterway contamination and atmospheric releases, all of which can bioaccumulate.

PIPELINE PROJECT – AMENDED PROPOSAL

The project proposes a steady supply of gas through permanent pipelines installed beneath Council's road reserves and existing road infrastructure. In recognising Council's role as a Roads Authority, the deed was drafted to ensure that Council can continue to undertake required road maintenance, construction activities, safe access and ongoing public accessibility into the future. The formal proposed route agreed by Council (MIN22.416) is that appearing at Figure 1 (below).

FIGURE 1 – Original proposed route of entire gas pipeline: Aerial View.



In planning the pipeline and undertaking detailed design and legal occupation arrangements, Manildra have advised that there is a private land tenure matter that prevents the traversing of Abernathy's Creek until such time as ownership has been resolved (at this stage, ownership is unknown and therefore legal occupation cannot be formalised). To ensure the project can proceed, a temporary access arrangement has been proposed via an amended Deed of Agreement and easement, which will allow the pipeline to span Abernathy's Creek by following Council's road reserve and bridge, until the ownership and legal occupation of the private land is resolved. At that time, the pipeline will be redirected back to the original proposed location.

While noted as a temporary arrangement pending clarification of land ownership matters, this may be in place for several years.

CL23.400

FIGURE 2 – Current approved location of gas pipeline traversing Abernathy's Creek: Aerial View.



FIGURE 3 – Amended proposed temporary location of gas pipeline traversing Abernathy's Creek: Aerial View.



Figure 2 (above) shows the currently approved pipeline location traversing Abernathy's Creek in blue, having been formalised through the Deed of Agreement and easements resolved to enter into by Council via MIN22.416. Originally, the pipeline was to be installed sub-surface and traverse under Abernathy's Creek via horizontal direct drilling. The proposed temporary route is outlined in Figure 3 (above), depicted by the red line, and planned to be mounted under Council's bridge to connect to Manildra's Bolong Road manufacturing facility. Attachment 2 to this report shows standard drawings outlining the proposed location and installation of the gas pipeline.

To enable Council to ensure its interests in the management of local public roads, drainage reserves, road reserves and generally publicly accessible areas are maintained, a formalised Amended Deed of Agreement has been proposed in addition to the registration of easements. The Amended Deed of Agreement appears at Attachment 1, and enables access and maintenance rights to be maintained by Council as a Public Roads Authority.

CL23.400

The deed has been signed by appropriate representatives from Shoalhaven Starches Pty Ltd (Manildra), and requires countersigning from Council for formal execution.

The exact location, depth and position of the pipeline was formalised by the institution of easements to ensure that impacts on Council infrastructure are minimised, and that existing subsurface assets and services are not interfered with as a result of construction, or in ongoing use. A proposed set of drawings outlining the easement locations was previously provided by Manildra Group for the purposes of registration in accordance with the *Pipelines Act 1967*, and formed the basis of the Deed of Agreement Council resolved to enter into at the Ordinary Meeting of 27 June 2022 (MIN22.416).

Community Engagement

There has been no direct community engagement on this matter. The Manildra Group site development is designated as State Significant Development (SSD), and for components of the sites ongoing development, as Council is not the appropriate approval authority. Furthermore, the proposed Deed is a legal agreement with no opportunity for the community to influence its drafting.

External Engagement

Council staff have undertaken significant liaison with Shoalhaven Starches on this matter as the fundamental stakeholder, as well as staff from Regional Development Australia.

Internal Engagement

Internal consultation has been undertaken on this matter across relevant directorates, including asset custodians who have advised on relevant specifications and conditions.

Policy Implications

This proposal links to Councils IP&R framework and Community Strategic Plan 2032 (CSP). Specifically, the following CSP theme and key priority is enhanced by the proposal:

Thriving local economies that meet community needs.

3.1 – Strengthen and Diversify the Economy.

The CSP details what is important to the community, and the proposal and deed execution will assist in progressing the following community aspirations:

- 'Jobs close to home'.
- 'Impacts of climate change'.
- 'Balanced sustainable development'.

Financial Implications

Shoalhaven Starches (Manildra) have agreed, once the Deed is executed, to pay for Councils legal fees incurred for the drafting of this agreement. Furthermore, the registration of easements and other relevant fees are the responsibility of Shoalhaven Starches (Manildra) and will not require financial allocation by Council.

The Deed includes compensation to be paid to Council for occupation of the granted easement, determined by fair valuation, post execution.

Risk Implications

Council will be mitigating risk arising from the proposed Pipeline project through execution of the Deed of Agreement, which will protect our interests as a landowner and Public Roads Authority.

There is a risk in not executing the Deed of Agreement that Council may have the need for easements imposed by the Court, without appropriate management rights or payment mechanisms otherwise put into place.

There is a risk that in not executing the Deed of Agreement, Council will not realise the economic and environmental benefits arising from the pipeline and energy co-generation proposal.

CL23.401 Request for Plaques and Memorials

HPERM Ref: D23/378036

Department: Recreation Projects - Planning & Delivery
Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Detailed Information - Request for Plaques and Memorials - October 2023 (councillors information folder) [⇒](#)

Reason for Report

The purpose of this report is to seek Council approval for three memorial seats with memorial plaques to be installed within the public domain in Callala Bay, Dolphin Point and Narrawallee in accordance with Council's Plaques and Memorials Policy (POL22/57).

Recommendation

That Council:

1. As per the Plaques and Memorials Policy (POL22/57);
 - a. Approve the request for a memorial seat and installation of memorial plaque in Marine Parade, Callala Bay;
 - b. Approve the request for a memorial seat and installation of memorial plaque in Dolphin Point Reserve, Dolphin Point;
 - c. Approve the request for a replacement memorial seat and installation of memorial plaque in Matron Porter Drive Reserve, Narrawallee.
2. Advise the applicants of Council's determination of the requests.

Options

1. Adopt the recommendations as written,
Implications: This is consistent with the adopted Plaques and Memorials Policy (POL22/57) and will allow staff to advise the applicants of the outcome of their request.
2. Adopt an alternative recommendation.
Implications: An alternative recommendation may be inconsistent with the Plaques and Memorials Policy.

Background

Council has received requests to install a number of memorial seats in memory of deceased persons on Council owned and/or managed land. As per the adopted Plaques and Memorials Policy (POL22/57), a Council resolution is required to approve the installation of a plaque or memorial. This report summarises the requests received, identifies whether they are for new or existing infrastructure, and whether the requests are consistent with the adopted Policy.

Council has received three requests for memorial seats on Council owned and/or managed land. These are summarised in *Table 1* below. Additional detail of the individual requests is provided in attachment 1.

Internal Consultations

Table 1 – Summary of Requests for Memorial Seats			
	Infrastructure Request	Preferred Location	Consistent With Policy (POL22/57)
1	Memorial Seat	Marine Parade Reserve, Callala Bay	Yes
2	Memorial Seat	Dolphin Point Reserve, Dolphin Point	Yes
3	Memorial Seat	Matron Porter Drive Reserve, Narrawallee	Yes

Policy Implications

The requests received have been considered in line with the criteria contained within the adopted Plaques and Memorials Policy. As per the approval process of the Policy, a Council resolution is required to approve the installation of the plaque or memorial.

Each application is consistent with the Plaques and Memorials Policy and is, therefore, recommended to be supported by Council. Where applications have been for 'townships', Council staff have negotiated with the applicant to determine a specific location, detailed in the attachment.

Financial Implications

As per the adopted Plaques and Memorials Policy, delivery of the requests will be funded by the applicant, however, Council will be responsible for maintenance and operational costs.

The Asset Custodian for the preferred locations of each request has considered each individual request and noted that maintenance and operation of the new infrastructure will be managed within existing Operational Budgets.

CL23.401

CL23.402 Integrated Emergency Management Centre Memorial Proposal - Consultation Outcome

HPERM Ref: D23/393265

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

Attachments: 1. Summary of Survey Submissions - Integrated Emergency Management Centre Memorial - July 2020 [↓](#)
2. Consultation 2 Survey Results - Integrated Emergency Management Centre - June 2023 [↓](#)

Reason for Report

The purpose of this report is to update Council on the outcome of consultation with the Local Emergency Management Committee (LEMC) with regard to the installation of a memorial at the Integrated Emergency Management Centre (IEMC), Nowra, commemorating lives lost of emergency services personnel whilst performing their duties in protecting the community and environment.

Recommendation

That Council:

1. Receive this report on the outcomes of the consultation undertaken with the LEMC, for information.
2. Take no further action to proceed with a proposed memorial at the IEMC with respect to lives lost of emergency services personnel whilst performing their duties in protecting the community and environment.

Options

1. That Council adopt the recommendation as written.

Implications: No further action will be required by Council on this matter. Should bereaved families or community members request a commemorative feature in recognition of emergency service personnel in future, Council will be guided by the Plaques and Memorials Policy.

2. That Council adopt an alternative recommendation and provide direction to staff.

Implications: There is reputational risk to Council if the results of the consultation are not considered. Requests for a memorial initiated by Local Government are often accompanied by controversy given the sensitive nature of remembrance.

Background

At the Strategy and Assets Committee on 09 June 2020, Council resolved in part (MIN20.406) that:

"Staff consult with the LEMC agencies then report back to Council on a separate memorial to be constructed at the IEMC, Nowra, in respect for lives lost by SES, RFS, Police, Marine Rescue, Emergency Medical Services, Surf Lifeguards and other emergency services"

CL23.402

personnel, paid or unpaid, whilst performing their duties in protecting the community and environment.”

The resolution was presented to LEMC members for focused consultation from 15 July to 28 July 2020 (inclusive). The submissions received during the consultation period are summarised in Attachment 1 and are addressed below under External Consultations. The comments received indicated no objection to a proposed IEMC Memorial in respect for lives lost by emergency services personnel whilst performing their duties, however the response rate was insufficient to make an informed decision about the proposed memorial.

Further engagement on the proposed IEMC Memorial was suspended due to Council resourcing requirements for the recovery response to the 2019-2020 Black Summer Bushfires that impacted the Shoalhaven Local Government Area (LGA).

Following the peak recovery response to the Black Summer Bushfires and the COVID-19 Pandemic, a second consultation with LEMC members was conducted to ensure a best practice approach to external consultation and to maximise response rates. This second focused consultation took place on 22 June 2023 at an LEMC meeting at the IEMC, Nowra. The submissions received during this consultation are provided in Attachment 2 and are addressed below under External Consultations.

The survey results and comments received through the second consultation indicate reservations about a proposed IEMC Memorial in respect for lives lost by emergency services personnel whilst performing their duties.

External Consultations

Consultation 1

MIN20.406 was first presented to LEMC members for focused consultation from 15 July to 28 July 2020 (inclusive). A short survey was emailed from Council's Local Emergency Management Officer (LEMO) to representatives of the LEMC. The survey was emailed directly to 44 individuals, representative of the agencies attached to the LEMC. In some cases, representatives of agencies circulated the consultation more broadly through their organisations for comment.

Agencies were invited to respond to the following two questions:

1. *Would you like to see a separate memorial constructed at the Integrated Emergency Management Centre? The memorial would be in respect for lives lost by SES, RFS, Police, Marine Rescue, Emergency Medical Services, Surf Lifeguards and other Emergency Services personnel, paid or unpaid, whilst performing their duties in protecting the community and environment.*

Response options: Yes/No

2. *If yes, what type of memorial would you like to see constructed?*

Open response (25 words)

Summary of responses:

- To expand the existing garden area between Albatross Road and the main IEMC building, with the suggestion that the pre-existing garden be expanded to include brass memorial plaques, upgraded fencing, seating and a reflection area. See Attachment 1, submission Number 1 for more detail.
- That the proposed memorial be similar to the Memorial Obelisk installed at Ulladulla. See Attachment 1, submission Number 3 for more detail.
- To expand the existing garden area between Albatross Road and the IEMC building and locate a Memorial Obelisk within the garden.

CL23.402

As a result of this first consultation, five submissions were received, representing 11% of the total number of individuals, representative of the agencies attached to the IEMC that were notified of the consultation.

All submissions received indicated their general support for the proposed IEMC Memorial in respect for lives lost by emergency services personnel whilst performing their duties. None of the submissions received were deemed to be a significant opposition that required further investigations.

Consultation 2

MIN20.406 was presented to LEMC members for a second time on June 22, 2023, at an LEMC meeting. The consultation was in the form of a survey that was completed by the 20 individuals present. The survey was emailed to the remaining members that were not in attendance. All were invited to respond to the following four questions:

1. *Do you agree or disagree with the following statement?*

There is an identified need to establish a commemorative feature at the IEMC, for emergency service personnel, paid or unpaid, who have lost their lives whilst performing their duties? (You can choose more than one).

Response options: Strongly agree, somewhat agree, neither agree nor disagree, somewhat disagree, strongly disagree.

2. *Who of the following do you think are best placed to request the establishment of a commemorative feature for emergency service personnel, paid or unpaid who have lost their lives whilst performing their duties? (You can choose more than one).*

Response options: Bereaved families, colleagues, employer, friends, local community group, Local Government, State Government, Federal Government, emergency services.

3. *Do you agree or disagree with the following statement?*

The IEMC Nowra is a suitable, respectful location for a possible memorial for emergency service and other similar personnel, paid or unpaid, who lost their lives whilst performing their duties.

4. *What another location/s would you consider as an alternative for a possible memorial?*

Open response

Summary of responses:

Question 1:

A total of 60% of respondents disagreed and 40% agreed that there is an identified need to establish a commemorative feature at the IEMC.

Question 2:

Regarding whom would be best placed to request the establishment of a commemorative feature, the top three preferences were bereaved families, colleagues and emergency services. All levels of Government were among the lowest scoring.

Question 3:

A total of 65% disagreed, 25% agreed and the remaining 10% were indifferent when asked to respond on whether the IEMC Nowra was a suitable location for a memorial.

Question 4:

Other suggested locations include local parks or reserves, service hubs, Nowra administration building and emergency service facilities.

CL23.402

The survey responses received are included at attachment 2.

From this second consultation, 20 responses were received, representing 50% of the total number of individuals, representative of the agencies attached to the IEMC that were notified of the consultation.

The summary of responses indicates that LEMC members are less in favour of a proposed memorial at the IEMC, Nowra and that bereaved families, colleagues and emergency services are the preferred stakeholders to nominate for any memorials.

This viewpoint is consistent with the guidance provided by the Australian Institute for Disaster Resilience (AIDR) relating to the sensitive nature of commemorative memorials and the appropriateness of community-led commemorative memorials, particularly those in the context of community disaster recovery.

For further reading on best practice for the establishment of memorials following a natural disaster, visit pages 76 and 77 of the Australian Institute for Disaster Resilience (AIDR) Community Recovery Handbook via the link provided –

<https://knowledge.aidr.org.au/media/5634/community-recovery-handbook.pdf>.

Risk Implications

Based on the learnings throughout the recovery response to the 2019-2020 Black Summer Bushfires, including those from independent national consultant on disaster recovery and resilience, Anne Leadbeater (OAM), Red Cross and experienced staff within Council's Community Connections Department, the following are key considerations for responding to MIN20.406:

- The IEMC, (when both operational and non-operational), is heavily utilised by combat agencies and is noisy due to traffic from heavy vehicles along Albatross Road. The back of the centre is secured by a locked gate and so not accessible to the general public. As an operational facility, it is unsafe to have the site accessible to public mourners.
- Any proposed interest in a memorial or commemorative feature by Shoalhaven City Council be informed by extensive research and understanding of the sensitive nature and best practise processes required for such an undertaking, including consultation with experts.
- Permanent memorials, though generally a place to remember those who have lost their lives, are places of connection for the living for bereaved loved ones. Often the affected people are more widespread than those who are thought to be 'most affected' by the event. It is important to consider more broadly who is affected by an event, not only to support recovery but also to reduce division and controversy around the memorial planning process.
- The call for a memorial should, in the first instance, come only from the affected community or communities. Government at all levels have a responsibility to respond to a call for a memorial, however, should not be the initiating body (The Australian Journal of Emergency Management (2006)). The initiation by Local Government can bring with it reputational risk and negatively impact relationships among community members, resulting in mistrust.

**Summary of Submissions - Integrated Emergency Management Centre
Memorial**

July 15 - 28, 2020

Number	Summary
1	<ul style="list-style-type: none"> - Supports a separate memorial to be constructed at the Integrated Emergency Management Centre. - Suggestion to expand the existing garden area between Albatross Rd and the main IEMC building, between the Main driveway entrance and the entrance to the Training Centre to the North. This garden is already planted with native species and could be expanded at minimal cost. - Incorporating a native garden walk, brass plaques mounted on bush rock/stone or small metal stand with the names of paid and unpaid Emergency Services personnel in respect of lives lost whilst performing their duties, a reflection area with seating at the end of the walkway and a rail timber fence along Albatross Rd. - Mock up attached below.
2	<ul style="list-style-type: none"> - Neither supports nor opposes a separate memorial to be constructed at the Integrated Emergency Management Centre. - Supports inclusiveness and recognition of all Emergency Services.
3	<ul style="list-style-type: none"> - Supports a separate memorial to be constructed at the Integrated Emergency. - Recommendation for a similar memorial similar to the Memorial Obelisk to be installed at Ulladulla.
4	<ul style="list-style-type: none"> - Neither supports nor opposes a separate memorial to be constructed at the Integrated Emergency Management Centre. - Supports inclusiveness and recognition of all Emergency Services.
5	<ul style="list-style-type: none"> - Supports a separate memorial to be constructed at the Integrated Emergency - Provides no input into the location, design or construction.

CL23.402 - Attachment 1

Concept Sketch provided in submission 1

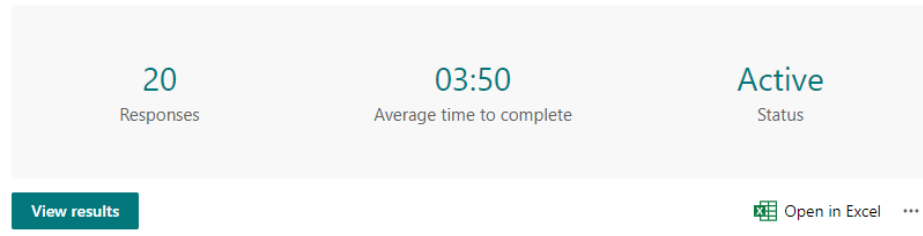


Location shot relating to submission 1



Attachment 1

Proposal for Memorial at Integrated Emergency Management Centre - Nowra



1. 1. Do you agree or disagree with the following statement:

Statement - There is an identified need to establish a commemorative feature at the IEMC, for Emergency Services personnel, paid or unpaid, who have lost their lives whilst performing their duties? (You can choose more than one).

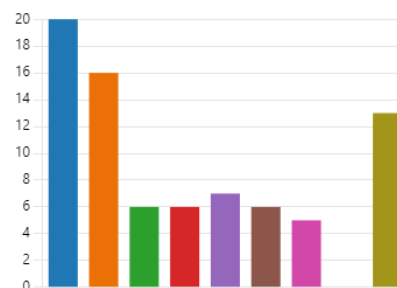
Strongly agree	6
Somewhat agree	2
Neither agree nor disagree	3
Somewhat disagree	3
Strongly disagree	6



2. Who of the following do you think are best placed to request the establishment of a commemorative feature for Emergency Services personnel, paid or unpaid who have lost their lives whilst performing their duties? (You can choose more than one).

[More Details](#)

Bereaved relatives	20
Colleagues	16
Employer	6
Friend/s	6
Local community group	7
Local Government	6
State Government	5
Federal Government	0
Emergency services	13



3. Do you agree or disagree with the following statement:

Statement - The IEMC Nowra is a suitable, respectful location for a possible memorial for emergency service and other similar personnel, paid or unpaid, who lost their lives whilst performing their duties.

Strongly agree	5
Somewhat agree	0
Neither agree nor disagree	2
Somewhat disagree	4
Strongly disagree	9



4. What other location/s would you consider as an alternative for a possible memorial?

[More Details](#)

[Insights](#)

20
Responses

Latest Responses

"N/A"

"Local parks or civic areas appropriate to being a place of reflection."

"Park, showground, SEC"

4 respondents (20%) answered **Nowra** for this question.

memorial at the IEMC Park or reserve Point Foreshore services hubs
Showground memorial service Local Park place
 Greenwell Point **IEMC Nowra** location Plantation Point
 emergency services **appropriate** area Administration Building
 Council Administration individual service day-to-day

CL23.403 Procedure - Community Grants Program

HPERM Ref: D23/250745

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

Attachments:

1. PRD19/128 - Previous - Community Development Grant Program - Community Development [↓](#)
2. PRD23/143 - Updated and Current - Community Grants Program - Community Connections [↓](#)

Reason for Report

The purpose of this report is to notify Council of the changes to the status of the *Procedure – Community Grants Program* (PRD21/61) to become an operational procedure.

Recommendation

That Council:

1. Receive the Procedure - Community Grants Program report for information.
2. Endorse that the Procedure – Community Grants Program (PRD23/143) becomes an operational procedure.
3. Provide the delegation to the CEO (Director City Lifestyles) to determine and approve the grant applications under this Procedure.

Options

1. That Council receive the *Procedure – Community Grants Program* (PRD23/143) for information and endorses that the procedure becomes an operational procedure.

Implications: The *Procedure – Community Grants Program* (PRD23/143), is now considered an operational procedure and therefore, will not be reported to Council in the future.

2. That Council does not endorse the *Procedure – Community Grants Program* (PRD23/143), to be an operational procedure.

Implications: The procedure will continue to be reported to Council when there are changes made and reviewed within 12 months of the election of a new Council.

Background

The *Procedure – Community Development Grants Program* (PRD19/128) is an operational procedure created in 2019 to guide the delivery of the Community Grants Program. The Community Development Grants Program is a \$25,000 competitive grants program, funded in Council's operational budget each financial year.

This procedure was reported to Council at its Strategy and Assets meeting on 11 August 2020 (MIN20.553) where it was resolved that:

1. *If no significant adverse feedback is received at the close of the public exhibition period, the draft Guidelines, Procedure, Application Form, Assessment Matrix and Acquittal Form be deemed adopted and launch the new program in the 20/21 Financial year; or*
2. *If significant adverse feedback is received at the close of the public exhibition period, a further report will be prepared and submitted to Council for consideration and adoption.*

CL23.403

No adverse feedback was received, and the guidelines were adopted and have been utilised since the 2020/21 Financial Year.

The Procedure has been recently reviewed and is attached for information (Attachment 2). This review has indicated that there is no requirement for this to be a public policy and it should be an operational procedure.

As the original procedure (Attachment 1) was endorsed by Council, it became a public procedure and any alterations or amendments need to be reported back, including the intention to make this an operational procedure.

Should Council deem this an operational procedure, there will be no further ongoing requirement to report this to Council for adoption.

The *Procedure – Community Grants Program* (PRD23/143) will remain in place and continue to be reviewed and updated based on community feedback in alignment with the requirements of an operational procedure.

Community Engagement

After revision, and endorsement to proceed to public exhibition at the Strategy and Assets meeting of 11 August 2020, the Procedure was placed on public exhibition and reported to Council for adoption, exceeding reporting requirements for operational procedures.

Policy Implications

There is no Policy in place for Council's Community Grant Program. The Procedure offers continued consistency in the delivery of the Community Grant Program and the latest version for Council's information is attached (Attachment 2).

Financial Implications

Each year Council provides a total operational budget of \$25,000 to deliver the Community Grants Program. The review of the *Procedure – Community Grants Program* (PRD23/143) does not have any financial implications outside of the existing operational budget.

Risk Implications

The aim of the Procedure is to reduce risk associated with distributing funds via a competitive grant program by providing a governance framework, clear advice and consistency in the delivery of Council's Community Grant Program.

CL23.403



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the City Lifestyles Directorate

Procedure - Community Development Grants Program

Procedure Number: PRD19/128 • **Adopted:** 12 October 2020 • **Minute Number:** MIN20.553 • **File:** 35860E •
Produced By: City Lifestyles • **Review Date:** September 2021

1. PURPOSE

Shoalhaven City Council's Community Development Grant Program provides financial assistance to community groups and organisations located in the Shoalhaven Local Government Area to deliver a range of Community Development based projects. The aim of the grant program is to encourage and support collaborative efforts between community groups and organisations to deliver local projects that support the vision of Council.

2. DEFINITIONS

Community Event – A community event is an event whose primary target market are residents that live in the Shoalhaven Local Government Area.

Liveability / Liveable – The sum of the aspects that add up to the quality of life of a place, including its economy, amenity, environmental sustainability, health and wellbeing, equity, education and learning, and leadership.

Community Development - Community Development seeks to empower individuals and groups of people by providing them with the skills they need to affect change in their own communities. It is a holistic approach which involves working in partnerships with residents, agencies and community to identify and respond to key local issues by building on existing community strengths and assets. Community Development is underpinned by the principles of inclusiveness, collaboration, capacity building, equity and social justice. By developing stronger links and connectedness between communities and by assisting people to participate in community life and activities, development projects encourage people to work together to improve the quality of their lives and the communities in which they live.

3. IMPLEMENTATION

Shoalhaven City Council provides annual Community Development Grants to financially assist local community groups and organisations to undertake projects that:

- Assist in developing a range of Community Development programs;
- Encourage the development of, and broad community participation in community services and cultural activities; and
- Encourage community connectiveness and collaboration.

Shoalhaven City Council - Procedure - Community Development Grants Program

For applications to proceed past a preliminary mandatory participation criteria assessment, applicants must:

- Provide a completed application form; and
- Prove project approval from the organisation's or group's senior office holder and (if applicable) the legal owner of the land or premises; and
- Provide the organisations audited financial statements / statement of income / statement of expenditure; and
- Be operating or based within the Shoalhaven LGA; and
- Be a not-for-profit, incorporated body, legally constituted or be auspiced by an incorporated body or business; and
- Be supported by a cash contribution of at least 25% of the total amount that is being requested.

Applications that proceed past a preliminary mandatory participation criteria assessment will be assessed against the following criteria:

- Projects, events or programs must assist in developing a range of Community Development programs.
- Demonstrate a considerable community benefit to the Shoalhaven City Council area that are in line with Shoalhaven City Council's Community Strategic Plan.
- Establish innovative community projects, events or programs.
- Demonstrate coordination with other groups or organisations in the community.
- Demonstrated ability to manage the project through effective planning, clear goals, risk assessment and evaluation processes.
- Address local issues by meeting an identified community need.
- Demonstrate the contribution of the organisation applying to the project or activity through, in-kind volunteer support.
- Capacity of the program to deliver ongoing benefits to the community.
- Demonstrate clear benefits to the broader community in the Shoalhaven City Council area.
- Show evidence of broader community support and benefit.

Who is eligible to receive grants?

Applications are accepted from the following organisations:

- Community groups or organisations who have successfully applied for grant funding previously. Groups and organisations are responsible for ensuring that previous Council grants have been fully acquitted where required and that all reporting obligations have been met.
- Community groups or organisations whose applications have been previously unsuccessful.
- The community group or organisation applying must be based and operate within the Shoalhaven City Council Local Government Area.
- To be eligible for funding an organisation must be a not for profit, be an incorporated body or be legally constituted or auspiced by an incorporated body of business.

Shoalhaven City Council - Procedure - Community Development Grants Program

What projects may be funded?

The Community Development Grant Program will fund a range of projects that enhance existing or develop new community services, cultural activities and community facilities. Projects funded may include, but are not limited to:

- Capital works for infrastructure improvement/development on land that is managed by Council or a Community Trust, particularly those that enhance the general communities access those facilities.
- Community events and activities.
- Projects that improve the health or wellbeing of residents in the Shoalhaven LGA.
- Projects that enhance the cultural value of Shoalhaven including Public Art projects. Refer to Shoalhaven City Council's [Public Art Policy](#) (POL16/197) available on Council's website www.shoalhaven.nsw.gov.au.

What applications won't be funded?

The Community Development Grant Program does not fund:

- Projects that contravene existing Council policy or which provide funding towards unlawful or irresponsible purposes.
- Applications from groups or organisations that have previously received funding but who have not fulfilled reporting obligations, including provision of a post event evaluation and acquittal report.
- Monies or services that will be distributed to other organisations or people in the form of a donation, prize or gift.
- Events, activities or projects that are not open to the general public.
- Projects that duplicate existing services or programs or projects that would normally be the responsibility of other government bodies.
- Projects that request retrospective funding or funding to reduce existing budget deficits.
- Applications for the benefit of individuals or unincorporated groups.
- Applications for commercial activities that are aimed at making private profit.
- Only one grant application or one donation application from an organisation will be accepted in any one funding round.
- Applications for projects operating in or associated with licenced clubs which are associated with gambling and / or alcohol.
- Requests for financial assistance from a political party or from parties associated either directly or indirectly with any political party whether registered or not.
- Applications for fundraising for a secondary beneficiary, or grant-making program.

What is the timing of the project?

The project must be completed by the agreed time and date.

What are the Acquittal requirements?

All successful applicants must complete a written acquittal using a pre-set form by the specified date. The acquittal will include, but is not limited to:

Shoalhaven City Council - Procedure - Community Development Grants Program

- An evaluation of the initiative that includes attendance numbers, a synopsis of the project or event and an analysis of project outcomes, which includes the benefits to the Shoalhaven community.
- A detailed and accurate financial overview of the project that includes actual expenditure. In kind estimates may be included separately.
- Copies of all promotional/media materials (both pre and post event) that were produced.

4. REVIEW

All applications will be assessed on their merits, considering the circumstances of each case, the availability of funds and the relative provisions of the *Local Government Act* (1993) or any other Act(s) authorising Council to provide grants.

Applications will be assessed based on the ability to address the eligibility and assessment criteria as per the Community Development Grant Guidelines and its associated documents.

Applications will be assessed by a panel that is comprised of Council's Senior Community Development Officer, Council's Community Development Officer, a member of the Youth Advisory Committee, and one other Council staff member.

Funds (if available) transferred each financial year from the Youth Advisory Committee Budget to the Community Development Grants Program are to be quarantined for Youth Development specific projects.

A report will be provided to the Youth Advisory Committee annually to update the committee on youth projects funded under the Community Development Grants Program.

5. PROVISIONS

The Community Development Grant Program will open annually for application. The submission of an application is not a guarantee of funding.

Any funding provided under the program will be the total amount (GST Inclusive or GST free). Grant recipients should seek advice from financial consultants regarding any accounting requirements for GST and advise Shoalhaven City Council accordingly.

The maximum amount of funding for each project will be limited to \$5,000. Applicants must provide a cash contribution of 25% of the total amount of funding that is being sought for the project. In kind (voluntary labour and/or materials) will be viewed favourably.

There is no minimum funding limit.

Council grant funding is made directly to the community organisation or the auspicing body. Therefore, Council cannot pay the supplier directly for goods or services purchased with grant funds. To ensure transparency and accountability, all grant funds must go through the organisations nominated bank account.

All applicants are required to sign a funding agreement with Shoalhaven City Council prior to funds being allocated by way of a pre-set Shoalhaven City Council Grant Program Funding Agreement form. The agreement will set out the terms of the funding and requirements in relation to media, publicity and reporting requirements. Council reserves the right to seek full

Shoalhaven City Council - Procedure - Community Development Grants Program

reimbursement of funds if the project and acquittal is not completed by the nominated date and in accordance with the funding agreement.

Ownership of any assets acquired with funds that are provided through the grant program will be deemed to belong to the applicant and are the sole responsibility of the grant recipient. Funding will be subject to an assessment of project sustainability where a grant application includes the acquisition of assets. Council reserves the right to deem an application ineligible in the event the sustainability of a project is not proven.

All grants awarded by Council are made on the assumption of honest and full disclosure of information. Evidence of any breach will make the grant null and void in which case any funds paid under the program must be returned to Council.

6. ASSOCIATED DOCUMENTS

The following documents should be considered in conjunction with this Procedure:

- Community Development Grant Program Guidelines.
- Community Development Grant Program Application Form.
- Shoalhaven City Council Grant Program Acquittal Form.
- Shoalhaven City Council Grant Program Funding Agreement.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the City Lifestyles Directorate

Procedure – Community Grants Program

Procedure Number: PRD23/143 • **Adopted:** October 2020 • **Amended:** September 2023 • **Minute Number:** MIN20.553 • **File:** 35860E • **Produced By:** City Lifestyles • **Review Date:** September 2026

1. PURPOSE

Shoalhaven City Council's Community Grants Program provides multiple funding opportunities throughout the year for incorporated, non-profit community groups and organisations or those auspiced by an incorporated body or community group, to enable them to design, implement and deliver programs and initiatives, or events and activities that support and enhance the lives of people in the Shoalhaven. The aim of the grant program is to encourage and support community groups and organisations to deliver local projects that support the local community.

2. DEFINITIONS

Liveability / Liveable: The sum of the aspects that add up to the quality of life of a place, including its economy, amenity, environmental sustainability, health and wellbeing, equity, education and learning, and leadership.

Community participation: Community participation is about the ways in which community members exercise influence and have control over the decisions that affect them.

Sense of belonging: The need to belong, also known as belongingness, refers to a human emotional need to affiliate with and be accepted by members of a group, this is seen as an experience of being needed and of contributing to, supporting others, and supporting them. A sense of belonging can depend on participation with, or proximity to, others or groups, or it can be driven by the perception of quality, meaning and satisfaction with social connections. Belonging may also relate to a sense of belonging to a place or even an event.

Events / Activity: People coming together to do things in the community for a set period. This is likely to have short-term outcomes unless it is part of larger community strategy or project.

Programs / Initiatives: A set of structured activities, or a strategy intended to resolve a difficulty or improve a situation with identified medium to long-term, enduring outcomes for community.

Sustainable Outcomes: The changes you anticipate resulting from your program that continue over a long period of time. These can be changes in individuals, systems, policies, or institutions. They may reflect shifts in relationships, knowledge, awareness, capabilities, attitudes, and/or behaviours. For outcomes to be sustainable in the social context, these outcomes must consider equitable access to opportunities, including having influence over decisions that shape how programs are designed and delivered.

Shoalhaven City Council - Procedure - Community Grants Program

Community participation: Community participation is about the ways in which community members exercise influence and have control over the decisions that affect them.

3. STRUCTURE

The Community Grants Program provides multiple funding opportunities throughout the year. The program can be separated into two categories; small grant opportunities for activities and events and larger grant opportunities to deliver programs and initiatives.

Activities and Events

The Activities and Events stream supports local groups and organisations to deliver activities and events by offering small-value, one-off grants of between \$500 - \$1000.

Activities and Events supported under this stream are not required to deliver once off initiatives. Often this funding supports “Come Try Me” days which promote the regular activities of a group or organisation and encourage longer-term engagement with the program.

Programs and Initiatives

The Programs and Initiatives stream supports local groups and organisations to deliver programs and initiatives by offering medium-value, one-off grants of between \$500 - \$5000.

Programs and initiatives supported under this stream are required to deliver new or expanded initiatives, not already supported by the core funding of the group or organisation. Alternatively, this stream can support the expansion and outreach of established programs and initiatives across a broader geographical area of the Shoalhaven – effectively improving access to services, supports and opportunities for a broader target area.

The Programs and Initiatives stream supports applications that demonstrate sustainable outcomes for participants and/or the broader Shoalhaven community.

4. IMPLEMENTATION

Shoalhaven City Council's Community Grant Program financially assists local community groups and organisations to undertake projects that:

- Encourage the development of, and broad community participation in community services and cultural activities; and
- Encourage community connectiveness and collaboration; and
- Support and enhance the lives of people in the Shoalhaven.

For applications to proceed past a preliminary mandatory participation criteria assessment, applicants must meet the below core eligibility criteria:

- Provide a completed application form; and
- Be a registered not-for-profit, incorporated body, legally constituted community group or organisation, or be auspiced by an incorporated body or community group; and
- Project provides direct benefit to, and participation by, Shoalhaven residents; and
- Be of low or no cost to participants (for example, gold coin donations); and
- New projects: Shoalhaven City Council will consider and prioritise applications which demonstrate sustainability or longevity, without relying on long-term grant funding.

Shoalhaven City Council - Procedure - Community Grants Program

Individual grants may be subject to additional core eligibility criteria on a case-by-case basis as outlined in individual Grant Guidelines.

In addition to the above core eligibility criteria, grant applicants may be asked to provide the following supporting documentation on request:

- Written project approval from the organisations or group's senior office holder and the legal owner of the land or premises (if applicable); and
- Provide the organisations audited financial statements / statement of income / statement of expenditure; and
- Where applications are proposing the installation of permanent or semi-permanent infrastructure, the applicant must demonstrate in writing that the appropriate land-owner approvals have been sought.
- Where applications propose a partnership between organisations, a letter of support from the partnering organisation outlining the roles and responsibilities of each organisation must accompany the application.

Applications that meet core eligibility criteria will be assessed against the following core assessment criteria:

- How effectively the project application meets the grant program objective.
- How effectively the project application activities will impact on the grant program aim/s. Applicants must address how the proposed project/program meets one or more program aims.
- Project application details success outcomes for target group and measurement process.
- Demonstrated ability to deliver an achievable project; applications include detailed cost breakdowns; the project proposal is cost-effective, and the project application provides a low or no cost opportunity for participants (i.e. a gold-coin contribution).

Individual grants may be subject to additional core assessment criteria on a case-by-case basis as identified in individual grant program guidelines.

Who is eligible to receive grants?

Applications are accepted from the following organisations:

- Not-for-profit, incorporated body, legally constituted or be auspiced by an incorporated body or community group.
- The community group or organisation applying must operate within the Shoalhaven City Council Local Government Area (LGA) for the benefit of residents of the Shoalhaven LGA.
- Community groups or organisations who have successfully applied for grant funding previously. Groups and organisations are responsible for ensuring that previous Council grants have been fully acquitted where required and that all reporting obligations have been met. Groups and organisations which have outstanding, but not overdue acquittals are eligible to apply for funding.
- Community groups or organisations whose applications have been previously unsuccessful.

What projects may be funded?

Shoalhaven City Council - Procedure - Community Grants Program

The Community Grants Program will fund a range of projects that enhance existing or develop new community services, cultural activities, and community facilities. Projects funded may include, but are not limited to:

- Capital works for infrastructure improvement/development on land that is managed by Council or a Community Trust, particularly those that enhance the general communities access those facilities for example Community Garden Projects. Refer to Council's [Community Gardens on Council Managed Land Policy](#) (POL22/52).
- Community events, activities, programs, and initiatives.
- Projects that improve the health or wellbeing of residents in the Shoalhaven LGA.
- Projects that enhance the cultural value of Shoalhaven including Public Art projects. Refer to Shoalhaven City Council's [Public Art Policy](#) (POL18/69).

What will not be funded?

The Community Grant Program does not fund:

- Projects that contravene existing Council policy or which provide funding towards unlawful or irresponsible purposes.
- Applications from groups or organisations that have previously received funding but who have overdue reporting obligations, including provision of a post event evaluation and acquittal report within the required timeframes.
- Monies or services that will be distributed to other organisations or people in the form of a donation, prize, or gift.
- Applications for fundraising for a secondary beneficiary, or grant-making program.
- Events, activities, or projects that are not open to the general public.
- Projects that duplicate existing services or programs or projects.
- Projects that request retrospective funding or funding to reduce existing budget deficits.
- Applications for the benefit of individuals or unincorporated groups.
- Projects that subsidise commercial activities and business-as-usual expenses.
- Multiple applications to any one grant opportunity. Only one grant application or one donation application from an organisation will be accepted in any one funding round.
- Projects which are associated with, or which encourage gambling and / or alcohol.
- The purchase of alcohol.
- Auspice fees.
- Requests for financial assistance from a political party or from parties associated either directly or indirectly with any political party whether registered or not.
- Activities that are better suited to other grant programs.
- Activities that are difficult to link to the Community Grant Program objective.
- Initiatives that are likely to depend on future funding.

Project Timing

The project must be completed by the date specified in the Grant Guidelines and associated documents.

Council will assess project variations for time on a case-by-case basis. Variations must be submitted by the community group or organisation in writing to Council for consideration.

Distribution of Funding

All grant funding will be paid in full on receipt of a completed Funding Agreement, Tax Invoice, Certificate of Currency Public Liability Insurance, and agreement to any conditions of funding.

Shoalhaven City Council - Procedure - Community Grants Program

Any conditional adjustments to applications should be received prior to distributing funding to groups and organisations.

However, if an application or applicant is deemed to have an element of risk for example, the organisation is newly established, or seeking to support vulnerable community members with whom they have not worked with before or do not have the organisational structures in place to support vulnerable people, 80% of the total value of the grant will be paid on receipt of a completed Funding Agreement, Tax Invoice, Certificate of Currency Public Liability Insurance and agreement to any conditions of funding. The remaining 20% of funding is payable on acceptance of a completed project acquittal report. Where this is the case, Community Capacity Building will provide additional support and advice in relation to the project.

5. ASSESSMENT

All applications will be assessed on their merits, considering the circumstances of each case, the availability of funds and the relative provisions of the *Local Government Act* (1993) or any other Act(s) authorising Council to provide grants.

Applications will be assessed based on the ability to address the eligibility and assessment criteria as per the Community Grant Guidelines and other associated documents.

The assessment process will be overseen by a member of staff, independent to the assessment panel. This person is herein referred to as the Convenor. The Convenor will act as the point of contact between assessment panel members and applicants where clarification on an application is required.

Assessment of applications will be undertaken by no less than two (2) members of Shoalhaven City Council staff. Assessors must remain impartial and are required to declare any conflicts of interest with applicants to the Convenor. The Convenor will then be required to assess the conflict and take appropriate action to mitigate the conflict.

6. FUNDING ACQUITTAL

All successful applicants must complete an event/activity synopsis or full written acquittal report using a pre-set form by the specified date depending on the value of grant funding received.

Event Synopsis

Small grants under \$1,001.00 (excl. GST) are required to provide event or activity photographs accompanied by an event or activity synopsis (maximum 500 words).

Photographs cannot be used for any purpose other than the event or activity synopsis, including for promotional purposes, unless accompanied by the appropriate release forms signed by those captured in the media (photograph, footage, audio etc.)

Acquittal Report

Where funding of \$1,001.00 (excl. GST) or more is awarded, recipients are required to submit a full written acquittal report using a pre-set form with 28 days of the completion of the project or by the date specified in the Funding Agreement, whichever occurs first.

Acquittal reports must include at a minimum:

Shoalhaven City Council - Procedure - Community Grants Program

- An evaluation of the initiative that includes attendance numbers, a synopsis of the project or event and an analysis of project outcomes, which includes the benefits to the target community group.
- A detailed and accurate financial overview of the project that includes actual expenditure. In kind estimates may be included separately. Invoices and receipts must be provided. Where invoices and receipts are not available to support expenditure, applicants must provide a Statutory Declaration, endorsed by a Justice of the Peace, declaring the expenditure items, cost and that the items contributed to the funded activity, event, program, or initiative in question.
- Copies of all promotional/media materials (both pre and post event) that were produced.

7. UNSPENT FUNDING

Where there are unspent funds to the value of 10% of the grant, up to a maximum of \$300, community groups and organisations will not be required to return these funds to Council. However, unallocated funding must be contributed back to activities associated with the target group. A written declaration stating that unspent funding will be contributed back to similar activities associated with the target group is required to be submitted to Council.

8. PROVISIONS

The Community Grants Program will open annually for application. The submission of an application is not a guarantee of funding.

Any funding provided under the program will be the total amount (GST Inclusive or GST free). Grant recipients should seek advice from financial consultants regarding any accounting requirements for GST and advise Shoalhaven City Council accordingly.

Council grant funding is made directly to the community organisation or the auspicing body. Therefore, Council cannot pay the individuals or suppliers directly for goods or services purchased with grant funds. To ensure transparency and accountability, all grant funds must go through the organisations nominated bank account.

All applicants are required to sign a funding agreement with Shoalhaven City Council prior to funds being allocated by way of a pre-set Shoalhaven City Council Grant Program Funding Agreement form. The agreement will set out the terms of the funding and requirements in relation to variations and reporting.

Council reserves the right to seek full reimbursement of funds if funding is misallocated at any point.

Ownership of any assets acquired with funds that are provided through the grant program will be deemed to belong to the grant recipient and are the sole responsibility of the grant recipient. Funding will be subject to an assessment of project sustainability where a grant application includes the acquisition of assets. Council reserves the right to deem an application ineligible in the event the sustainability of a project is not proven.

All grants awarded by Council are made on the assumption of honest and full disclosure of information. Evidence of any breach will make the grant null and void in which case any funds paid under the program must be returned to Council.

*Shoalhaven City Council - Procedure - Community Grants Program***9. ASSOCIATED DOCUMENTS**

The following documents should be considered in conjunction with this Procedure:

- Community Grants Program Guidelines.
- Community Grants Program Application Form.
- Shoalhaven City Council Grant Program Acquittal Form.
- Shoalhaven City Council Grant Program Funding Agreement.

CL23.404 Bay and Basin Boxing Club: site investigations and proposed engagement activity

HPERM Ref: D23/395329

Department: Recreation Projects - Planning & Delivery

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

The purpose of this report is:

1. To provide Council with information about the outcome of investigations for the Bay and Basin Boxing Club (BBBC) to occupy Council owned or managed land within the Sanctuary Point area, in accordance with MIN22.612.
2. To provide Council with information about a proposed community engagement activity, and to seek Council's endorsement to undertake engagement.

Recommendation

That Council:

1. Accepts the *Bay and Basin Boxing Club: 'site investigations and proposed engagement activity'* report in relation to the outcomes of investigations undertaken to date in response to MIN22.612;
2. Provide in-principle endorsement for Clifton Park as the preferred location for a facility for the Bay and Basin Boxing Club, based on investigations undertaken to date (subject to further investigations);
3. Direct the CEO (Director City Lifestyles) to undertake engagement activities outlined in the Community Consultation chapter of this report; and
4. Receive a future report outlining the results of engagement activities and further recommendations in relation to the establishment of facilities at Clifton Park to house the Bay & Basin Boxing Club.

Options

1. Accepts the recommendations as proposed.

Implications: Council staff will proceed to engage in community consultation, to gauge the community's support for the proposal to establish facilities to house the Bay and Basin Boxing Club at Clifton Park. A future report will be provided to an Ordinary Council Meeting with engagement activity results and further recommendations.

2. Adopt an alternative recommendation, removing Part 3 and 4 of the recommendation.

Implications: If the Council provides in-principle endorsement without follow-up community consultation, it is likely that support for establishing a facility to house the Bay and Basin Boxing Club at Clifton Park may be undermined. This may give rise to reputational damage and limit the Bay and Basin Boxing Club's ability to establish a facility at Clifton Park to service the Bay & Basin community.

Background

A Notice of Motion titled *Bay and Basin Boxing Club - Building location investigation* was considered at the Ordinary Council Meeting held on 12 September 2022. MIN22.612 reads:

That Council investigate suitable locations or suitable sites to establish a facility for the Bay and Basin Boxing Club, including but not limited to Council facilities / buildings.

The Proponent for the proposed use and development outlined in MIN22.612 is the Bay and Basin Boxing Club (BBBC). The BBBC is a registered club (with Boxing Australia and Boxing ACT).

City Lifestyles staff have liaised directly with the Proponent to understand the BBBC's requirements, such as: size and type of space required; target demographics; and how the proposed facility will be utilised.

It's understood that it is the Proponent's intention to register the BBBC as a business once a suitable permanent location has been determined. The proponent has indicated it is their intention to operate the business under a 'not-for-profit model'. At present the coach provides coaching voluntarily and funds the BBBC's activities.

The Proponent's proposed business / operating model is for a *"percentage of profits to be returned into community programs in the area that also need help along with referrals to youth mentoring services, welfare agencies and other similar sporting clubs where possible. The remaining profits would be used to pay our way for the future sustainability of the club in its location through a leasing arrangement with Council for the use of land."*

The Proponent has the following requirements:

- Minimum size requirement for a facility house BBBC is: 20m x 20m;
- Preferred facility type: structure (shell only) suitable for specialised fit out (by the BBBC), such as a 'shed';
- Land of sufficient size to carry a 20m x 20m shed and associated infrastructure, such as parking, access pathways, and landscaping, and;
- Location: in Sanctuary Point.

The Proponent has confirmed it is the BBBC's intention to fund and deliver all necessary internal fit out, with the assistance of grants. The focus therefore of this report and related investigations is the identification of a suitable site.

For the purposes of this report, the proposed use and development has been defined under the *Shoalhaven Local Environmental Plan 2014 (SLEP 2014)* as a *'Recreation Facility (Indoor)'*, which states:

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The Open Space and Recreation Planning (OSRP) team undertook a review of Community Land in and around Sanctuary Point. The Proponent's request was for land to develop the BBBC, not an existing facility which could be shared or re-purposed.

50 sites were identified within the nominated study area, all of which were categorised as either Sportsground, or General Community Use. Of these 50 sites, there were six sites which were large enough for the proposed use and development and that carry the

necessary land classification and categorisation. Each of these six sites were investigated further (refer to Figure One).

A site visit was undertaken to each of the six sites identified in Figure One, to complete a landscape and use analysis. The outcome of these investigations resulted in two sites being considered feasible for the proposed use and development, due to statutory planning considerations, environmental impacts, and neighbourhood amenity. These sites are identified in the YES column in Figure One.

Figure One: Feasible Sites

List of feasible sites:	Yes	No
Anson Street Reserve		X
Yellow Bellied Glider Reserve		X
Clifton Park	X	
Wool Lane Sporting Complex		X
Francis Ryan Reserve		X
Sanctuary Point Oval / Cricket Ground.	X	

Further information about Clifton Park and Sanctuary Point Oval is provided below.

Clifton Park, Sanctuary Point.

Figure Two: location of 20m x 20m Boxing Club at Clifton Park identified in red.



CL23.404

Legal Description	Lot 1 DP 1215751
Tenure	Shoalhaven City Council
Category	Community Land, Public Reserve – <u>General Community Use.</u>
Size	3.68ha
Access	Primary access is achieved from Clifton Street.
Constraints	<ul style="list-style-type: none"> • Bushfire: Category 2 bushfire prone land. This will require a 30m vegetation buffer. • Biodiversity: <i>Biometric Vegetation Type</i>. Additional research will be required to identify what this means for future development at this portion of the site (to be addressed through a future DA). • Flood: Partially - AEP1 Existing, 2050 and 2100. Partially - FPA Existing, 2050 and 2100. Partially - PMF Existing, 2050 and 2100.
Permissibility	<ul style="list-style-type: none"> • The land classification is Community Land with the purpose of Public Reserve and Category being General Community Use under the Local Government Act 1993. • Zone – RE1: Public Recreation. As such, a Recreation Facility (Indoor) is permitted with consent (requiring a development application).
Opportunities	<ul style="list-style-type: none"> • Clifton Park is currently developed with a range of community facilities and infrastructure, such as the Mens Shed, community garden, as well as children's play equipment and learn to ride facilities. The underutilised space adjacent to the Mens Shed is the preferred location for the BBBC (refer to Figure Two). • The location identified in Figure Two is not included as part of a licensed area (for other user groups), in accordance with existing licensing arrangements for Clifton Park. • It is likely that the development will trigger the need for additional formal parking, which is considered viable at this location. The proposed location at Clifton Park provides adequate passive surveillance levels (to be further considered through Crime Prevention Through Environmental Design (CPTED) assessments).
Finding	Clifton Park is the preferred location for the provision of a facility to house the BBBC.

CL23.404

Sanctuary Point Oval, Sanctuary Point.

Figure Three: location of 20m x 20m Boxing Club at Sanctuary Point Oval identified in red.



Legal Description	Lot 1525 DP 236518
Tenure	Shoalhaven City Council
Category	Community Land, Public Reserve – <u>Sportsground.</u>
Size	7.8ha
Access	Pedestrian and vehicular access is available from Larmer Avenue.
Constraints	<ul style="list-style-type: none"> • Bushfire: Category 1 and 3 bushfire prone land. This will require a 100m vegetation buffer. • Biodiversity – the site is mapped as having threatened flora and Biometric Vegetation Type. However, neither of these mapped areas are in the proposed location as shown in Figure 3. Additional research would be required to identify what this means for future development at this portion of the site (to be addressed through a future DA). • Flood: AEP1 Existing, 2050 and 2100. FPA Existing, 2050 and 2100. PMF Existing, 2050 and 2100. • Passive surveillance at this location is considered inadequate, due to the setback from adjacent streetscapes and surrounding vegetation.
Permissibility	<ul style="list-style-type: none"> • The land classification is Community Land with the purpose of a Public Reserve and Category being General Community Use under the Local Government Act 1993. • Zone – RE1: Public Recreation. As such, a Recreation Facility (Indoor) is permitted with consent (requiring a development application).

CL23.404

Opportunities	<ul style="list-style-type: none"> • There is sufficient space to accommodate a 20m x 20m and associated infrastructure, including parking. It is likely tree removal would be required. • Considering flood, bushfire and biodiversity mapping, it is advisable to seek pre-lodgement advice from the duty planning team to obtain further information about the requirements for vegetation removal and the required finished floor levels prior to lodging a Development Application for a facility to house the BBBC at this
Finding	Sanctuary Point Oval is not the preferred location for the provision of a facility to house the BBBC, due to limited passive surveillance, flood risk, and bushfire risk.

Internal Consultation

Internal consultation conducted in relation to the proposed establishment of a boxing club in the Bay and Basin area have included contact with the nominated Asset Custodians for Clifton Park (District Engineer) and Sanctuary Point Oval (Shoalhaven Swim Sport Fitness) and the Property Services team.

It is foreshadowed that any further consultation undertaken in relation to this matter will include:

- City Services – Building Services;
- Media & Communication (Marketing & Community Engagement).

External Consultation

The following are considered key stakeholders in relation to any proposed use or development to support the provision of a facility for the BBBC in Sanctuary Point:

- Proponent (owner of the BBBC);
- Volunteer groups and users of Clifton Park (further information provided in the following chapter – Community Consultation);
- Residents directly impacted by the development (overlooking or adjoining the site).
- Residents within 400m of the site at Clifton Park;
- Ward 2 Councillors, and;
- Community Consultative Body (Basin Villages Forum).

Community Consultation (Engagement Activity)

In accordance with Council's Community Engagement Policy and draft Community Engagement Strategy, the proposed engagement model to facilitate provision of feedback by key stakeholders to Council is: *consult*. Accordingly, two community engagement activities have been designed to capture feedback from all external key stakeholders. These are referred to as Engagement Activity One and Engagement Activity Two. Further details about proposed engagement activities are provided below.

Engagement Activity One (EA1):

EA1 will focus on engagement with key stakeholders, prior to undertaking community engagement with residents within a 400m radius. This is considered necessary to provide opportunities to develop revised questions and/or provide additional information to the intended audience for EA2 based on the outcome of EA1.

It is expected that EA1 will take 3 weeks to complete. It will involve a letterbox drop to the below stakeholders with a QR Code asking 2 questions to measure support for the proposed use and development at the preferred location (Clifton Park). The questions will include one closed question and one open question:

1. Closed Question:

Do you support the provision of a facility to house the Bay and Basin Boxing Club at Clifton Park. Please select one of the below:

- YES
- NO

2. Open Question:

If no, please tell us why.

- Responses limited to 500 characters or less.

The audience for EA1 will include:

- User groups of Clifton Park, including:
 - the Mens Shed;
 - the Gardening Club, and;
- Residents who reside in dwellings that overlook this portion of Clifton Park (approx. 8 dwellings).

Engagement Activity Two (EA2):

It is expected that EA2 will take a further 3 weeks to complete. It will involve a letterbox drop to the below stakeholders with a QR Code asking 2 questions to understand the support for the development at this location. The questions will include one closed ended question and one open ended question, which are to be finalised upon completion of, and in response to results of, EA1.

The audience for EA2 will include:

- Residents who reside in dwellings within a 400m radius of the subject site at Clifton Park (approx. 562 dwellings);

Overall, it is expected that community engagement activities will take approx. 6-8 weeks to complete. A report will be provided to Council at a future Ordinary Council Meeting outlining the results of engagement activities and further recommendations.

Policy & Legislative Implications

Policy: Nil.

Legislation: A Development Application will be required for the proposed development facilities at Clifton Park to house the BBBC, in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*.

Financial Implications

This project is currently not identified in Council's Delivery Program Operation Plan (DPOP) and subsequently has no funding allocated for design or construction.

The work undertaken by City Lifestyles staff in relation to MIN22.612 and the preparation of this report has been undertaken utilising operational funding (staff salaries).

The proposed engagement activities (EA1 and EA2, as described in the chapter titled Community Consultation) will be undertaken utilising existing City Lifestyles operational budgets.

It is the Proponent's intention to fund the proposed development utilising external funding (grants – provided by external grant bodies).

The provision of any funding commitment by Council to progress the proposed use and development of facilities at Clifton Park to house the BBBC will be subject to a future report to Council at an Ordinary Council Meeting.

Risk Implications

- *Reputation:* Failure to complete community engagement activities in accordance with Council's community engagement policy, and as described in this report, may lead to a loss of confidence in Council's ability to deliver community infrastructure outcomes based on feedback provided by the community.
- *Finance and asset depreciation:* This project is currently not identified in Council's Delivery Program Operation Plan (DPOP) and subsequently has no funding allocated for design or construction. Sufficient funding will need to be identified, either through future capital works budgets and / or via external funding bodies, to fund design, delivery, asset maintenance, and depreciation.

The Proponent has indicated it is their intention to secure necessary funding for internal fit out via external grant bodies. It is therefore not anticipated that a request will be forthcoming to Council to fund the proposed works. However, it will remain Council's fund depreciation of the asset.

Preliminary, high-level cost estimates for the proposed works are yet to be determined. It is anticipated these figures will be in the order of \$250,000 - \$500,000 for a facility in line with the Proponent's requirements (outlined in the Background chapter of this report) and associated infrastructure, with an additional figure of at least \$150,000 required to deliver necessary internal fit out.

The preliminary cost estimate provided above would need to be revised in response to any change of scope.

- *Use:* the request considered by Council staff, based on the contents of MIN22.612, and additional information provided by the Proponent, will result in a new, single-use, bespoke facility to house the BBBC. The facility would be added to Council's asset register and depreciated accordingly.

The BBBC's request would need to be re-scoped and re-investigated should the Council wish to pursue a multi-use community facility model to house the BBBC in Sanctuary Point.

CL23.404

CL23.405 Notice of Motion - Changes to Shoalhaven LEP - Orient Point - Oyster Operations

HPERM Ref: D23/427616

Submitted by: Cllr Matthew Norris
Cllr John Kotlash
Cllr Gillian Boyd

Purpose / Summary

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

Recommendation

That Council:

1. Acknowledge the economic benefit and length of operation of oyster farmers at Orient Point operating under Crown Land lease arrangements.
2. Direct the CEO (Directors, City Futures and City Development) to:
 - a. Assess the land use permissibility of current oyster farming operations, ancillary activities and related structures on council managed Crown Lands in the Orient Point area.
 - b. Provide a report to Council with recommendations on agritourism potential and farmgate sales, current permissibility and pathways to achieve ongoing consent to operate.
 - c. Where land use or zoning amendments are required, engage with the NSW Department of Planning and Environment to assist in applying urgent changes to the Shoalhaven LEP 2014 to allow for continuing operations for the duration of their leases.

Note by the Acting CEO

Council has been approached by NSW Crown Lands on oyster lease matters within the Shoalhaven LGA. The State has relayed that the current lease agreements prevent sub-leases where appropriate approvals are not in place.

Council is the appropriate regulatory authority for development without consent matters, however at present, has not undertaken (and is not bound to undertake) regulatory compliance action in this matter where development without consent is identified. NSW Crown Lands are the administering agency for oyster leases, and the content, as well as conditions of such leases are their responsibility.

The potential LEP amendments are not part of identified work schedules or DPOP actions, and there is no allocated budget for this purpose at present. Consideration in the context of the City-Wide Land Use Planning Scheme review and prioritisation of stage 1 activities (noting Berry DCP and Housing Strategy have been marked as current prioritised items) will need to be given and reported back to Council.

CL23.405

CL23.406 Question on Notice - Bushfire Preparedness at Shoalhaven Council

HPERM Ref: D23/420413

Submitted by: Cllr John Kotlash

Question

Following on from the recent natural disasters particularly the fires of 2019/2020

1. What actions have been completed within each Directorate to better prepare our community and Council for the possible threat of bushfires in the Spring / Summer of 2023 and beyond with reference to the changing climate (including the expansion on resilience measures that Council has implemented i.e. clearing of Asset Protection Zones)?
2. How is each Directorate planning for future events like the fires and floods?
3. What are the steps taken by Council during and after, such as natural disasters for example fires and floods?

Response

A detailed report will be provided to a subsequent meeting with explanations by each Directorate at that time.

CL23.406

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.