

Ordinary Meeting

Meeting Date: Tuesday, 18 February, 2025
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum – 7)

Clr Patricia White – Mayor

Ward 1

Clr Jason Cox
Clr Matthew Norris - Assist. Deput Mayor
Clr Peter Wilkins - Deputy Mayor
Clr Selena Clancy

Ward 2

Clr Ben Krikstolaitis
Clr Bob Proudfoot
Clr Jemma Tribe
Clr Luciano Casmiri

Ward 3

Clr Denise Kemp
Clr Gillian Boyd
Clr Karlee Dunn
Clr Natalee Johnston

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

Walawaani (welcome),

Shoalhaven City Council recognises the First Peoples of the Shoalhaven and their ongoing connection to culture and country. We acknowledge Aboriginal people as the Traditional Owners, Custodians and Lore Keepers of the world's oldest living culture and pay respects to their Elders past, present and emerging.

Walawaani njindiwan (safe journey to you all)

Disclaimer: Shoalhaven City Council acknowledges and understands there are many diverse languages spoken within the Shoalhaven and many different opinions.

2. Moment of Silence and Reflection

3. Australian National Anthem

4. Apologies / Leave of Absence

5. Confirmation of Minutes

- Ordinary Meeting - 28 January 2025

6. Declaration of Interests

7. Presentation of Petitions

8. Mayoral Minute

9. Deputations and Presentations

10. Notices of Motion / Questions on Notice

Notices of Motion / Questions on Notice

CL25.25	Notice of Motion - Fleet & Plant Accountability and Transparency.....	1
CL25.26	Notice of Motion - AEC Fleet & Plant Service Review Report.....	2
CL25.27	Notice of Motion - AEC Financial Sustainability Review - Actions Taken to Reduce FBT Liability	3
CL25.28	Notice of Motion - Shoalhaven City Council Apply the Statutory Minimum for the Cambewarra Pony Club.....	4
CL25.29	Notice of Motion - Report - Ongoing Maintenance of Vegetation at Collingwood Beach	5
CL25.30	Notice of Motion - Public Mowing Schedule	6
CL25.31	Notice of Motion - Establishment of Playing Fields - St Georges Basin & Jervis Bay.....	7

11. Call Over of the Business Paper

12. A Committee of the Whole (if necessary)

13. Committee Reports

CL25.32	Report of the Financial Review Panel - 30 January 2025	8
FR25.1	Update on Property Sales - Mr Mark Crowther	
FR25.2	Materials Recovery Facility - Mr Mark Crowther & Mr Stuart Coughlan	
FR25.3	National Competition Policy and Council's Category 1 Businesses – Mr Peter Dun	

14. Reports

City Performance

CL25.33	Ordinary Meeting Arrangements - April to October 2025.....	14
CL25.34	Code of Meeting Practice Reforms - Proposed Submission (Model Code)	20
CL25.35	Aboriginal Advisory Committee - Expression of Interest for Membership	26
CL25.36	(CL24.369) 2024/2025 Community Donations - Round Two	28
CL25.37	Proposal to Rename Portion of Susan Street Vincentia	44

City Services

CL25.38	Easement Extinguishment - Right of Way - Lot 1256 DP 31816 - 105 The Park Drive Sanctuary Point	48
CL25.39	Tenders - Supply Container Style Centrifuge	51
CL25.40	Tenders - Panel Contract - External Plant Hire.....	54

City Development

CL25.41	Proposed Works in Kind Agreement - Road, Drainage and Open Space - Part Stage 2 and Stage 4, Moss Vale Road South Urban Release Area, Badagarang	58
CL25.42	Shoalhaven Family Day Care - Service Review - Future Direction	70

Shoalhaven Water

CL25.43	Policy Review - Building Over Water / Sewer Pipelines Policy	80
CL25.44	Policy Review - Water and Sewer Headworks Charges (Section 64 Contributions) Assistance for Developments	90

15. Confidential Reports

Reports

CCL25.2	Tenders - Supply Container Style Centrifuge <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL25.3	Tenders - Panel Contract - External Plant Hire <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>

CL25.25 Notice of Motion - Fleet & Plant Accountability and Transparency

HPERM Ref: D25/39207

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

That Council instruct the Acting CEO to provide a list of ALL the new vehicles including the types and models purchased throughout 2024 to 31 December and the allocation and purpose thereof.

Background

Fleet and Plant accountability and transparency in the public and rate payer's interest.

CL25.25

CL25.26 Notice of Motion - AEC Fleet & Plant Service Review Report

HPERM Ref: D25/42035

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

That Council instruct the Acting CEO that the AEC Fleet & Plant Service review report of June 2024 be moved from a confidential report to a public one.

Background

In the public and rate payer's interest for transparency and accountability.

Note by the CEO

It would be in the interest of the Council to resolve to Direct the Acting CEO to release the information contained in the report which is not subject to confidentiality provisions under legislation, OR that the Council be provided a report to a future meeting which in effect releases the components of the report which are not considered confidential under legislation.

CL25.26

CL25.27 Notice of Motion - AEC Financial Sustainability Review - Actions Taken to Reduce FBT Liability

HPERM Ref: D25/42049

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

In relation to the AEC Financial Sustainability review report of November 2024. The report mentions the FBT levels of 2021 to 2024 being of concern. Request what actions have been taken to date to greatly reduce the FBT liability to Council.

Background

FBT increased exponentially (up to 10 times) from 2021 to 2024. A report showing how processes are being put in place to address this is required to give transparency to the community over councils management of fleet vehicles.

CL25.27

CL25.28 Notice of Motion - Shoalhaven City Council Apply the Statutory Minimum for the Cambewarra Pony Club

HPERM Ref: D25/58681

Submitted by: Cllr Jason Cox

Purpose / Summary

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

Recommendation

That Council:

1. Resolves to apply the minimum statutory annual rental amount for the duration of the terms of its lease with the Cambewarra Pony Club.
2. Direct the Acting CEO (or delegate) to enter into negotiations with the Pony Club executive around various provisions of the lease including, but not limited to, rates; waste services; and, effluent pump-out arrangements, and that staff report the outcomes/options arising from negotiations to Council.
3. The Pony Club retain the ability to sub-lease and/or rent the property for use by others to assist the Clubs ongoing viability.

Background

The Cambewarra Pony Club has been in existence for over 50 years and given the land was 100% donated specifically for the exclusive use of the CPC it is a bit rough to hit a community group with SCC Rates on SCC land they do a great job in maintaining.

The attempt by SCC to claim commercial rent on a club membership of approx. 45 members is going to probably close them if there isn't some assistance as they would at \$195 per member which is made up of \$60 to club for 2 free ride days per month and the balance to NSW Pony Clubs of \$135. They would have to double their membership to break-even / remain potentially viable.

Note by the CEO

Councillors are advised the current lease (1/1/23 to 31/12/23) is rent \$800 p.a. + GST + lessee responsible for 100% outgoings (operational land – all outgoings levied). A draft lease was proposed for further 12 months (1/1/24 to 31/12/24) but has not been executed. That lease had rent at \$833 p.a. + GST + lessee responsible for 100% outgoings (operational land – all outgoings levied)

Council has been discussing with the lessee, what agreement to enter into, e.g.: exclusive lease to Club, lease with option to sub-licence, seasonal licence, or hiring facility. There are differing views on appropriate leasing/licensing arrangement. Annual rental around \$1,000 p.a + 100% outgoings is indicated by Councils valuer, for a future new exclusive lease.

The current minimum statutory rent is \$604 p.a. For Council, forgoing outgoing expenses is expected to be in the vicinity of \$3,000.

CL25.28

CL25.29 Notice of Motion - Report - Ongoing Maintenance of Vegetation at Collingwood Beach

HPERM Ref: D25/42688

Submitted by: Cllr Luciano Casmiri

Purpose / Summary

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

Recommendation

That Council direct the Acting CEO to report to Council on the ongoing maintenance of the vegetation at Collingwood Beach set out in the Action Plan adopted at the Development & Environment Committee 6 April 2021 (MIN21.176).

Background

Overgrown vegetation causing residents' concerns and fire risk.

CL25.29

CL25.30 Notice of Motion - Public Mowing Schedule

HPERM Ref: D25/55158

Submitted by: Cllr Matthew Norris

Purpose / Summary

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

Recommendation

That Shoalhaven City Council:

1. Develops and publishes a public mowing schedule that outlines when council-maintained parks, reserves, and public spaces are scheduled for mowing across towns and villages.
2. Ensures the schedule is regularly updated and made accessible via the council website, customer service team and Council recognized Community Consultative Bodies (CCBs).
3. Includes disclaimers acknowledging that scheduling may be subject to change due to weather, staffing, or operational constraints.

Background

One of the key concerns raised by residents across Shoalhaven is the unpredictability of council's mowing schedule. Overgrown public spaces lead to frustration, but much of this frustration stems from a lack of clear communication rather than the mowing frequency itself. By publishing a mowing schedule, council can improve transparency and provide clarity to residents on when their town or village is scheduled for maintenance. This will help to manage expectations, reduce community concerns, and demonstrate council's commitment to proactive service delivery. A simple, regularly updated mowing schedule, accessible via council's website, customer service channels, and local Community Consultative Bodies (CCBs), would allow residents to stay informed. While weather and resourcing may necessitate flexibility, a framework for planned mowing cycles will ensure better communication and service delivery.

CL25.30

CL25.31 Notice of Motion - Establishment of Playing Fields - St Georges Basin & Jervis Bay

HPERM Ref: D25/55819

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation

That Council direct the Acting CEO to prepare a report on the identification of suitable sites for the establishment of at least six new playing fields in the St Georges Basin / Jervis Bay areas.

Background

In preparing their assessment staff would need to focus on previous investigations and strategic plans which gave a good indication of the demand for additional playing fields and their potential location.

CL25.31

CL25.32 Report of the Financial Review Panel - 30 January 2025

HPERM Ref: D25/44906

Attachments: 1. Minutes - Financial Review Panel 30 January 2025 [↓](#)

FR25.1 Update on Property Sales - Mr Mark Crowther

HPERM Ref:
D25/30896

Recommendation

That Council, as recommended by the Financial Review Panel,

1. Arrange for representation at the Avalon Airshow in Victoria, from 28 March 2025 – 30 March 2025, to advocate for the sale of the Aviation Technology Park land and assess a future land sales strategy.
2. Investigate and assess the strategic value of all Nowra CBD land holdings, given the changes in the retail environment in the last decade, and that the CEO (Strategic Property Officer) provide a presentation at the 18 February Financial Review Panel meeting with regards to the outcome of that investigation.

Note by the CEO:

Advice from the Committee has recommended that Council present an analysis of land holdings across the Nowra CBD by 18 February 2025. Given the scale of compiling and analysing the property information, this will not be achievable within the requested timeframe within current resourcing. It is recommended Council acknowledge the request and resolve that staff work through the process, with a view to bringing information back in an updated report to the committee in March 2025.

FR25.2 Materials Recovery Facility - Mr Mark Crowther & Mr Stuart Coughlan

HPERM Ref:
D25/30913

Recommendation

That Council, as recommended by the Financial Review Panel, request the Acting CEO to undertake the following actions in regard to the proposed Materials Recovery Facility (MRF):

1. Direct CFO and Waste staff to revisit and confirm details within cashflow spreadsheets.
2. Acting CEO and Mayor to have confidential meetings with their respective peers at Lismore and Newcastle with a view to understand their recent experience with respect to Materials Recovery operations.
3. Acting CEO and Waste staff to review the business case and explore all options for operation to minimise risk.
4. Organise a meeting of the MRF sub-committee within the next 10 business days.

CL25.32

**FR25.3 National Competition Policy and Council's Category
1 Businesses – Mr Peter Dun****HPERM Ref:
D25/30926****Recommendation**

That Council, as recommended by the Financial Review Panel, empower the service reviews for Category 1 businesses being undertaken to encapsulate the full examination of current business models.

CL25.32

MINUTES OF THE FINANCIAL REVIEW PANEL

Meeting Date: Thursday, 30 January 2025
Location: Jervis Bay Room, City Administrative Centre, Bridge Road, Nowra
Time: 3.00pm

The following members were present:

Mayor Patricia White – Chairperson
Clr Peter Wilkins
Clr Jason Cox – Joined at 3:06pm
Clr Jemma Tribe
Clr Karlee Dunn (Remotely) – Joined in person at 3:50pm
Mr Mark Crowther
Mr Stuart Coughlan
Mr Peter Dun
Mr Keith Brodie

The following non-voting members were present:

Mr James Ruprai - Acting Chief Executive Officer
Ms Katie Buckman - Chief Financial Officer
Ms Sara McMahon - Acting Director - City Performance

Others present:

Clr Mathew Norris
Clr Selena Clancy
Clr Gillian Boyd (Remotely)
Clr Denise Kemp (Remotely)
Clr Luciano Casmiri – Joined 4:47pm
Ms Rylee Goodman – Acting Governance Coordinator

Apologies / Leave of Absence

Apologies were received from Clr Proudfoot, Clr Johnston and Mr Sandy Foreman.

Confirmation of the Minutes

RESOLVED (By consent)

That the Minutes of the Financial Review Panel held on Tuesday 03 December 2024 be confirmed.

CARRIED

Declaration of Interests

Nil

PRESENTATIONS

FR25.1	Update on Property Sales - Mr Mark Crowther	HPERM Ref: D25/30896
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Mr Mark Crowther provided an update to the Committee regarding a recent meeting with the Acting CEO and Strategic Property Officer in regard to the strategic value and sale of Council properties.

The Committee discussed both advocating for the sale of Councils Aviation Technology Park land to appropriate buyers, and the strategic value of all Councils Nowra CBD land holdings, given the recent changes for retail businesses in the last decade.

RECOMMENDATION (By consent)

The Financial Review Panel recommend that Council

1. Arrange for representation at the Avalon Airshow in Victoria, from 28 March 2025 – 30 March 2025, to advocate for the sale of the Aviation Technology Park land and assess a future land sales strategy.
2. Investigate and assess the strategic value of all Nowra CBD land holdings, given the changes in the retail environment in the last decade, and that the CEO (Strategic Property Officer) provide a presentation at the 18 February Financial Review Panel meeting with regards to the outcome of that investigation.

CARRIED

FR25.2	Materials Recovery Facility - Mr Mark Crowther & Mr Stuart Coughlan	HPERM Ref: D25/30913
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Mr Mark Crowther and Mr Stuart Coughlan presented to the Committee and discussed the activities of the Materials Recovery Facility (MRF) Sub Committee including outcomes of their enquiries with industry experts, assessment and research on the business case and operation model of the proposed Materials Recovery Facility (MRF).

Note: Cllr Karlee Dunn joined the meeting in person, the time being 3:50pm

RECOMMENDATION (By consent)

The Financial Review Panel recommend Council to request the Acting CEO to undertake the following actions in regard to the proposed Materials Recovery Facility (MRF):

1. Direct CFO and Waste staff to revisit and confirm details within cashflow spreadsheets.
2. Acting CEO and Mayor to have confidential meetings with their respective peers at Lismore and Newcastle with a view to understand their recent experience with respect to Materials Recovery operations.
3. Acting CEO and Waste staff to review the business case and explore all options for operation to minimise risk.
4. Organise a meeting of the MRF sub-committee within the next 10 business days.

CARRIED

FR25.3	National Competition Policy and Council's Category 1 Businesses – Mr Peter Dun	HPERM Ref: D25/30926
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Mr Peter Dun presented to the Committee in regard to the National Competition Policy, and the performance of Councils Category 1 businesses which fall under that Policy. The information presented to the Committee is attached to these minutes as a confidential attachment.

RECOMMENDATION (By consent)

The Financial Review Panel recommends that Council empower the service reviews for Category 1 businesses being undertaken to encapsulate the full examination of current business models.

CARRIED

FR25.4 Update on Status of QBR2 Progress	HPERM Ref: D25/30942
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Councils CFO provided a verbal update to the Committee on the status of the QBR2 progress, and advised that QBR2 will be reported to Council on 25 February 2025.

FR25.6 Draft Budget Process	HPERM Ref: D25/30959
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Councils CFO provided a verbal update to the Committee regarding the Draft Budget Process, and advised that over the coming weeks the Draft Budget Policy will be provided to Committee Members to allow the opportunity to review and provide comment.

FR25.5 Land Sales Strategy Presentation	HPERM Ref: D25/30947
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Note: This presentation has been resolved to take place at the next meeting scheduled 18 February 2025. Refer to FR25.1.

GENERAL BUSINESS

FR25.7 Latest Cash Flow Analysis	HPERM Ref: D25/31316
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Note: This item was deferred to the next meeting scheduled for 18 February 2025.

FR25.8 Additional Item - Mid-Coast Council DPOP Example	
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Mr Peter Dun shared a page from Mid-Coast Council's DPOP with the Committee (attached to these minutes), and discussed how the format including costings for actions would help Councillors make more informed decisions about resource allocation.

Councils CFO advised that it is Council's aim to move towards breaking down the DPOP by action with budget assigned, but that is resource intensive exercise for Council to undertake which would include ICT system changes to achieve that level of reporting.

Councils Acting CEO advised that earlier that day he had received an Outcomes report from the Office of Local Government who have undertaken an Integrated Planning and Reporting Peer Review Program. The report has identified where Council can make improvements to its suite of IP&R documents.

Accounts Receivable Debt Collection Position

Mr Mark Crowther queried whether Council has been able to recruit for a Debt Collection role in Accounts Receivable.

Councils CFO advised that this process is underway.

The Committee further discussed the legality of debt collection from pensioners and Councils CFO advised that this would be investigated further.

There being no further business, the meeting concluded, the time being 5:05pm.

Mayor Patricia White
CHAIRPERSON

CL25.33 Ordinary Meeting Arrangements - April to October 2025

HPERM Ref: D25/11794

Department: Business Assurance & Risk

Approver: Sara McMahon, Acting Director - City Performance

Attachments: 1. Proposed Schedule of two Ordinary Meetings per month - February 2025 to October 2025 [↓](#)

Purpose:

Council resolved at its Ordinary Meeting, 21 January 2025 MIN25.13 as follows:

That Council

2. *Instruct the CEO to report back in February on the prospect of retaining the current meeting schedule of two Ordinary meetings per month, and consideration of scheduling Cllr Briefing times to accommodate Councillors who cannot attend Briefings in the evening.*

This report addresses the above resolution.

Summary and Key Points for Consideration:

This report, if endorsed will effectively result in a rescission of MIN24.506 (referenced below). The report details the benefits of retaining the current meeting schedule of holding two (2) Ordinary Meetings a month and is in line with Clause 17.3 of the Code of Meeting Practice and Section 372(1) of the Act.

Council at the Ordinary Meeting of 14 October 2024 resolved (MIN24.506) to adopt in principle change in structure of Council Meetings to incorporate the re- establishment of the Strategy & Assets Committee and the Development & Environment Committees which:

- a. *Have the functions and delegations as held by those Committees of the same name which were in place at Shoalhaven City Council for a number of years until they were disestablished on 25 January 2022*
- b. *Are comprised of all Councillors*
- c. *Each have a meeting scheduled once per month, on Tuesdays commencing at 5.30pm*
- d. *Receive deputations on matters listed on their agenda."*

For ease of reference, these Committees have been collectively and historically referred to as 'Core Committees' of the Council.

Council may appoint or elect such committees as it considers necessary under Clause 20.2 of the Code of Meeting Practice. When doing so, Council must specify the functions, membership and quorum of each Committee.

Should the Council not endorse the recommendation of this report based on MIN25.13 (referenced above), the matters referenced in the January report provided to Council (referenced [here](#)) that are yet to be addressed in order to finalise Part 8 of the resolution of 14 October 2024 (MIN24.506) including

- A revised timetable scheduling Ordinary Meetings and Core Committee Meetings
- Provisions of the Code of Meeting Practice regarding Core Committee Meetings

CL25.33

- Delegation instruments and functions of those previous Core Committees to ensure compliance with current legislative, policy and operational environments.
- Membership, Quorum and appointment of Chairperson of each Committee.

Recommendation

That further to the resolution of the Council 21 January 2025 Council:

1. Continue to hold two Ordinary Meetings per Month on a Tuesday commencing at 5:30pm.
2. Adopt a schedule of meetings for the period of February to October 2025 as **Attachment 1** to this report which in general terms operates as follows:
 - a. Provides those meetings and/or briefings not being held on public holidays or during the following periods:
 - i. Easter Break - Friday 18 April to Monday 21 April 2025
 - ii. Australian Local Government Association National General Assembly - 24 to 27 June 2025
 - iii. Mid- Year Council Recess (July NSW School Holidays) – 1 to 18 July 2025.
3. Retains its current briefing schedule each Thursday to commence at 5.00pm.

Options

1. As recommended.

Implications: No change to the current practice of two ordinary meetings per month commencing at 5:30pm and the current practice of briefings each Thursday commencing at 5.00pm. This will supersede MIN24.506.

2. Continue to work toward establishing Core Committees.

Implications: The Council has not set meeting dates after 25 March 2025. Staff will continue to work on the tasks still outstanding and highlighted in the January report provided to Council (referenced [here](#)).

3. The proposed Committees have amended functions and/or delegations.

Implications: Changes to the functions or the delegations of the Committee may have implications with respect to legality of decision making. It is suggested that to checks can be completed, there be sufficient time for advice to be sought by the CEO to confirm the proposed changes can be enacted, before the committee commences to make decisions under delegation.

4. The Council changes the dates and start times time of the Ordinary meetings or briefings to suit the requirements of Councillors

Implications: Depending upon the proposed change, a further report may need to be provided to Council to clarify and put in place alternate arrangements for impacted processes. (i.e. Business paper delivery if meeting days are changed)

Background and Supplementary information

Council's Code of Meeting Practice states that "*The Council shall, by resolution, set the frequency, time, date and place of its ordinary meetings*" in accordance with Section 365 of the Local Government Act (namely at least ten times each year, each time in a different month).

How and when Council meetings are held is up to each Council to decide, although the *Local Government Act 1993* requires Council to meet at least ten times a year, each time in a different month.

Frequency/Date and Time of Meetings

The Council may set the times and days of meetings and briefings to suit their requirements.

When considering times and dates, Council should consider:

- Availability of all Councillors for the majority of meetings (where possible to achieve).
- Accessibility of members of the public to attend meetings where required (in addition to webcasting).
- Work, Health and Safety of Councillors and Staff to attend and travel to and from the meetings.
- Provisions of the Code of Meeting Practice (e.g., The current Code sets that meeting must conclude by 10pm).
- Achieving an efficient and effective use of resources for the decision-making requirements of the Council.

Meeting Business papers are required to be provided to the Council 3 days prior to the meeting.

Under the Local Government Act, Council is unable to delegate all its decision-making capacity to the CEO or a Committee or other body. In particular, [Section 377 of the Local Government Act](#), outlines decisions which must be resolved by the full Council as they cannot be delegated. There are other provisions within legislation which govern Council activities and decisions which require certain decisions to be made only by the governing body of the Council at Ordinary (or Extra Ordinary) Meetings. Therefore, the Core Committees may consider a wide range of matters but may not make a final decision (resolution) on all matters.

The main benefit of Council retaining its current meeting structure of holding two Ordinary Meetings a month means that these meetings will be able to make the final decision (resolution) on all matters. This is clearer for the elected Council, the community and staff and is seemingly more efficient as matters will only be debated once (unless resolved to defer an item to a later meeting or Councillor briefing). Another benefit is the current expense incurred to run Council meetings will not increase.

Since the resolution 21 January 2025 the remaining tasks to re-establish the Core Committees has been 'paused'. Should the Council resolve to continue to work towards re-establishing the Core Committees, the following work which is still required before Committee commencement before a further report to Council in March 2025 to endorse the new structure:

- Resolution of key aspects of the meeting arrangements, including the election of a Chairperson and Deputy Chairperson and order of business.
- Preparing a Draft Code of Meeting Practice incorporating required changes which will be presented to the Council and be subject to 28 days of community consultation (as required by legislation) prior to final adoption by the Council and implementation.
- Finalisation of drafting of the formal instruments of delegation to empower the committees for decision making.

Consideration of Briefing Times to commence earlier or later

Amending Councillor briefing times to commence later (such as 7pm or later) will have a considerable financial implication for staff having to attend. There is also a Work Health and Safety element to consider in relation to fatigue management for staff. The Local Government Award requires Council to pay staff who facilitate and present at briefings to scheduled breaks, meal allowances and paid overtime. This would therefore incur further cost implications that are unbudgeted for. This is not a cost effective outcome.

Earlier start times (during business hours) would have positive cost implications for Council, however, would have implications on the ability for a number of Councillors to attend due to work and personal commitments. This is therefore not recommended as an option.

Internal Consultations

Council's Executive Leadership Team and internal subject experts have consistently been consulted of the proposed structure and arrangements for Committees.

External Consultations

No external consultation has been undertaken or is required with respect to the proposed meeting dates. Checks have been made with respect to specific events, public holidays and other regular scheduled events that Councillors may be involved in to reduce opportunity for schedule conflicts.

Where required advice has been sought from OLG and legal advice obtained on matters pertaining to committee delegations.

Community Consultations

No community consultation has been undertaken or is required with respect to the proposed meeting date schedule.

Any amendments that are required to the Code of Meeting Practice upon Council determining changed arrangements will require public exhibition of the Code, prior to its adoption under legislation.

Council is required to make publicly available a list of endorsed meeting times and dates. Council will also need to provide public information informing the community of the arrangements in place.

Policy and Statutory Implications

The implementation of the recommendations does not result in any policy or statutory implications.

Any amendments that are required to the Code of Meeting Practice as a result of an alternate recommendation will require Public Exhibition of the Code, prior to its adoption under legislation.

Financial Implications

The frequency and time dedicated to Council Meetings, Committees and briefings has a direct correlation with the administrative costs and resources for those meetings as detailed throughout the report.

Risk Implications

Decisions of the Council need to be made in accordance with legislation, guidelines and adopted policy. Hence care is being taken to ensure the functions and delegations of Committees are specifically and appropriately worded and endorsed prior to commencement of Committee operations.

There is also reputational risk for the Council if the arrangements put in place for the Council are insufficiently transparent, ineffective, unlawful or inefficient.

Proposed Schedule of Ordinary Meetings – February 2025 to October 2025 on Tuesdays

February 2025		
18 February	5.30 pm	Ordinary Meeting
25 February	5.30 pm	Ordinary Meeting
March 2025		
11 March	5.30 pm	Ordinary Meeting
25 March	5.30 pm	Ordinary Meeting
April 2025		
15 April	5.30 pm	Ordinary Meeting
29 April	5.30 pm	Ordinary Meeting
May 2025		
13 May	5.30 pm	Ordinary Meeting
27 May	5.30 pm	Ordinary Meeting
June 2025		
10 June	5.30 pm	Ordinary Meeting
17 June	5.30 pm	Ordinary Meeting
July 2025		
22 July	5.30 pm	Ordinary Meeting
29 July	5.30 pm	Ordinary Meeting
August 2025		
12 August	5.30pm	Ordinary Meeting
26 August	5.30 pm	Ordinary Meeting
September 2025		
9 September	5.30pm	Ordinary Meeting
23 September	5.30 pm	Ordinary Meeting
October 2025		
14 October	5.30 pm	Ordinary Meeting
28 October	5.30 pm	Ordinary Meeting

Other important dates:

Easter – Friday 18 April to Monday 21 April 2025

Anzac Day Public Holiday – Friday 25 April 2025

King's Birthday – Monday 9 June 2025

Australian Local Government Association National General Assembly – 24-27 June 2025

Mid Year Break – Monday 1 July to Friday 18 July 2025

Labour Day – Monday 6 October 2025

CL25.34 Code of Meeting Practice Reforms - Proposed Submission (Model Code)

HPERM Ref: D25/44450

Department: Business Assurance & Risk
Approver: Sara McMahon, Acting Director - City Performance

Attachments:

1. Draft - New Model Code of Meeting Practice Local Councils in NSW - Track Changes (under separate cover) [↗](#)
2. Additional Consultation Document - Draft Model Code of Meeting Practice reforms (under separate cover) [↗](#)
3. Proposed Submission OLG - Code of Meeting Practice Reforms (under separate cover) [↗](#)

Purpose:

To inform Council of the significant reforms proposed for the Model Code of Meeting Practice seek endorsement of Council submission.

Summary and Key Points for Consideration:

The Office of Local Government is inviting feedback from the Local Government Sector and others on proposed amendments to the Model Code of Meeting Practice for Local Councils in NSW (Model Meeting Code). The closing date for submissions is **COB Friday, 28 February 2025**.

Attached in the first document is the draft Model Code of Meeting Practice (MCOMP) with track changes shown, demonstrating the significant changes out for consultation.

Attached in the second document is the additional consultation document which outlines many, but not all, of the changes.

- *The proposed amendments to the Model Meeting Code are the **first tranche of reforms to the regulation of meetings. The second tranche will be legislated in 2025 as part of the measures implemented to reform the regulation of councillor conduct** and will have a particular focus on behaviour at meetings."*
- *The amendments to the Model Meeting Code will be given legal force through an update to the reference to the code in the Regulation.*

It is important to note that much of the proposed submission seeks clarity and understanding of the reforms and how they are to be applied and that all reforms are not opposed.

Recommendation

That Council endorse the proposed submission (**Attachment 3**) to the Office of Local Government in relation to the Code Of Meeting Practice Reforms.

Options

1. As recommended

Implications: The submission will be provided to the Office of Local Government as a Council submission.

CL25.34

2. That Council receive the proposed submission and report for information

Implications: The submission will be provided from staff noting this was not endorsed by Council.

3. An alternative recommendation

Implications: unknown

Background and Supplementary information

The amendments are part of the Government's agenda to ensure that councillors are visibly in control of their councils, demonstrating to the community that decision making is genuinely local.

Significant changes and those mentioned within the proposed submission include:

- **Removing pre-meeting councillor briefings.** It is the Government's expectation that any material provided to councillors, other than the Mayor, that will affect or impact or be considered by councillors in their deliberations or decisions made on behalf of the community, must be provided to them in a transparent manner either at committee meeting or Council meeting. The restriction on briefing sessions will be prescribed in the Regulation.
 - The Mayor will not be subject to these restrictions and may receive information to undertake their functions under the Act.
 - Code of Meeting Practice (COMP) will be amended to remove all provisions for pre-Council briefings. Options available to briefing of Councillors will be:
 - No briefings and include all relevant information in Council business papers only
 - Public Briefings
- **Requiring information considered at closed meetings to be made public after it ceases to be confidential, as recommended by ICAC.** The General Manager (CEO) will, after consulting with council, be required to review and publish business papers for items considered in closed meetings on the council's website after the information in them ceases to be confidential.
 - In practice release of information over- time will be by Council Resolution - via periodic reports from General Manager/ Director City Performance before each piece of previously confidential item/information becomes public. (New provisions in COMP 14.19, 14.20)
 - This will require additional administration at report approval stage (Determining when information will no longer be confidential) and additional resourcing within the City Performance Directorate to manage this to ensure timely assessment and release of information and manual monitoring as to when particular information ceases to be confidential.
- **Providing as a default that councillors are to attend meetings in person.** Councillors will only be permitted to attend meetings by audio visual link where they are prevented from attending a meeting in person because of ill health or another medical reason or unforeseen caring responsibilities. (COMP 5.19).
 - Councillors will be required to provide reasons under the new provisions of the Code. Clarity will be needed on how this will be dealt with.

- Previous optional provisions about Council or Committee being the determining body in an application to attend audio visual link will now be applied. If not approved, the Councillor's visual link will be terminated (see COMP 5.25-28).
- **Removing the option for staff to attend meetings by audio visual link. (COMP 5.44).**
 - It is considered that audio visual attendance by staff would be best determined by the General Manager (CEO) given the operational circumstances and an additional classification for consultants/ advisors as this may have cost implications for Council re travel/ accommodation.
 - There is currently a risk assessment in place that provides for staff to attend remotely when there are identified work health and safety risks. Under this arrangement, alternate mitigating factors would be required.
- **Empower mayors to expel councillors from meetings for acts of disorder, remove a councillor's entitlement to receive a fee for a month in which they have been expelled from a meeting, confer a right of review on councillors in relation to a decision to expel them from a meeting and the resulting loss of their entitlement to receive a fee. (MCOMP 15.15 - 17).**
 - The proposal reduces the current process involved in a decision by Mayor (or Chair) to expel a Councillor as the requirement for a Council resolution before expulsion has been removed as part of the reforms.
 - Council will have the opportunity to include in the Code the option of expulsion of others or others and Councillors by direction of the Chair only.
 - There is likely to be an administrative impact arising from fee suspension and any mechanism related to appeal.
- **Providing that the Mayor, not the General Manager (CEO) has discretion on whether council staff should respond to Questions With Notice.** It will be open to the Mayor to rule a Question with Notice out of order at the meeting if it is considered to breach the disorder provisions of the council's Code Of Meeting Practice. (MCOMP 3.13-16).
 - Any Questions on Notice (QON) in a Notice of Motion submitted by a Councillor which are considered lawful will be placed on the agenda without an answer from the CEO, and Mayor at meeting may determine it will not be answered. Further Questions on Notice will no longer be able to be answered orally (MCOMP 3.16)
 - Removing 3.13 of the MCOMP removes the restrictions of making allegations against Councillors or staff.
 - The Submission seeks clarity on:
 - If it is intended that the Mayor will decide whether a QON is included on the paper *before* publication
 - Whether dissent can be moved on the Mayor's ruling on this matter
 - Whether debate will be allowed before the decision by the Mayor
 - Why the OLG are removing provision 3.13 re comments CEO or staff
 - What transitioning of provisions will be applied for Questions on Notice which have been previously been submitted

- **Conferring responsibility on the council to determine staff attendance at meetings.** The proposal outlines that as councillors are best placed to determine what support they require from staff at meetings, it will be a matter for the council to determine which staff attend meetings. (COMP 5.44).
 - Council will need resolve at certain periods which staff will attend Ordinary and Committees (MCOMP 5.44)
 - This proposal raises concern as it may blur the lines between Council strategic and operational direction.
 - Not allowing the CEO or Directors to bring along staff who are topic experts ad hoc may result in deferral of business (because a need of technical clarification that the Director is unable to address on the floor of Council).
- **Councils will be free to determine their own rules for public forums** (deputations) (MCOMP Section 4)
 - Clarification is sought in the submission around the expectations of webcasting for a public forum, and if they may be attended remotely.
- **Amendments are proposed to also be made to the Act and Regulation (as required) to empower councils to issue penalty infringement notices to members of the public who disrupt meetings**
 - The submission seeks Seek clarification on the following:
 - Details on which conduct may prompt infringement?
 - Whether there are warnings and/or discretion provisions?
 - What will be the mechanisms for review?
 - How does this relate to exclusion provisions?
- **Acts of Disorder- amendments reflecting behaviour in the NSW Legislative Assembly** (MCOMP 15.10d)
 - The reforms amend provisions on what is disorderly conduct and removes reference to the Code of Conduct and replaces with *“uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly”*
 - The rules for the operation of parliament are different than those for Council and therefore, it is unclear from the current proposed wording, what the impact will be. In accordance with the Standing Rules and Orders of the Parliament disorderly conduct can include a range of behaviours that disrupt the proceedings. This can involve:
 - Interrupting speakers: Members must wait for their turn to speak and not interrupt others.
 - Using offensive language: Any language that is deemed offensive or disrespectful is not allowed.
 - Ignoring the Speaker’s directions: The Speaker has the authority to maintain order, and members must comply with their instructions.
 - Engaging in physical altercations: Any form of physical confrontation is strictly prohibited.
 - Making excessive noise: Members should not create noise that disrupts the proceedings

CL25.34

- There are also a range of behaviours captured in the Orders which relate to procedures, manner of address in the NSW Parliament such as breaching their rules of debate, and even how and where members can walk in the chamber during debate. Clarity is required on whether *all* of these will apply to the Council or only those specifically listed in other provisions in the COMP in order to understand full impact.
- The submission seeks to request clear direction and wording within the Model Code on the behaviours in question rather than a broad direction referencing NSW Parliament documentation.
- **The CEO must consult with Mayor regarding confidential reports.**
 - When preparing the business paper for Ordinary Meetings, the CEO must consult with Mayor on any business proposed to be in closed session.
 - The submission seeks clarity on:
 - What the consultation means and obligations of the CEO when/if the Mayor disagrees.
 - Whether Mayor and/or Chair will need to be consulted in cases of Closed Agenda for Extraordinary or Committee meetings.
- **The Option for Council to debate rescission at same meeting** - Slight changes to 17.12 which retains the option for Council to include in COMP provision to consider rescission on an item at same meeting at where it was resolved.
 - Traditionally Council has not applied this option (it has been in the past an optional provision). However, changes made in these reforms, do not align with other urgency amendments that are proposed i.e. the provisions differ depending on whether all Councillors are present.
 - The submission seeks clarity on why an urgency motion for a rescission at the same meeting under 17.12, does not contemplate the attendance of all councillors for permitting this to occur.
- **The End of Council meeting time will no longer be stated in COMP as Council can change the time by resolution from time to time.**
 - The submission seeks clarity on whether the end of meeting time can be amended to be applied at the same meeting (MCOMP18.1-2)

Internal Consultations

The Governance Coordinator and Manager – Business Assurance and Risk briefed and consulted with the Executive Leadership Team on the proposed reforms and the proposed submission for their feedback and additions.

The OLG Circular in December was provided to Councillors via the Councillor Portal for consideration and comment.

External Consultations

Nil.

Community Consultations

No wider consultation has occurred on behalf of Council however, submissions to the proposal may be made by individuals directly to the OLG.

CL25.34

Council has recently resolved to consider amendments to our current Code of Meeting Practice. A workshop will be held with Councillors to discuss amendments prior to a further report to Council outlining a policy for endorsement for public exhibition.

Should any of the reforms be implemented and legislation changed this would require changes to our Code Of Meeting Practice in line with the changes which would require public consultation prior to its adoption at that time.

Policy and Statutory Implications

The Code of Meeting Practice must be reviewed, publicly exhibited and adopted by Council by September 2025 under the Local Government Act 1993 (Within first 12 months of newly elected Council). The model code shows mandatory text required in black text with optional additional provisions in red. (blue text is specific to Joint Organisations and County Councils.)

If the proposal is adopted some information will be removed from the Code of Meeting Practice however will require Council resolution for direction, e.g. End time of Meetings. And this will need to be captured in reports submitted to Council for consideration at beginning of term and other periodic intervals.

Financial Implications

Further training will be recommended for our Councillors should these reforms be legislated as the training provided within the Councillor onboarding and induction program would become significantly outdated with these changes.

Some of the reforms have the potential to financially impact the Council such as:

- Requiring information considered at closed meetings to be made public after it ceases to be confidential
- Removing the option for staff to attend meetings by audio-visual link.
- Amendments to the Act and Regulation to empower councils to issue penalty infringement notices to members of the public who disrupt meetings

Risk Implications

This submission is recommended to provide the Council an opportunity to voice concerns and seek further information with respect to the proposed amendments to meeting practice.

CL25.35 Aboriginal Advisory Committee - Expression of Interest for Membership

HPERM Ref: D25/17142

Department: Business Assurance & Risk

Approver: Sara McMahon, Acting Director - City Performance

Purpose:

The purpose of this report is to seek Council endorsement to commence an Expression of Interest (EOI) process to fill the current committee member vacancies on the Aboriginal Advisory Committee.

Summary and Key Points for Consideration:

The Aboriginal Advisory Committee currently has five (5) x community representative vacancies due to a recent lapse of membership and two (2) x youth representative vacancies that Council have been unable to fill since 2023. It is recommended to commence an Expression of Interest (EOI) to appoint and fill these vacancies to ensure the committee can reach quorum.

Recommendation

That Council:

1. Note an Expression of Interest process to fill the five (5) x community representative and two (2) x youth representative vacancies on the Aboriginal Advisory Committee has commenced.
2. Note and confirm the re-nomination of Ms Sharlene Cruickshank and Ms Natalie Lloyd for an additional term with the expiry set for 18 February 2029.

Options

1. Adopt the recommendation.

Implications: The vacant positions will be filled.

2. Adopt an alternative recommendation.

Implications: Unknown.

Background and Supplementary information

Memberships Lapsed & Expression of Interest

On the Aboriginal Advisory Committee, there are five (5) community representatives that are due to expire in January and/or February 2025 and will be deemed vacant positions.

Noting the above memberships that are due to expire, there are five (5) x community representative positions and a further two (2) youth community representative positions deemed vacant. There is an ongoing Expression of Interest (EOI) for the youth community representatives that has been active since 2023.

CL25.35

Appointments of community representatives is conducted through Council's Expression of Interest (EOI) process and will be advertised on the Council webpage.

<https://www.shoalhaven.nsw.gov.au/News-and-feedback/Participation-opportunities/Council-Committees/Aboriginal-Advisory-Committee>

Re-nominated Members

Ms Sharlene Cruickshank and Ms Natalie Lloyd were appointed to the Committee on 25 January 2021 with a membership end date of 25 January 2025. As per the Terms of Reference, standing members can re-nominate for an additional term. We received nominations from Ms Sharlene Cruickshank and Ms Natalie Lloyd to be appointed for an additional term, noting their membership would now be set to expire as of 18 February 2029.

Internal Consultations

Internal consultation has occurred between the Governance Unit and Community Connections.

External Consultations

External consultation has occurred with all committee representatives whose membership had expired and lapsed via email and phone.

The Chairperson of the Committee was advised of the upcoming vacancies and the need to conduct an EOI to fill these positions as per the Committee's Terms of Reference.

In addition, external consultation has occurred for the two previously mentioned committee members whose membership was due to expire in January 2025 and were eligible to re-nominate for an additional term as per the Terms of Reference.

Community Consultations

There has been no further community consultation other than the Expression of Interest which opened July 2023 and will remain open until 18 April 2025 or until all positions are filled.

Policy and Statutory Implications

The Expression of Interest is conducted in accordance with the Adopted Terms of Reference.

Financial Implications

Minor financial implications will be occurred to conduct an Expression of Interest process for the advertisements.

Risk Implications

There is a risk implication of the Committee not being able to reach Quorum and this would mean the inability to fulfil their role under the Terms of Reference.

CL25.36 (CL24.369) 2024/2025 Community Donations - Round Two

HPERM Ref: D25/16758

Department: Business Assurance & Risk

Approver: Sara McMahon, Acting Director - City Performance

Attachments: 1. Informal Minutes - Panel Meeting - 22 Oct 2024 [🔗](#)

Purpose:

A report back to Council following a Councillor Workshop on Councillor Donations arising from a resolution of the Council on 26 November 2024 which deferred consideration of the Donations Report (CL24.369) from staff to allow consideration of the policy and applications by Councillors. The Councillor Workshop was held on 16 January 2025.

This report provides for consideration of the Council the applications for the second round of Community Donations 2024/2025, as recommended by the Community Donations Assessment Panel (as were outlined in the report to Council on 26 November 2024.)

Summary and Key Points for Consideration:

On 29 July 2024 Council resolved to undertake a second round of the 2024/2025 Community Donations Program (MIN24.393), with a total budget of **\$52,568.19** left over after the first round of Community Donations.

In accordance with the [Community Donations Policy](#), the Donations Assessment Panel met on 22 October and 24 October 2024. The Panel considered all 39 applications received totalling \$192,720.73 of requested funds and recommended that the total amount of funding to be paid for the second round of the 2024/2025 Financial Year by the Community Donations Assessment Panel is **\$52,222.00**, to the 15 organisations listed below. Further details about the applications recommended and not recommended for funding can be found at **Attachment 1** of the report, along with the Donations Assessment Panel feedback.

On 26 November Council resolved to (MIN24.636);

1. *Note the information in the report outlining the process followed for round two of the 2024/2025 Community Donations Program, including the applications received.*
2. *Note that the previously resolved amount of \$10,000 to the Rotary Club of Milton-Ulladulla will now be provided to the Ulladulla Blessing of The Fleet Festival Inc for the reasons detailed in the report, replacing the resolution of that amount being donated to the Rotary Club of Milton-Ulladulla (MIN24.393).*
3. *Defer this matter to a Councillor workshop to discuss the allocation of funds by staff in the second round and review the Community Donations Policy.*
4. *Receive a further report back following an outcome from the Councillor workshop.*

The Councillor workshop took place on 16 January 2025, and in accordance with part 4 of the above resolution, a report back is now provided for Councils consideration of the Donations Assessment Panel recommendation below. The total amount of funding recommended to be paid by the Community Donations Assessment Panel is **\$42,222.00**, to the 14 organisations listed below, noting that \$10,000 has now been provided to the Ulladulla Blessing of The Fleet Festival Inc.

CL25.36

Recommendation

That Council

1. Note the information in the report outlining the process followed for round two of the 2024/2025 Community Donations Program, including the applications received.
2. Approve the funding of the 2024/2025 Community Donations recommended by the Community Donations Panel, totalling \$42,222.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
City of Shoalhaven Eisteddfod Inc	City of Shoalhaven Eisteddfod Inc	\$5000
Cudmirrah Berrara Community Garden	Community Wellbeing programs	\$1000
Milton Ulladulla Family History Society	40th anniversary lunch celebration for Milton Ulladulla Family History	\$1000
Rainbow Club Australia	Water Safety, Swimming Lessons and Events for Local Disabled	\$2,500
Shoalhaven City Concert Band	Summer Sounds Concert Band Workshop and Free Concert	\$1000
Shoalhaven Community Choir	Harmony Day Celebration	\$3000
Tabourie Lake Museum	First Nations Collection Project	\$3,100
Ulladulla & District Community Resource Centre	Community Connection through Activity in Fisherman's Paradise	\$4,370
Walk n Talk For Life Ulladulla	Walk n Talk For Life Ulladulla	\$1000
Love Culburra Beach Festival Inc	Culburra Beach Festival	\$4000
Albatross Musical Theatre Company	Albatross Musical Theatre Company Rehearsal Support	\$6000
Cambewarra School of Arts	Subsidised Council Rates and Council Water Rates	\$2,132
Lay Missionary of Charity Soup Kitchen	Lay Missionary of Charity Soup Kitchen	\$1,600
Wildlife Rescue South Coast	Wildlife Rescue South Coast	\$6,520

3. Advise the remaining applicants that their application for the Community Donations Program have been unsuccessful.

Options

1. As recommended.

Implications: The donations will be paid to the community organisations and groups as listed within the recommendation. This will result in funds of \$42,222.00 being expended

CL25.36

from the Community Donations funds, leaving an available balance of \$346.19 in the Donations budget for 2024/2025.

2. That Council approve the funding as recommended by the Community Donations Panel totalling \$42,222.00 as well as any additional funding being awarded to those Community organisations or groups as decided by Council.

Implications: The available balance of \$346.19 will be reduced by any additional donation amounts decided by Council.

3. That Council determines funding to applicants differently to the recommendation made by the Community Donations Assessment Panel.

Implications: Distribution of funds would occur in accordance with the Council resolution.

Background and Supplementary information

On 29 July 2024 Council resolved to undertake a second round of the 2024/2025 Community Donations Program (MIN24.393):

That Council,

4. *Undertakes a second round of Community Donations using the remaining balance of the 2024/2025 Community Donations Budget.*

In accordance with the resolution of the Council on 25 March 2024 (MIN24.150), the Community Donations budget for the first round of 2024/2025 was \$180,000. A total of \$139,850 was awarded in the first round; the successful organisations which received funds in the first round can be seen on [Councils Donation webpage](#). It should also be noted that due to a cancellation of a \$10,000 donation amount which is further detailed in this report, and the retention \$3,118.19 following the financial reconciliation of the first round, the actual budget for the second round was **\$52,568.19**.

The process undertaken for this second round of the 2024/2025 Community Donations has been in accordance with the [Community Donations Policy](#), and is summarised as follows:

1. Correspondence was sent to past donation recipients, both successful and unsuccessful to advise them of the application period opening and closing dates – (1 September to 30 September 2024).
2. Advertising and promotion of the Community Donations Program was made via Council's website and Social media.
3. Applications closed on 30 September 2024.
4. A meeting of the Community Donations Assessment Panel was held on 22 October and 24 October 2024 to assess the applications received. The informal minutes of the Community Donations Assessment Panel meeting can be found at **Attachment 1**.

As part of the procedure in accordance with the [Community Donations Policy](#), adopted at the Ordinary meeting of 27 June 2022, a Community Donations Assessment Panel was formed with the purpose of independently assessing applications across different areas of Council which involved staff from Community Connections, Arts & Culture, Tourism Events, Business Assurance & Risk and Governance.

The Community Donations Assessment Panel met on 22 October and 24 October 2024. The panel considered all 39 applications received totalling \$192,720.73 of requested funds and recommended that:

- That of the 39 applications received, 15 be provided funding in full or part.

- That 24 applications do not receive funding on the basis that they are ineligible under the policy criteria, did not provide sufficient information for assessment, or were not considered as worthy as other applications to receive the limited funding.
 - This represents \$111,898.73 in applications. These are shown in table 2 of **Attachment 1**.

The total amount of funding recommended to be paid for the second round of the 2024/2025 Financial Year by the Community Donations Assessment Panel is **\$52,222.00**. This leaves an available balance of \$346.19 for 2024/2025 Financial Year. This balance is available for further consideration by Council.

Ulladulla Blessing of The Fleet

Following Council's resolution on 29 July 2024 (MIN24.393), staff were informed by the applicant that the Rotary Club of Milton-Ulladulla had withdrawn from running the Ulladulla Blessing of the Fleet Festival, who had been successful in receiving a \$10,000 donation towards that event. This being the case, it was determined by staff that the application could no longer be considered eligible for payment, as the organisation which had submitted the application had withdrawn from running the event, and therefore the supporting financial documentation provided by the Rotary Club was no longer applicable. Subsequently, as the amount was yet to be paid to the Rotary Club, the donation of \$10,000 was put on hold as staff determined a way forward with the applicant.

The applicant further notified staff that a new body was in the process of being incorporated (The Ulladulla Blessing of the Fleet Festival Inc) and that this new body would run the event. Upon confirmation of the incorporation of the Ulladulla Blessing of the Fleet Festival Inc, the previous payment to the Rotary Club of Milton-Ulladulla of \$10,000 was Cancelled.

The Ulladulla Blessing of the Fleet Festival Inc submitted a further application for the Ulladulla Blessing of the Fleet Festival event in the second round of Community Donations 2024/2025, for a Donation of \$10,000. The Panel has recommended \$10,000 for this application with notes provided in **Attachment 1**. This information is provided to Council so a resolution can be made to provide the donation amount to the newly incorporated body and replace the resolution to provide \$10,000 in donation towards the Rotary Club of Milton-Ulladulla (MIN24.393).

On 26 November Council resolved to (MIN24.636);

4. *Note that the previously resolved amount of \$10,000 to the Rotary Club of Milton-Ulladulla will now be provided to the Ulladulla Blessing of The Fleet Festival Inc for the reasons detailed in the report, replacing the resolution of that amount being donated to the Rotary Club of Milton-Ulladulla (MIN24.393).*

The donation of \$10,000 to the Ulladulla Blessing of The Fleet Festival Inc brings the total amount recommended for funding above to **\$42,222.00**.

Internal Consultations

In accordance with the [Community Donations Policy](#), a Community Donations Assessment Panel was formed with the purpose of independently assessing applications across different areas of Council, which involved staff from the following departments: Community Connections, Arts & Culture, Tourism Events, Business Assurance & Risk and Governance. The staff from these departments review and make recommendations regarding applications received and provide feedback regarding the program.

External Consultations

It is not required under the [Community Donations Policy](#) to consult with external experts or organisations.

Community Consultations

Past applicants of donations, both successful and unsuccessful, were contacted via email to advise of the opening of the second round of 2024/2025 Community Donations Program and were encouraged to review the eligibility criteria to apply for a donation in line with the [Community Donation Policy](#)

Advertising was undertaken via Councils website and social media. The Customer Experience Team and Community Connections Team were also made aware in case of any calls were received in relation to seeking funding that could be referred to the process.

Information, eligibility criteria and online application forms were made available via Council's website. The application period was open for a month from 1 September to 30 September 2024.

It is worth noting that 58 applications were received for the previous financial year (2023/2024), 46 were received for this year's first round (2024/2025) and an additional 39 applications were received for this year's second round (2024/2025). Of the 39 applications, 15 are new applicants that have never previously applied for a donation under the Community Donations Program.

Policy Implications

Applications were assessed in line with Councils adopted [Community Donations Policy](#) (POL23/68), and the recommendation above has no impacts upon the current Policy. It is worth noting however that this is the first time Council has held a second round of Community Donations under the current Policy, and there are currently no provisions in the Policy regarding holding a second round of Donations. Further, the panel noted it was difficult to determine the second round due to less funds being available in the second round. If it was Council's intention to hold two rounds each year, changes to the Policy and to determine a set amount per round would be beneficial.

Financial Implications

The donations budget for the first round of the 2024/2025 Financial Year was \$180,000. Following Councils resolution, the remaining balance was \$39,450, resulting in this being the budget for this second round of 2024/2025 Community Donations. However, the cancellation of \$10,000 in payment towards the Ulladulla Blessing of The Fleet Festival, and that a further \$3,118.19 was retained from GST following reconciliation of the first round, left a total actual budget for the second round of **\$52,568.19**.

If Council resolves to approve the recommendation as outlined in the report, this will leave an available balance of \$346.19 in the Donations Budget which could be returned to the general fund or rolled over into the next financial year's budget.

Risk Implications

If Council substantially alters the applicants receiving funds as recommended by the Panel, this could undermine the independent process and divert funds from organisations who have demonstrated a need for a Donation.

CL25.36

MINUTES OF THE COMMUNITY DONATIONS PANEL MEETING

Meeting Date: Tuesday, 22 October 2024
Location: Jervis Bay Meeting Room
Time: 2:30pm

The following staff were present:

Sara McMahon - Manager Business Assurance & Risk
Brooke Aldous - Governance Coordinator
Michael Paine - Manager Community Connections
Peter Swanson - Lead - Land Management (Remotely)
Lisa Brown - Business & Events Coordinator
Zanny Begg - Shoalhaven Regional Gallery Director
Rylee Goodman - Minute taker

Apologies / Leave of Absence

Nil.

Applications Received

There were 39 applications received through the application period which was from 1 September to 30 September 2024.

The applications were broken up into four different categories for assessment, with Panel Members being appointed to each assessment category as shown below:

1. Community & Culture – Michael Paine, Sara McMahon & Zanny Begg
2. Environmental – Peter Swanson & Brooke Aldous
3. Local Events – Brooke Aldous & Lisa Brown
4. Rates and/or Rental Subsidies – Brooke Aldous, Michael Paine & Lisa Brown

Community Donations Budget

The donations budget for the second round 2024/2025 was originally resolved to be **\$39,450**. However, as noted in the report for 26 November 2024, the payment of \$10,000 in the first round towards the Ulladulla Blessing of The Fleet Festival was cancelled due to the applying organisation withdrawing support (The Rotary Club of Milton Ulladulla).

With \$10,000 added to the resolved budget, plus a further \$3,118.19 following reconciliation of the first round, the total actual budget for the second round is **\$52,568.19**

Note: Due to limited time, the panel resolved to reconvene to make a final determination on a small number of remaining applications.

The meeting closed, the time being 4:30pm

The meeting reconvened Thursday, 24 October 2024 at 3.00pm to determine and finalise the decisions made on the 22 October 2024.

The following staff were present:

Brooke Aldous - Governance Coordinator
Michael Paine - Manager Community Connections
Lisa Brown - Business & Events Coordinator
Zanny Begg - Shoalhaven Regional Gallery Director (Remotely)
Rylee Goodman - Minute taker

Note: Sara McMahon - Manager Business Assurance & Risk, was unable to be present at the meeting, but had provided her feedback and recommendations prior to the reconvened meeting.

Funding Recommendations

The total funds requested through the application process was \$192,720.73.

A summary of the applications is shown in **Appendix 1** which provides the following information:

- Donation category;
- Applicant Details
- Event / Project / Activity for which the Applicant is seeking funds
- Amount Requested
- Feedback from the assigned Panel Members regarding the application
- Amount Recommended to be Paid as a Community Donation for Round 2 of the 2024/2025 financial year as determined by the Community Donations Assessment Panel.

The total amount of funding recommended to be paid for the second round of the 2024/2025 financial year by the Community Donations Assessment Panel is \$52,222.00, including the payment of \$10,000 towards the Ulladulla Blessing of The Fleet Festival.

This leaves an available balance of \$346.19 for 2025/2026 financial year. This balance is available for further consideration by Council.

Ineligible Applications and Applications not Recommended for Funding

The Community Donations Panel has determined \$111,898.73 in applications were deemed ineligible or not recommended for funding. A summary of these applications is shown in **Appendix 2**.

Note: In assessing the applications received, the Panel was working with the following definition of capital works costs: *Capital expenditures (CapEx) are funds used by a company to acquire, upgrade, and maintain physical assets such as property, plants, buildings, technology, or equipment.*

Appendix 1 - Applicants recommended for funding

Category	Event / Project/ Activity	Organisation Name	Amount Requested	Feedback from Panel	Amount Recommended
Community & Culture	City of Shoalhaven Eisteddfod Inc – Annual Performing Arts competition for Dance, Vocal, Speech, Drama and Instrumental. Includes School Involvement, and other groups & individuals.	City of Shoalhaven Eisteddfod Inc	\$10,000.00	The Panel noted that this application provided additional supporting information evidence and addressed the feedback the Panel provided on the previous application. The Panel discussed the location not being purely Shoalhaven based and that no evidence was provided regarding funding from surrounding local government areas. The panel also considered the prizes outlined in the budget is short of \$30k and the panel advised to consider minimising the costs in this area. Due to the limited budget in the second round, the Panel recommended partial funding.	\$5,000.00
Community & Culture	Community Wellbeing programs – Working bees & Morning Teas for community groups, aged care & disability support sectors.	Cudmirrah Berrara Community Garden	\$1,000.00	The Panel were in support to recommend funding for this program and outlined the importance of bringing disability services and aged care providers together.	\$1,000.00
Community & Culture	40th anniversary lunch celebration for Milton Ulladulla Family History Society – Formal sit down lunch, including special guests, Council representatives & Shelley Hancock.	Milton Ulladulla Family History Society	\$5,000.00	The Panel acknowledged the celebration for members and dignitaries to celebrate the 40th anniversary of the club. It was identified that the main cohort will benefit from the social activities outlined in the application, rather than benefiting the wider community. Due to the limited budget available in the second round, the Panel recommended partial funding for the minimum outlined in the application.	\$1,000.00
Community & Culture	Water Safety, Swimming Lessons and Events for Local Disabled Children – Enabling them to learn, achieve and enjoy participating in aquatic activities	Rainbow Club Australia	\$5,000.00	The Panel agreed this is a much-needed service for children with a disability, for the provision of water safety and swimming lessons. The Panel was in support for funding, however, due to the limited budget available was only able to recommend partial funding.	\$2,500.00

Community & Culture	Summer Sounds Concert Band Workshop and Free Concert – Open to all levels of concert band musicians, promoting collaboration, culminating in a free public performance	Shoalhaven City Concert Band	\$2,100.00	The Panel agreed this is a worthwhile project in teaching music to the youth and demonstrates good community participation. The Panel recommended for partial funding and encourages the applicant to find alternate grants and funding sources for this project in the future and not be reliant solely on Council donations.	\$1,000.00
Community & Culture	Harmony Day Celebration – Cultural workshops focusing around dance & other traditions, provide multicultural lunch and afternoon concert.	Shoalhaven Community Choir	\$5,000.00	It was noted this is a return event and in the previous year the event involved approx. 100 people. The Panel agreed this was a successful event, however, it was recommended that they reconsider the model of sponsorship funding to ensure the events sustainability. Partial funding was recommended.	\$3,000.00
Community & Culture	First Nations Collection Project – Cleaning, cataloguing and inspecting Aboriginal artifacts.	Tabourie Lake Museum	\$3,100.00	It was noted that this project is a great way to involve community in cultural awareness and appreciation whilst improving the collection. The Panel recommended to support by funding this in full.	\$3,100.00
Community & Culture	Community Connection through Activity in Fisherman's Paradise – Classes & social sessions aimed at creating opportunities for increased physical activity and social connection among residents Fisherman's Paradise village.	Ulladulla & District Community Resource Centre	\$4,370.00	The Panel supported the application given the proposed involvement and scope for the wider local community and the benefits for individuals and the wider Community. The Panel noted that they would like to see further detail and better cost breakdowns for any future applications of this type	\$4,370.00
Community & Culture	Walk n Talk For Life Ulladulla – Creating Australia-wide walking groups. Enhancing	Walk n Talk For Life Foundation	\$1,000.00	The panel agreed that this is a good project that aims to improve mental health outcomes for the community. The Panel recommended to support this application in full.	\$1,000.00

	mental health by fostering community connections through walk & talk activities.				
Local Events	Culburra Beach Festival - Community celebration of music, art, food, community and culture. Free music event at Easter.	Love Culburra Beach Festival Inc.	\$5,000.00	The Panel noted this was a worthy and strong application with supportive additional information provided. It was agreed that residents and the wider region benefit significantly from this event. The additional supportive information shows they are working to a budget and shows the success of previous events. Due to the limited budget available in the second round, the Panel recommended for partial funding.	\$4,000.00
Local Events	Ulladulla Blessing of The Fleet Festival – Funding approved in MIN24.636	Ulladulla Blessing of The Fleet Festival Inc	\$10,000	As per the resolution from Round One of this program (MIN24.393), this funding will now be provided to the Ulladulla Blessing of the Fleet Festival Inc, and not the original applicant being the Rotary Club of Milton Ulladulla, who have since withdrawn from running this event. The new applicant has demonstrated the need for funding. Further information on this application will be outlined in the Council report.	\$10,000
Rates & Rental Subsidy	Albatross Musical Theatre Company Rehearsal Support – Rental subsidy of Nowra School of arts to provide a rehearsal space for ongoing productions. Rental subsidy for Nowra showground Youth Hall for set construction, staging and pre show rehearsals.	Albatross Musical Theatre Company	\$19,000.00	The Panel noted the applicant is operating to a tight budget and a profit is not being made from ticket sales. The Panel agreed that the supplementary information for the budget assisted in demonstrating the need for this donation, however, due to the limited funds available in the second round, the Panel could only recommend partial funding. The Panel encourages the applicant to apply in the next round.	\$6,000.00
Rates & Rental Subsidy	Subsidised Council Rates and Council Water Rates – Support renovations to	Cambewarra School of Arts	\$2,132.00	The panel agreed to recommend funding in full and supported this application.	\$2,132.00

	continue to provide School of Arts building & Tennis Courts facility to benefit the local community and school.				
Rates & Rental Subsidy	Lay Missionary of Charity Soup Kitchen – Bi-weekly lunch provided for the homeless and destitute in the community.	Lay Missionary of Charity Soup Kitchen	\$1,600.00	The Panel agreed this is a donations and volunteer-based charity. It was also noted that the organisation holds no significant funds. Further the panel agreed it is needed, valuable community work that provides lunch and food for the homeless and destitute, as well as providing emotional support and a meeting place for elderly, lonely and unemployed. The Panel recommended funding for the full amount.	\$1,600.00
Rates & Rental Subsidy	Wildlife Rescue South Coast – Rates subsidies for three large animal facilities in the Shoalhaven, to support volunteer teams to care for protected and endangered wildlife.	Wildlife Rescue South Coast	\$6,520.00	The Panel noted that this was significant request, however understood that it was a rate subsidiary across three (3) different properties and noted the operation runs at a loss, is managed by volunteers and scores highly on all areas of the marking criteria. The Panel agreed to support funding in full, and noted for future applications that this can be considered in the Environmental category due to the nature of work being undertaken.	\$6,520.00

Appendix 2 - Ineligible Applications and Applications not recommended for funding

Category	Event / Project/ Activity	Organisation Name	Amount Requested	Feedback from Panel
Community & Culture	Bay and Basin Camera Club replacement laptop computer and software – Used to view competition photos and for workshop presentations.	Bay and Basin Camera Club	\$1,500.00	The Panel determined this application to be Ineligible due to capital works costs which does not align with the eligibility criteria and therefore no funding is recommended.

Community & Culture	A Berry Merry Christmas – Refresh Christmas street styling in Berry to promote tourism, retail and hospitality.	Berry Chamber of Commerce & Tourism	\$9,000.00	The Panel determined this application to be Ineligible due to capital works costs (to pay for a Christmas tree) which does not align with the eligibility criteria and therefore no funding is recommended.
Community & Culture	A compost revolution at Berry Public School – Installing underground worm bins, provide sustainable waste management & improve soil health. Hands on learning project for students.	Berry Public School Parents and Citizens Association	\$2,206.00	The panel determined this application to be Ineligible due to capital works costs (worm bins and other gardening supplies) which does not align with the eligibility criteria and therefore no funding is recommended.
Community & Culture	Cultural Connection – Connecting with local indigenous communities to provide transport options, and help access wider community & essential services.	Coast and Country Community Services	\$10,000.00	The application was unclear to the Panel as the application requests funding for fuel expenses, educational resources and for meeting attendance. The Panel recognises that there is a need for transport in this area, however this proposal did not articulate how this would be achieved. Therefore, the Panel did not recommend funding but encourages the applicant to apply in future rounds and would welcome further information to address this.
Community & Culture	Community Craft Workshops for a Suitable Future – Continue these craft workshops into 2025, provide community interaction to increase skills and foster social connections.	Country Women's Association of NSW - Berry Branch	\$2,500.00	Noting that this applicant had received funding in round 1, and considering the limited budget and the quality of other applications, the Panel did not recommend funding. The Panel however encourages the applicant to apply within the next Financial Year.
Community & Culture	Veteran Entrepreneur Training (VET) Course – Certificate III qualification for veterans. Course includes 4 zoom sessions, full day event at Anzac Memorial Sydney.	Frontline Labs	\$5,000.00	The Panel deemed this application ineligible, as Council are unable to fund retrospectively (I.e. the courses proposed have already taken place) under the policy. It was further noted that this application was for individuals, which does also not align with criteria of this program.
Community & Culture	Mud Kitchen – To extend the learning for the children and will also improve the aesthetic of our community preschool.	Kangaroo Valley Preschool	\$4,010.00	The Panel determined this application to be ineligible due to this project being categorised as capital works (Outdoor kitchen set) which does not align with the eligibility criteria and therefore no funding is recommended.
Community & Culture	Sussex Inlet Marine Rescue Critical Support – Ensuring marine safety for community & visitors.	Marine Rescue Sussex Inlet	\$10,000.00	The Panel noted the application does not clearly identify what the entire amount requested is required for, and therefore it was difficult for the Panel to assess in

	Funds to cover rescue boat costs, such as fuel, boat servicing, repairs and maintenance.			comparison to the other applications with more detail provided. The application outlines funding for maintenance of materials held by the organisation. Therefore, the Panel did not recommend funding for this round, however, encourages the applicant to apply within the next Financial Year, addressing this feedback.
Community & Culture	Music Shoalhaven classical concert series – Volunteer organisation hosting concerts World class performances by international, national and local artists.	Music Shoalhaven Inc	\$1,000.00	It was noted this applicant had received funding in round 1. The Panel determined sufficient funds are held by the organisation to cover this concert and therefore can be self-funded. The Panel did not recommend funding for this round.
Community & Culture	Outdoor play equipment for Noah's Sanctuary Point – Funds to replace unsafe equipment. Benefit child development and accessibility for children with physical limitations.	Noah's Inclusion Services	\$2,500.00	The Panel determined this application to be ineligible due to this project being categorised as capital works which does not align with the eligibility criteria and therefore no funding is recommended.
Community & Culture	Shoalhaven Emergency Services Community Awards – Recognise community service of NSW Police, Emergency services, and Australian Defence force in the Shoalhaven.	Rotary Club of Nowra	\$5,000.00	The Panel noted that the application states that the funds expected to be raised will be donated to charity, the Children's Variety Club, which although is a well worthy cause, makes the application ineligible.
Community & Culture	Shoalhaven Lydian Singers 2025 Concert Series – Assistance with concerts venue hire and staging costs for 6 concerts.	Shoalhaven Lydian Singers	\$8,000.00	The Panel noted insufficient information had been supplied in their application and lacked detail. The panel did not recommend funding for this application, but encourages the applicant to apply for the next Financial Year and provide further detail to address this feedback.
Community & Culture	Shoalhaven City Council and Bomaderry Nowra Lions Club Annual Carols in the Park. Staff have been advised by the Lions Club that another funding source has been identified for this event.	The Lions Club of Bomaderry Nowra	\$10,000.00	It was noted this applicant had received funding in round 1. Due to the limited budget and the quality of applications, the Panel did not recommend funding, but encourages the applicant to apply within the next Financial Year.
Community & Culture	Project Platypus – Collaboration between Illawarra Environmental	Kangaroo Valley Public School	\$700.00	The Panel all agreed this is a great program bringing together students in the Shoalhaven by conducting

	Centre, University of NSW and 4 local public schools, to facilitate scientific investigations for children. Funds to help cover the costs of the tree planting and art installation.	Note: This applicant withdrew their application, advising that they have already held their event and no longer require funding		workshops, however, this application was deemed ineligible due to being a State Government application, which does not align with the criteria of this program. The Panel discussed the opportunity for funding that may be available for future programs if arranged by community-based organisations or environmental bodies.
Local Events	Meet the Makers Festival Milton Ulladulla District – Attract Tourism; Showcase food, drink and artisan talents; Create memorable, unique experiences for visitors & locals.	Meet the Makers Festival	\$6,000.00	The Panel noted that the budget lacked explanation of what the donation would be used for if successful. It was difficult for the Panel to review in comparison to other quality applications. It was further noted that ticket sales could cover costs associated with the event. Due to the limited budget available, the Panel did not recommend funding, but encourages the applicant to apply for the next Financial Year and to provide further detail to address this.
Local Events	Nowra High School Annual Presentation Assembly 2024 - Bringing the whole community together to help celebrate and recognise the academic, sporting and cultural achievements of students, encouraging the pursuit of excellence in all fields by our students.	Nowra High School	\$3,000.00	The Panel all agreed this is a good program, however, this application is ineligible due to being a State Government application and this does not align with the criteria of this program.
Local Events	Nowra Annual Rodeo - One of the largest events in the Shoalhaven area, taking place annually in December. Held at Worrigee equestrian common grounds. Approx. 4000 targeted Attendance.	Nowra Rodeo Association	\$10,000.00	The Panel agreed this is a great event, however, noted the application to be ineligible due to demonstrating the ability to self-fund with left over funds in the budget. It was noted that the ticket sales should cover the costs for this event.
Local Events	StoryFest Schools Program - Brings authors (fiction, non-fiction, poets) and illustrators for a series of performances and workshops in five local schools across the Milton/Ulladulla region.	StoryFest Incorporated	\$10,000.00	The Panel noted that this is a good program, however, due to the quality of other applications and the limited budget for this round, the Panel did not recommend funding. It was further noted that the Financial Statements show funding available and could appear to be a self-funding event through the main event.

Rates & Rental Subsidy	Berry RSL Sub-branch - Rates Donation – Support to conduct monthly meetings & Admin. Keeps members informed of veteran issues & welfare support. Support to local Not for profit organisations/schools. Commemoration evens.	Berry RSL Sub-branch	\$3,125.73	The Panel noted a portion of the donation received last Financial Year was donated to Berry Public School in place of the funds being returned to or seeking approval from Council to be used for other means, and this is against the criteria of this program. The Panel recognised the work the RSL Branch does and they have limited funds available, however, due to the limited budget in this round the Panel did not recommend funding. The Panel encourages the applicant to apply in the next round.
Rates & Rental Subsidy	Hall Hire and Social Outings – Hire off Yulunga Hall for one year, plus three social outings to Shoalhaven Entertainment Centre.	Manyana & Districts CPSA	\$2,388.00	It was noted this applicant had received funding in Round 1. Due to the limited budget and the quality of applications, the Panel did not recommend funding, however, encourages the applicant to apply in the next financial year.
Rates & Rental Subsidy	Marine Rescue NSW Jervis Bay Unit - Subsidised Rates Request Voyager Park for the annual rental fee of park offices and operations area totalling \$548.87. Support not for profit volunteer emergency services organisation.	Marine Rescue NSW Jervis Bay Unit	\$548.00	The Panel noted that the applicant had applied for the same amount of funding in Round 1 and were unsuccessful, with the following feedback provided: <i>The Panel agreed that although it is a minimal amount sought for a worthy cause, it is not recommend to fund based on the amount of support already provided from Council. The Panel referenced the resolution in 2018 which set the annual rent to \$490 plus GST, with annual CPI increases (SA18.86 - D18/82557) which has continued since then.</i>
Rates & Rental Subsidy	Milton Follies May 2025 production - Stories in the Dark - The play will be cast following a series of workshops which will welcome all comers of all ages and abilities. The play will run over two weekends at Milton Theatre, playing to close to 1000 people.	Milton Follies	\$2,000.00	The Panel noted the profit made from this event and with the limited budget available this round, the Panel did not recommend for funding. It was further noted that the application did not identify or explain the benefit to the community. The Panel encourages the applicant to apply within the next financial year.
Rates & Rental Subsidy	Refund of rates for Shoalhaven Clay Target Club - Regular clay target shoots and competitions, including the hosting of	Shoalhaven Clay Target Club	\$1,200.00	The Panel noted that the application did not demonstrate the benefit to the Shoalhaven. It was further noted the members have increased in a short period of time and additional funds could be accumulated in this time. Due to the limited budget available for this round and the

	state team selection shoots and NSW Police competitions.			quality of applications, the Panel did not recommend funding.
Rates & Rental Subsidy	Sussex Inlet RSL sub-Branch Memorial Hall Rates & Charges Subsidy - Volunteer charity to maintain its Memorial Hall use charges at cost recovery for local community groups. Support the welfare of ex-service veterans and their families.	Sussex Inlet RSL sub-Branch	\$2,221.00	It was noted that the applicant holds sufficient funds currently. There was little improvement made to address the feedback provided in Round 1. Due to these factors, and the limited budget in this round, the Panel did not recommend funding.

CL25.37 Proposal to Rename Portion of Susan Street Vincentia

HPERM Ref: D25/22665

Department: Information Services

Approver: Sara McMahon, Acting Director - City Performance

Attachments: 1. Map - Susan Street, Vincentia [↓](#)

Purpose:

To determine how to proceed with road renaming to resolve safety risk to residents.

Summary and Key Points for Consideration:

Council was approached by a concerned resident in March 2022 regarding an issue for property owners and residents living on the eastern portion of Susan Street in Vincentia (refer map provided as **Attachment 1**) The western portion of Susan Street was disconnected from the eastern side by a cul-de-sac, which resulted in the eastern side experiencing issues with postal deliveries and timely attendance by emergency services.

After internal investigation and initial advice from the NSW Geographical Names Board it was determined that the Eastern Portion of the road (4 lots) should be renamed as it presented a significant safety risk for residents in that section of Susan Street.

Residents have been consulted with on multiple occasions and provided with options to rename the road but an outcome that is satisfactory to residents that meets the requirements of Council's Road Naming and NSW Geographical Names Board (GNB) Policy has not been found.

As a result, the road name, Bronte Place was chosen by GIS staff after extensive research into the origin of surrounding Road and Beach Names in the Vincentia area to ensure that the road naming theme was continued. In this part of the suburb of Vincentia the road naming theme is based on the Battle of Cape St. Vincent in 1797 where a British fleet under Admiral Sir John Jervis defeated the Spanish Fleet. The name 'Bronte' refers to the Dukedom bestowed on Lord Nelson who distinguished himself while in command of *HMS Captain* during the battle.

Consensus has not been received from affected residents for all road names suggested by Council on the grounds that they dislike the road name. Objections to road names must demonstrate how the road name does not meet Council and or GNB guidelines.

Recommendation

That Council:

1. Determine to rename the eastern portion of Susan Street, Vincentia as "Bronte Place", to address the existing risk to residents of emergency services not identifying their property in a timely fashion.
2. Proceed to advertise the adoption of the road name "Bronte Place" for the eastern portion of Susan Street, Vincentia.

CL25.37

Options

1. As recommended – Parts 1 and 2

Implications: As the proposal of Bronte Place has been exhibited to the public for the legislated period of time (4 weeks/20 working days), it is recommended that Council proceeds to the adoption stage and gazetting of the name Bronte Place. This will ensure that the owners and residents have unique, unambiguous addresses. Potential issues with timely attendance of emergency services will be resolved.

It ensures that Council abides by GNB guidelines i.e. Unconnected sections such as where separated by a physical barrier, shall be assigned separate names.

2. Not to proceed with renaming the road.

Implications: Current risks with respect to emergency service identification will remain.

3. A new road name is chosen.

Implications: Any road name would need to align with GNB requirements and the naming conventions for this location. Choosing a new road name would prolong the process and extend the current risk to public safety. The process of choosing a new road to the final formalisation of the road name can take approximately 3 months. There is a possibility that consensus may not be reached with the affected property owners on any new road name.

Background and Supplementary information

The map provided as **Attachment 1** to the report shows the Eastern portion of Susan Street, Vincentia which is subject to the proposal outlined in this report. There are four (4) residential lots directly affected by the proposal.

The Eastern and Western sides of Susan Street are disconnected by the intersection of Elizabeth Street and a Cul-de-sac on the Western side. The street numbering of Susan Street begins in the Cul-de-sac on the western side, i.e. houses 1 and 2. This means that any development in the eastern section has had to be numbered with a suffix, such as 1A, 1B, 1C, 2A which exacerbates the disconnection issue making the identification of individual properties confusing. Renaming the road will give Council the opportunity to resolve both issues.

This street configuration has been in place for many years. However, more recent infill of blocks in addition to those facing and addressed as Elizabeth Drive has accentuated the situation.

Residents have been heavily involved in the consultation process from the beginning. Several strategies have been used to achieve a resolution as shown below:

- Initial notification of property owners whose property address would change – notification of road rename required – no new road name suggested. Owners of two (2) affected owners suggested “Bayside” which did not meet GNB guidelines due to duplication of the word ‘bay’ which features in other street names in the area.
- Second Notification – Council choice of Spinifex Lane – affected owners disliked this option, again suggested “Bayside” and also “Amaroo” or “Yaringa”.
- Third Notification – “Yaringa Place” was suggested pending permission from LALC, CCB and GNB. Negative feedback was received from owners of two (2) properties as they disliked the name. Other suggestions were provided that did not meet GNB criteria.

CL25.37

- Fourth Notification – Council researched name “Bronte Place”, which fit with theme of names of surrounding beaches and roads. This option was approved by the GNB and was advertised publicly for the legislated period of 4 weeks. Responses were received from owners of three (3) of the affected properties who objected to this name due to personal reasons or disagreement with the relevance of the name and naming convention to modern Australia.

Internal Consultations

The Property Unit and City Services-Technical Services-Asset Strategy were consulted when the initial enquiry was received. They were in agreement with Geographical Information Services Team that it was necessary.

External Consultations

The Geographical Names Board (GNB) were consulted when the initial enquiry was received by Council at which time it agreed that the name of that portion of road should be changed. The GNB also were consulted and agreed with the proposed name of ‘Bronte Place’.

Community Consultations

Community consultation has been detailed earlier in this report. As the name Bronte Place had been preapproved by the GNB the Road Naming Proposal was exhibited to the general public for the same period provided to the affected owners. No negative feedback was received from the general public, other than residents of the affected portion of the road.

The affected owners were consulted after the initial enquiry was received and the Geographical Names Board agreed a change is desirable. Three sets of notifications were sent to affected owners. Negative results were received after all notifications as owners provided suggestions they felt were fitting. Council notified the affected owners a fourth time and presented an internally chosen name, Bronte Place. The owners of three (3) affected properties remain in opposition to the proposed name.

Policy and Statutory Implications

Currently this road format is not meeting NSW Addressing Policy in the following way:

- *“NSW Addressing Policy (6.7.7 Road Extents A road name shall apply from one end of the road to the other i.e. the point where the road finishes or intersects with another road or roads. The extent of a named road shall be defined by the formed road and shall include only one section navigable by vehicles or foot. Unconnected navigable sections, such as where separated by an unbridged stream or a physical barrier, shall be assigned separate names.)”*

Financial Implications

There are no financial implications for Council other than the prolonged use of resources. The affected owners may be impacted slightly as a change to their property address will lead to having to change their address with a number of agencies.

Risk Implications

The report identifies reputational risk for Council arising from dissatisfaction of some property owners by the proposal to change the name. The key motivation for the proposal is to improve the safety of residents.



CL25.37 - Attachment 1



CL25.38 Easement Extinguishment - Right of Way - Lot 1256 DP 31816 - 105 The Park Drive Sanctuary Point

HPERM Ref: D25/30669

Department: Buildings & Property Services
Approver: Carey McIntyre, Director - City Services

Purpose

The purpose of this report is to seek Council's resolution to extinguish an easement for a right of way over Lot 1256 DP 31816, 105 The Park Drive, Sanctuary Point, being operational land owned by Shoalhaven City Council.

Summary and Key Points for Consideration

A registered easement is attached to land and continues to restrict the use of land indefinitely unless it is expressly varied or released by the authority having the power to modify.

Easements can also be extinguished by the Supreme Court pursuant to s89 of the *Conveyancing Act 1919*.

A Council resolution is required to extinguish an easement on Council owned land under s377 of the *Local Government Act 1993*.

Recommendation

That Council:

1. Authorise the extinguishment of an easement for right of way over Lot 1256 DP 31816, 105 The Park Drive, Sanctuary Point.
2. Authorise the Chief Executive Officer to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed in relation to the easement for right of way and easement for services.

Options

1. Resolve as recommended.

Implications: The easement is extinguished, facilitating the land sale in accordance with Council Minute MIN24.672.

2. Not resolve as recommended.

Implications: The sale does not proceed as the land remains encumbered.

Background and Supplementary information

On 15 March 1989, a right of way and easement for services (DP 788159) 15.24m wide was registered burdening Lot 1256 DP 31816.

CL25.38

An easement for services is an area of the property used to deliver essential services to a home or a community.

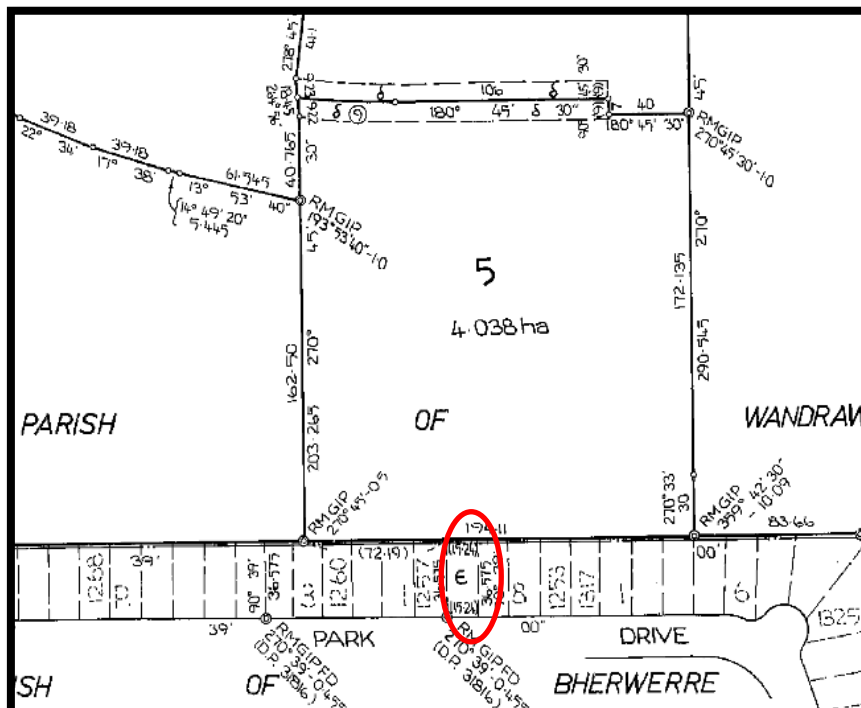
A right of way is a type of easement that allows someone to travel over another person's land

The easement for services (telephone and electricity) can be varied or modified by the respective utility providers. Council has the authority to vary or modify the easement for right of way. The current easement occupies the entire lot (15.24m wide) and the land is currently sterilised from future development.

The right of way and easement for services were created to benefit adjoining Lot 5 DP 788159 which, at the time, was undeveloped land. Former Lot 5 has subsequently been fully subdivided into 47 residential lots (registered 5 July 2018) with all access and services to the new residential lots provided through the newly created public roads of Tahnee and Nadine Streets.

The right of way (to provide future access to undeveloped Lot 5) and easement for services over Council land Lot 1256, shown in **Figure 1** is no longer required. Shoalhaven City Council has the power to extinguish the easement for right of way.

Figure 1 - Excerpt from DP 788159 showing easements burdening Lot 1256



On 10 December, 2024, Council resolved (MIN24.672):

That:

1. Council sell the following operational land for not less than the market value as determined by an independent valuer:
 - a. Queen Mary Street Callala Beach (Lot 51 Sec T DP 27357).
 - b. 105 The Park Drive Sanctuary Point (Lot 1256 DP 31816).**
 - c. Ilett St Mollymook (Lot 61 DP 833017).
2. The former resolution (MIN24.179) be amended to sell the following two properties via direct negotiations for a value determined by an independent valuer:
 - a. Green St Ulladulla (Ulladulla High School) (Lot 3 DP 851748) to The Department of Education.

CL25.38

- b. Green St Ulladulla (Lot 4 DP 851748) to the St Vincent de Paul Society.

This report and recommendation is in fulfillment of **Recommendation 1.b.** above.

Internal Consultations

Internal comments were not sought to the extinguishment of the easement as there are no issues arising from the proposed easement extinguishment and Council's ongoing interests following the stakeholder consultation and previous resolution of Council to sell the land.

External Consultations

Telstra Corporation Limited (as the successor of Telecom Australia) and Origin Energy (as the successor of Illawarra County Council) have no objection to the extinguishment of the easement for services.

Community Consultations

This is an operational matter and community engagement is not required.

Policy and Statutory Implications

Council's Development and/or Disposal of Council Lands policy has been observed.

Financial Implications

The costs associated with the extinguishment of the easement and right of way (DP 788159) is the responsibility of Council and will be recouped through future sale of the land should Council resolve to proceed with any sale. The costs are anticipated to be between \$2,500 and \$5,000.

Risk Implications

Council's interests have been considered and there is minimal risk associated with the recommended extinguishment of easement.

CL25.38

CL25.39 Tenders - Supply Container Style Centrifuge

HPERM Ref: D25/19259

Department: Commercial Services

Approver: Carey McIntyre, Director - City Services

Purpose:

The purpose of this report is to inform Council of the tender process for the supply of a container style centrifuge and to seek its resolution on the matter.

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

Summary and Key Points for Consideration:

Council resolution is required to determine the tender process for the supply of a container style centrifuge.

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution

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

Background and Supplementary information

Project Description

Shoalhaven Water owns and operates thirteen wastewater (or sewage) treatment plants that treat wastewater / sewage from residences and businesses across the Shoalhaven. The treatment process the wastewater undergoes at these plants produces two main products, the liquid component (reclaimed effluent) and the solid component (biosolids). Biosolids are produced by dewatering wastewater sludge to produce the solid Biosolids product which is then dry enough to be transported from site for re-use or disposal.

The dewatering is undertaken by a mobile centrifuge dewatering unit. The operation of Shoalhaven Water's thirteen wastewater treatment plants relies on being able to centrifuge the sludge into biosolids and removed from site.

Shoalhaven Water has always owned and operated a mobile dewatering centrifuge for this purpose as it is far more cost effective than renting a unit or contracting it out. The mobile centrifuge must operate constantly throughout the year to be able to process the quantity of sludge we produce. The mobile unit is transported between sites by Shoalhaven Water staff to meet the required schedule.

Centrifuging from sludge lagoons at wastewater treatment plants is an essential process. Delays in the centrifuging schedule causes catastrophic process issues at the treatment plants which leads to non-compliances with EPA Licences and environmental overflows.

The existing mobile centrifuge is at end of life (11 years old) and a public tender was undertaken for the procurement of a new unit. The new unit will have increased capacity and the ability to operate 24/7.

The tender requested fixed price servicing for five (5) years and extended warranty.

Tendering

Council called tenders for Supply Container Style Centrifuge on 6 November 2024 which closed at 10:00 am on 5 December 2024. Three tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Flottweg Australia	Sydney, 3/19 Hotham Parade, Artarmon NSW 2064
Global Water Technologies	Sydney Suite 2.01/350 Parramatta Rd, Homebush NSW 2140
Sacor	Perth, 123 Greenwood Way Barragup, WA 6209

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

Internal Consultations

Staff from Shoalwater and Fleet Services were involved in the specification setting and tender evaluation process.

External Consultations

No external consultation has been undertaken or is required with respect to the tender process.

Community Consultations

No community consultation has been undertaken or is required with respect to the tender process.

Policy Implications

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

Shoalhaven Water is required under its Environmental Protection Licence's and the NSW EPA Use and Disposal of Biosolids Products Guidelines to adequately treat, process, store and dispose of Biosolids.

CL25.39

Financial Implications:

Sufficient funds have been allocated in the Shoalwater Plant Replacement budget for 2024-2025. Funding is available to cover the tender amount including other project costs.

Risk Implications

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

CL25.39

CL25.40 Tenders - Panel Contract - External Plant Hire

HPERM Ref: D25/37331

Department: Commercial Services

Approver: Carey McIntyre, Director - City Services

Purpose:

The purpose of this report is to inform Council of the tender process for the selection of a Panel of Preferred Suppliers - External Plant Hire.

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

Summary and Key Points for Consideration:

Council sources heavy plant and equipment from external suppliers to supplement its internal fleet. The Preferred Supplier Panel streamlines the procurement / engagement process. Staff source equipment directly from the Panel under contracted rates.

Recommendation

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

Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

2. Council make a different resolution.

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

Background and Supplementary information

Project Description

Council invited tenders for the provision of External Plant Hire, with the successful tenderers to be appointed to a Preferred Supplier Panel for a maximum period of two years.

This tender process is in line with best practice to ensure compliance with Council's Purchasing Policy, the Local Government Act 1993 and the NSW Tendering Regulations 2021.

The public tender was advertised in local newspapers and on the Council's e-tendering portal. Suppliers identified as supplying equipment to the Council were advised of the tender release via email. The tender closed on 4 November 2024.

CL25.40

The tender invited suppliers to enter into a hire agreement with the Council for the occasional hire of plant for a maximum period of two years at rates submitted. The tender document defined three hire zones - north, central and south for Wet Hire (ie equipment is hired with an operator), and Dry Hire (ie equipment is hired without an operator – Council's own staff operate the hired equipment).

The tender specified 25 items or combinations of plant including graders, dozers, excavators, backhoes and cartage trucks.

Tendering

Council called tenders for Panel Contract – External Plant Hire on 11 October 2024 which closed at 10:00 am on 4 November 2024. 48 tenders were received at the time of closing. Tenders received from the tenderers shown alphabetically in **Table 1** as follows:

Table 1: Tendering Suppliers

Supplier	LG Base	Location
A & D Tree Services	Shoalhaven	1 Central Avenue South Nowra NSW 2541
All Lift Cranes & Ulladulla Crane Hire	Shoalhaven	197 Greville Avenue Sanctuary Point NSW 2540
Anglew Pty Ltd	Shoalhaven	120 Binnaburra Park Road Nowra NSW 2541
Bay & Basin Civil Pty Ltd	Shoalhaven	270c Princes Highway South Nowra NSW 2541
Brooks Hire Service Pty Ltd	Penrith	3 Glossop Street St Marys NSW 2760
BVN Landscapes	Shoalhaven	110 The Wool Road St Georges Basin NSW 2540
C & S Varty Earthmoving	Shoalhaven	18 Hollands Roads Nowra NSW 2541
Camden Hire	Camden	28-32 Exchange Parade Narellan NSW 2567
Capital Pipe Relining Pty Ltd	Wollongong	402E Princes Highway Yatte Yattah NSW 2539
Chase'n Hire Pty Ltd	Wollongong	200-206 Parkes Street Helensburg NSW 2508
City Coast Services Pty Ltd	Wollongong	56 Yalwal Road West Nowra NSW 2540
Cleary Bros (Bombo) Pty Ltd	Kiama	39 Five Islands Road Port Kembla NSW 2505
Coates Hire Operations Pty Ltd	Corporate	6 Greenhills Avenue Moorebank NSW 2170
Conplant Pty Ltd	Liverpool	25 York Road Ingleburn NSW 2565
Corish Earthworx And Haulage Pty Ltd	Shoalhaven	2A Kerry Street Sanctuary Point NSW 2540
Dale Farmilo Excavations Pty Ltd	Shoalhaven	178 Camden Street Ulladulla NSW 2539
DI Earthworks & Land Clearing	Bega	29 Loftus Street Bemboka NSW 2550
Donnelly Hire Pty Ltd	Shoalhaven	56 Yalwal Road West Nowra NSW 2540
East Coast Pipe & Civil Pty	Shoalhaven	17 Inlet Avenue Sussex Inlet NSW 2540

CL25.40

Supplier	LG Base	Location
Ltd		
Empire Civil Works	Shoalhaven	270c Princes Highway South Nowra NSW 2541
Eurobodalla Coast Pumpouts	Eurobodalla	100 Cors Parade North Batemans Bay NSW 2536
Exact Excavation & Tipper Hire Pty Ltd	Shoalhaven	238B Hames Road Parma NSW 2540
Garrett's Excavation and Equipment Hire	Shoalhaven	84 Anson Street Sanctuary Point NSW 2540
Hassmore Pty Ltd	Shoalhaven	460 Turpentine Road Tomerong NSW 2540
JAS Wearne Building Services Pty Ltd	Shoalhaven	26 Riverview Road Nowra NSW 2541
Jirgens Civil Pty Ltd	Shoalhaven	38 Trim Street South Nowra NSW 2541
Kennards Hire Pty Limited	Shoalhaven	Unit 1 Building I, 22 Powers Rd Seven Hills NSW 2147
Knowles Constructions Pty Ltd	Shoalhaven	Lot 3 Princes Highway Wandandian NSW 2540
L&T Jervis Bay Tippers Pty Ltd	Shoalhaven	182 Kerry Street Sanctuary Point NSW 2540
Lockie's Earthworks	Shoalhaven	238B Hames Road Parma NSW 2540
Madge Crane Hire Pty Ltd	Shoalhaven	28 Norfolk Avenue South Nowra NSW 2541
Mike's Tree Services Pty Ltd	Shoalhaven	111 Clarendon Crescent St Georges Basin NSW 2540
Milton Ulladulla Water Carters	Shoalhaven	11 Byangee Street Ulladulla NSW 2539
Next Stage Civil Pty Ltd	Shoalhaven	357 Gannet Road Nowra Hill NSW 2540
Pascall Group Pty Ltd	Shoalhaven	243 Turpentine Road Tomerong NSW 2540
Pipe Management Australia Pty Ltd	Liverpool	47 Lancaster Drive Ingleburn NSW 2565
Precision Plumbing & Civil Aus	Shoalhaven	65 Wilfords Lane Milton NSW 2538
Roadworx Surfacing Pty Ltd	Wollongong	35 West Dapto Road Kembla Grange NSW 2526
Sal's Excavations Pty Ltd	Shoalhaven	25B Pepper Road Falls Creek NSW 2540
Sherrin Rentals Pty Ltd	Campbelltown	13 Austool Place Ingleburn NSW 2565
Shoalhaven Earthworks	Shoalhaven	50 Idlewild Avenue Sanctuary Point NSW 2540
Shoalhaven Under Road Boring Pty Ltd	Shoalhaven	554 Sussex Inlet Road Sussex Inlet NSW 2540
Southern Infrastructure & Hire Pty Ltd	Shoalhaven	1810 Princes Highway Termeil NSW 2539

CL25.40

Supplier	LG Base	Location
Sparrow's Civil Works Pty Ltd	Shoalhaven	4 Jamieson Road North Nowra NSW 2541
TJM Haulage & Contracting Pty Ltd	Shoalhaven	12 Victa Way Bomaderry NSW 2541
Total Drain Cleaning Services Pty Ltd	Wollongong	6 Marley Place Unanderra NSW 2526
VC Civil Works Pty Ltd	Shoalhaven	945A Illaroo Road Tapitallee NSW 2540
W & A Bogg Excavations	Shoalhaven	734 Bendalong Road Conjola NSW 2540
Waterboys Projects Pty Ltd	Shoalhaven	257F Gannet Road Bamarang NSW 2540

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

Internal Consultations

The Tender Evaluation Panel comprised key stakeholders from City Services and Shoalhaven Water. The Fleet Management Unit in City Services provided technical advice to evaluate the capacity and suitability of the tendered equipment.

External Consultations

Nil. Internal resources provided the expertise to undertake this tender.

Community Consultations

Current identified suppliers to Council and members of the expired External Plant Hire Panel were notified in writing before the release of the tender. The tender was published on the Council's website and released via the e-tendering portal.

Policy Implications

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

Financial Implications:

The services will be delivered to various projects funded in the 2024/2025 operating and capital works budgets and subsequent years for the duration of the Panel Contract.

Risk Implications

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

CL25.40

CL25.41 Proposed Works in Kind Agreement - Road, Drainage and Open Space - Part Stage 2 and Stage 4, Moss Vale Road South Urban Release Area, Badagarang

HPERM Ref: D25/11571

Department: Strategic Planning

Approver: Lindsay Usher, Acting Director - City Development

Attachments: 1. Proposed WIKA subject land and relevant development consents [↓](#)
2. WIKA proposal summary [↓](#)

Purpose:

The purpose of this report is to seek ‘in-principle’ support for the process of entering into a Works in Kind Agreement (WIKa) with the Owner/Developer of the subject land (the Applicant) for the delivery of road, drainage and public open space required to support development in Stages 2 and 4 of the Moss Vale Road South (MVRS) Urban Release Area (URA), Badagarang.

Summary and Key Points for Consideration:

This report relates to development consents SF10895 and RA21/1003 at Hockeys Lane and Taylors Lane, Badagarang for residential subdivision (281 lots) and associated civil infrastructure and landscaping works.

The applicant, Newquest Pty Ltd, proposes to offset certain development contributions that have been levied for MVRS URA Roads, Drainage and Open Space projects under [Shoalhaven Contributions Plan 2019](#) by delivering the relevant works:

- Shared paths and crossing thresholds, two and a half roundabouts and a section of the URA’s future second lead-in road.
- Two wetlands, one bioretention basin, and one culvert.
- Four public open spaces and associated embellishments.

The proposal also includes the dedication of certain land associated with the above infrastructure to Council at an agreed value per square metre (\$/sqm).

Consistent with Council’s adopted position to not pay ‘surplus value’ ([MIN23.459](#), part 5), it has been agreed that surplus value will not be paid to, or offset other contributions payable by, the applicant.

The applicant intends to modify the design of certain drainage infrastructure and open space areas to align with the proposed WIKa as negotiated. The WIKa can be progressed and finalised while the application is being assessed by Council.

Council staff request delegation to progress and finalise the proposed WIKa, subject to no substantial changes arising from further negotiations.

Recommendation

That Council:

1. Provide ‘in-principle’ support to finalise negotiations and enter into a Works in Kind Agreement (WIKa) with the applicant for the development of part of Stage 2 and Stage 4

CL25.41

of the Moss Vale Road South Urban Release Area (Badagarang) for the following, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding:

- a. The Applicant:
 - i. Constructs shared paths and crossing thresholds, two and a half roundabouts and a section of the future second lead-in road.
 - ii. Constructs drainage infrastructure including two wetlands, one bioretention basin, and one culvert.
 - iii. Constructs four public open spaces (including embellishments).
 - iv. Dedicates certain land for the section of the future second lead-in road associated with 1(a)(i) for the value of \$65/sqm.
 - v. Dedicates land for the section of the future second lead-in road outside of the URA boundary to Council for the negotiated value of \$1.
 - vi. Dedicates certain land for open space associated with 1(a)(iii) to Council for the value of \$65/sqm.
- b. Council:
 - i. Accepts the value of works at 1(a)(i) as an offset to the 01ROAD5145 project contributions for RA21/1003 and SF10895 Stage 1.
 - ii. Accepts the value of works at 1(a)(ii) as an offset to the 01DRAI5006 project contributions for RA21/1003 and SF10895 Stage 1.
 - iii. Accepts the value of works 1(a)(iii) as an offset to the 01OREC6015 project contributions for RA21/1003 and SF10895 Stage 1.
 - iv. Accepts the dedication of the land at 1(a)(iv)(v) and (vi).
 - v. Maintains the approach that cost of works in excess of the contributions levied for RA21/1003 and SF10895 for projects 01ROAD5145, 01DRAI5006 and 01OREC6015 (surplus value) will be funded by the developer and will not be offset or paid in the WIKA.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to finalise negotiations and prepare and enter into the WIKA consistent with the detailed key terms in Part 1 above, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
3. Notify the Applicant of this resolution.

Options

1. As recommended.

Implications: Council staff will finalise the proposed WIKA consistent with the detailed key terms in the recommendation under delegation, subject to no major changes resulting from final negotiations, designs and costings. This will help the subject developments to proceed with minimum delay. The proposed WIKA will result in a positive public benefit through the construction of essential road, drainage and recreation infrastructure earmarked in the Shoalhaven Contributions Plan (CP) 2019. The developments will bring 281 residential lots to the market and progressing this agreement will help facilitate this outcome.

2. Provide 'in-principle' support to finalise the WIKA negotiations and report back to Council for endorsement to enter into the agreement prior to proceeding.

CL25.41

Implications: Council staff will finalise negotiations with the applicant prior to reporting back to Council. This process would provide greater up-front certainty for all parties; however, will likely delay the delivery of the subdivision and new housing lots which is not considered to be a good overall outcome.

3. Adopt an alternative recommendation.

Implications: This will depend on the nature of the alternative recommendation. This is not the preferred option as it may affect the timely delivery of the subdivision and/or the nature and quality of the works provided and incur costs for Council which have not been budgeted.

Background and Supplementary information

Newquest Pty Ltd (the Applicant) is the developer for part of Stage 2 and Stage 4 of the MVRs URA (the subject land), with 281 residential lots are to be delivered through two approved subdivisions (SF10895 and RA21/1003). Refer to **Attachment 1** for more detail.

The development consents require local development contributions to be paid to Council prior to the issue of any Subdivision Certificates. On 6 February 2024, Council entered into a Deed of Agreement with the applicant to 'defer' payment of certain contributions payable on Stage 1 of SF10895 and Stage 1 of RA21/1003 to enable time for a WKA to be entered into. These stages are now complete and have received Subdivision Certificates.

The Proposal

The proposed WKA will enable:

- Construction of part of the URA's second lead in road, dedication of the whole area of this road and payment of associated land value by Council at a rate of \$65/sqm for the section of lead in road within the URA boundary and \$1 for the section of lead in road outside of the URA boundary (Sub-project 1).
- Construction of the north/south shared path along Road 11 (the Collector Road) between Road 01 and Road 22 and east/west shared path along Road 03 (to the east of Road 11) (Sub-project 2).
- Construction of thresholds between the pocket park and the village green and along Road 01 to the west of Road 11 (Sub-project 2).
- Construction of the northern and central roundabouts and construction of the northern half of the southernmost roundabout (on Taylors Lane) along the URA's Collector Road (Sub-project 3).
- Construction of the following within the public open space reserves on the subject land:
 - One bioretention basin.
 - Two wetlands.
 - One underground culvert.
- Delivery of four recreation areas and associated embellishments, dedication of certain land and payment of associated land value by Council for that land at a rate of \$65/sqm.

Attachment 2 contains further detail on these elements.

It has been agreed that any excess cost ('surplus value') will be borne by the applicant and will not be funded by Council. This is consistent with Council's resolution ([MIN23.459](#) part 5) that *'no surplus value payments will be considered for future infrastructure agreements presented to Council, until a review of Council's infrastructure contributions plan and framework is completed, and a new contributions plan is in place'*.

Delegation Opportunities

In accordance with Council's existing [Works In Kind Policy](#), Council may resolve to delegate authority to Council's Chief Executive Officer, or his delegate, to negotiate, enter into and register the agreement, as required.

The proposed agreement has some final negotiation yet to occur, however the key terms outlined above have been agreed to by staff and the proposal is supported in principle. The final costings and designs for roads, drainage and open spaces will be progressed and resolved in time, as required. As such, it is recommended that Council extend delegation to staff to finalise negotiations and prepare and enter into the agreement, unless further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation.

Conclusion

Due to the public benefit resulting from the ultimate construction of the road, drainage and recreation infrastructure, it is considered to be in Council's interest to support the proposal as recommended, finalise negotiations and proceed with the WIKA. It is recommended that no surplus value is paid in accordance with Council's resolution ([MIN23.459](#) part 5)

Internal Consultations

Internal consultation has been undertaken with the following Council stakeholders/sections as part of the review of the proposed WIKA: Works and Services, Development Services and Open Space & Recreation Planning. The comments and recommendations in this report include input from these stakeholders.

In particular, Council's asset strategic planners and asset custodians responsible for ongoing maintenance of the roads, drainage and recreation assets to be delivered through the WIKA have considered the asset cost effectiveness and efficiency, ongoing maintenance costs and serviceability. This review has resulted in the modified open space/landscape plans currently under assessment which have a reduced level of embellishment when compared to the approved plans resulting from the development application. The reduction in embellishment will incur less ongoing maintenance costs to Council and less upfront cost to the applicant than the current approved plans, while providing an acceptable level of service for the recreation needs of future residents.

External Consultations

The proposed WIKA relates to agreed local infrastructure and requires no external consultation with State Government agencies or the like.

Community Consultations

In accordance with Council's Policy on [Works in Kind Agreements](#), no community consultation is required as part of this proposed WIKA. The infrastructure works are generally consistent with Shoalhaven CP 2019.

The development applications/consents and subsequent modifications that relate to the proposed WIKA are separately notified in accordance with Council's Community Participation Plan and Shoalhaven DCP 2014.

Policy and Statutory Implications

The proposed WIKA is being considered in accordance with Council's Policy on [Works in Kind Agreements](#).

Financial Implications

It has been agreed that the excess cost (surplus value) associated with the value of works and land to be delivered as part of the WIKA will be borne by the applicant and not paid by Council or offset against other contributions payable by the applicant. This is consistent with Council's resolution to not pay surplus value (refer to [MIN23.459](#) part 5). This represents significant value for the community and Council.

The land value payments will be wholly covered by the relevant CP projects, with no impact on Council's General Fund.

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

Risk Implications

The road, drainage and open space works and associated land in the proposed WIKA will be delivered at no cost to Council, beyond what is funded in the Contributions Plan. It has been agreed that costs in excess of the project contributions levied on the developments (surplus value) will be borne by the applicant.

Once negotiations have been finalised, the proposed WIKA agreement will be prepared and/or reviewed by Council's legal counsel to ensure any potential risks or liabilities to Council are minimised.

CL25.41

Attachment 1: Proposed Works In Kind Agreement (WIKI) subject land and relevant development consents - Part Stage 2 and Stage 4, Moss Vale Road South Urban Release Area, Badagarang

The land that is the subject of the proposed WIKI is shown at **Figure 1**.

The following development consents have been granted for the subject land:

- **SF10895 (as modified)**: Approved 22 December 2022, for a staged subdivision to create 30 residential lots and the provision of associated civil infrastructure and landscaping. Stage 1 of this approval, shown outlined in red in **Figure 2**, forms part of the subject land (comprising 25 lots). Stage 2, shown outlined in blue in **Figure 2**, is not being delivered by the Applicant and is not the subject of the proposed WIKI.
- **RA21/1003 (as modified)**: Approved 15 March 2023, for a staged subdivision to create 256 residential lots for the balance of the subject land (as shown on **Figure 2**) and the provision of associated civil infrastructure and landscaping.

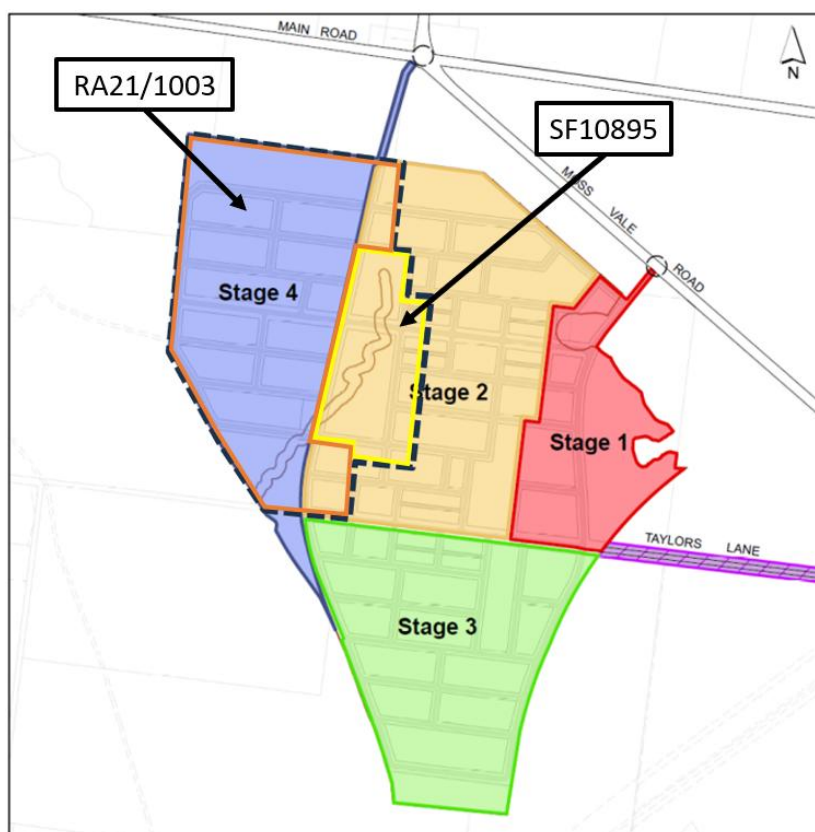


Figure 1: MVRs URA Indicative Staging Plan (extract from Shoalhaven DCP Chapter NB3), the subject land is outlined in black

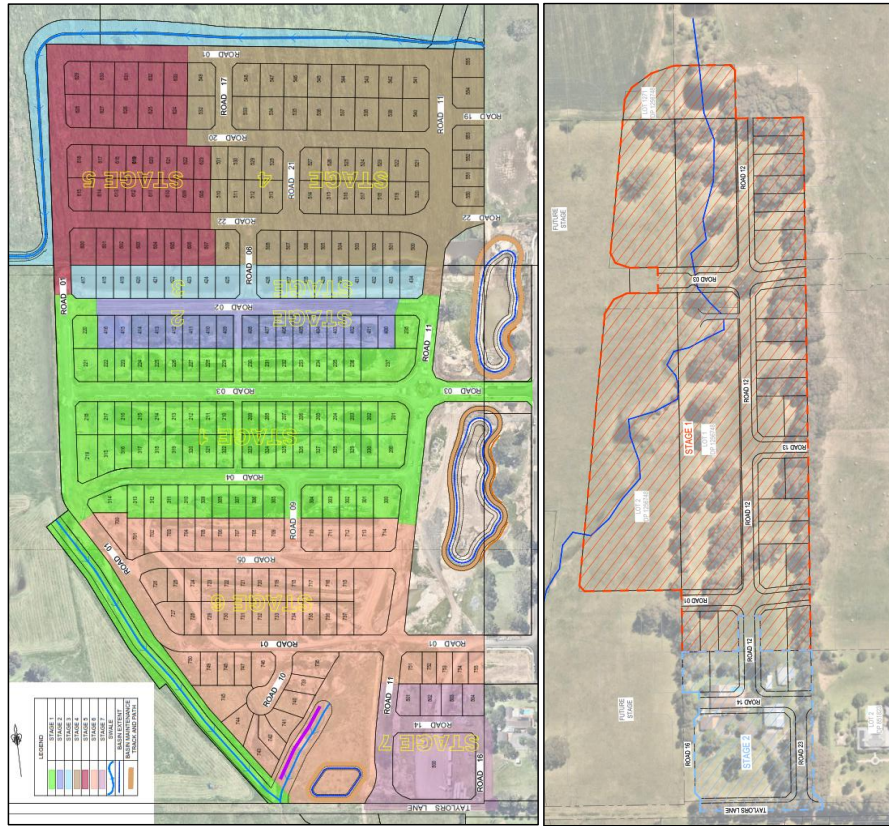


Figure 2: Approved plans for RA21/1003 (left) and SF10895 (right), the subject land for SF10895 (Stage 1) is outlined in red

Attachment 2: Works In Kind Agreement (WIKa) proposal - Part Stage 2 and Stage 4, Moss Vale Road South Urban Release Area, Badagarang

Road Infrastructure

<u>Contribution Project 01ROAD5145</u>	WIKa Proposal
Construction of a second lead in road (including kerb & gutter, passing lane, drainage, lighting), landscaping of median and payment of associated land value by Council at a rate of \$65/sqm (Sub-project 1, refer notation '1' on Figure 1).	<p>The construction of the second lead-in road is generally as per the CP.</p> <p>Payment for the section of the lead-in road located within the URA boundary (1,623sqm, subject to survey) has been negotiated to be paid at a rate of \$65/sqm, as per the CP, for a total of approximately \$105,495. The cost of the land will not be offset against 01ROAD5145 project contributions relating to RA21/1003 and SF10895 as land cannot be offset in a WIKa. There is sufficient funding available in the CP to make payment for the land.</p> <p>As part of the WIKa negotiations, it has been agreed that the Applicant will dedicate the land for the section of lead-in road that is outside the URA boundary (2,907sqm) to Council for \$1. This section of the lead-in road will not be constructed at this time as funding for the design and delivery of the road's intersection with Moss Vale Road / Main Road is first required and has not yet been obtained. The intersection involves a State controlled road and is therefore not able to be captured in the CP.</p>
Construction of north/south shared path along Road 11 (the Collector Road) between Road 01 and Road 22 and east/west shared path along Road 03 (to the east of Road 11). Construction of thresholds between the pocket park and the village green and along Road 01 to the west of Road 11. (Sub-project 2, see notation '2' on Figure 1).	<p>Construction is generally as per the CP.</p> <p>Part of the shared paths have already been constructed and dedicated to Council as part of completed Stage 1 SF10895 and Stage 1 RA21/1003.</p>
Construction of the northern and central roundabouts and construction of the northern half of the southernmost roundabout (on Taylors Lane) along the URA's Collector Road (Sub-project 3, see notation '3' on Figure 1).	<p>Construction is generally as per the CP.</p> <p>The central roundabout has already been constructed and dedicated to Council as part of completed Stage 1 RA21/1003.</p> <p>The northern half of the southernmost roundabout (on Taylors Lane) will be constructed by the Applicant. The southern half of this roundabout is to be completed as part of future development of the land south of Taylors Lane, located outside of the subject land.</p>

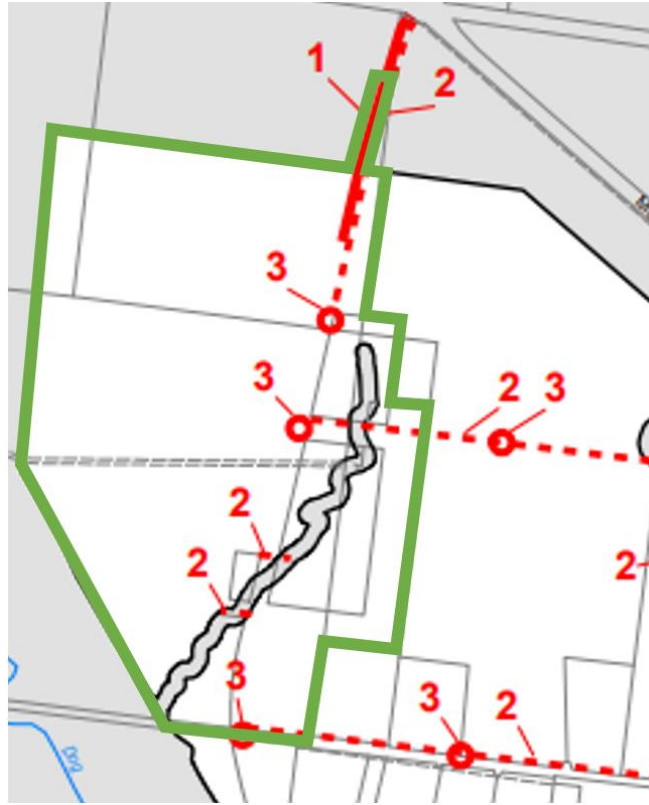


Figure 1: Contributions Project 01ROAD5145 road infrastructure locations, subject land outlined in green

Drainage Infrastructure

Contribution Project 01DRAI0005	WIKI Proposal
<p>Construction of the following within the public open space reserves on the subject land:</p> <ul style="list-style-type: none"> • Four bioretention basins • One wetland • Three swales <p>Payment of land value associated with two of the bioretention basins by Council at a rate of \$65/sqm.</p>	<p>The drainage infrastructure approved under RA21/1003 does not wholly align with the drainage infrastructure provisioned in CP Project 01DRAI0005, however, it is consistent with the intent of the CP and meets the requirement of being reasonable and “Efficient in design” as described by the Independent Pricing and Regulatory Tribunal (IPART).</p> <p>The approved DA plans include two wetlands and one bioretention basin and one swale. This was an outcome negotiated between Council and the Applicant in the assessment of the DA.</p> <p>The Applicant will modify the approved drainage infrastructure to replace the swale with an</p>

	<p>underground culvert to align the approved DA plans with the negotiated position for the WIKA.</p> <p>The locations of the infrastructure proposed to be delivered as part of the WIKA are shown on Figure 2 (Wetlands A and B, Bioretention Basin and the portion of culvert circled black). This represents a more cost effective design for Council to maintain and enables more of the land to be used for recreation.</p> <p>Council has already acquired all of the relevant land upfront under the Low Cost Loan Program. Thus, associated land acquisition is not part of the proposed WIKA.</p>
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Figure 2: Location of drainage infrastructure Wetland A, Wetland B, Bioretention Basin and the portion of culvert circled black

Recreation Infrastructure

Contribution Project 01REC6015	WIKI Proposal
Delivery of four passive recreation areas and associated embellishments.	<p>The WIKI proposal generally aligns with the CP and will provide the following (as shown on Figure 3):</p> <ul style="list-style-type: none"> • Northern open space: pathways including a walking track circumnavigating Wetland A, post and rail perimeter fencing, turfed areas and a variety of plantings. • Central east open space: pathways including a walking track circumnavigating Wetland B, a 'village green', a shade shelter and picnic table, a pad area for the shade shelter and a potential future adjoining shade shelter, play equipment, conduit and GPS coordinates for potential future provision of BBQs / taps, post and rail perimeter fencing, turfed areas and a variety of plantings. • Central west open space: turfed open space area with perimeter plantings. • Southern open space: turfed open space area, perimeter plantings and post and rail fencing around the bioretention basin (located at the southern end of the open space). <p>In light of council's current financial constraints and resolved position to not pay surplus value on WIKAs (MIN23.459 part 5), the approved DA plans have been reviewed and are proposed to be modified to reduce embellishments, as negotiated between Council and the Applicant for the WIKI. This will reduce ongoing maintenance costs for Council and the excess cost (surplus value) borne by the Applicant, while providing an acceptable standard of embellishment for residents of the URA. The design will provide for future upgrades by Council if/when funds become available.</p>
Payment of land value associated with the four recreation areas by Council at a rate of \$65/m ² .	<p>Council has already acquired most of the land in the URA upfront under the Low Cost Loan Program. Due to the final subdivision and road design, a small amount of additional land (approximately 1,878.1m² subject to survey) will be added into the open space reserves (refer Figure 3)</p> <p>This additional land forms part of the proposed WIKI and has been negotiated to be acquired by Council at a rate of \$65/m² for a total of approximately \$121,621.50 (subject to survey). The cost of the land will not be offset against 01REC6015 project contributions relating to RA21/1003 and SF10895 as land cannot be offset in a WIKI. There is sufficient funding available in the CP to make payment for the land.</p>



Figure 3: Indicative amended landscape plans with additional land to be dedicated to Council as a result of final approved road widths shown outlined in purple

CL25.42 Shoalhaven Family Day Care - Service Review - Future Direction

HPERM Ref: D25/38204

Department: Cultural & Community Services

Approver: Lindsay Usher, Acting Director - City Development

Purpose:

The purpose of this report is to present the findings of the Shoalhaven Family Day Care (SFDC) service review conducted under the financial sustainability project and provide Council with options to consider for the future of Shoalhaven Family Day Care.

Summary and Key Points for Consideration:

A service review of Shoalhaven Family Day Care (SFDC) was conducted in 2024, as part of Council's financial sustainability project. The focus of the service review was to explore options to reduce the service's annual operating deficit, which was \$96,000 in the 2023/24 financial year.

Shoalhaven City Council has been operating SFDC since 1980. SFDC currently provides a coordination service for 23 active Family Day Care educators. Educators are self-employed and operate as small business owners. The service provided by SFDC includes the registration, monitoring and support of Family Day Care Educators and families. Family Day Care coordination is also provided by private and not-for-profit operators, however SFDC is currently the largest provider in the Shoalhaven.

Over the last five years, the service has experienced a growing annual operating deficit that can largely be attributed to:

1. SFDC has experienced challenges in recruiting educators to the required level for the service to be cost neutral, in spite of significant efforts to grow the service.
2. The federal government discontinued financial support to Family Day Care services.

This has been compounded by the impacts of natural disasters and the COVID pandemic.

The service review considered:

- Strategies to grow income, through increasing the number of active educators
- Mechanisms to reduce annual operating costs, through reducing Council staff supporting the service to the minimum-required ratios (defined through legislation)
- Consideration of alternative delivery models for the provision of Family Day Care coordination and explore options to transition out of the service.

This report explores the options as outlined above.

Recommendation

That Council:

1. Recognise the importance of childcare in the Shoalhaven and thank current and past educators with Shoalhaven Family Day Care for their dedication in supporting Shoalhaven families and children.

CL25.42

2. Recognise that the provision of Family Day Care coordination in the Shoalhaven can be delivered through other Family Day Care providers, and there is no legislated requirement for Council to deliver this service.
3. Commences the necessary steps to support and transition current Shoalhaven Family Day Care educators into another service.
4. Notes the financial sustainability outcome achieved through transitioning out of the Family Day Care service is an ongoing benefit to Council of \$90,000 per annum.
5. Commences the necessary communications with educators and families that use the Shoalhaven Family Day Care service to prepare them to transition to a new provider.
6. Immediately commence the necessary communications with relevant staff in line with the Local Government Award requirements.

Options

1. Transition educators to another provider. Educators will be supported to transition to another Family Day Care (FDC) provider, minimising disruption to families. Once educators are fully transitioned to other providers, the SFDC service will cease.

Implications: Educators will be supported to move to an alternative provider. Consultation has taken place with some alternative providers who are willing to consider enrolling SFDC educators with their service. Once all educators have been placed with an alternative provider, Council will surrender its licence to operate FDC, and the service will close.

This option will result in a number of Council staff involved in the operation of SFDC being displaced and potentially eligible for redundancy. This option will remove Council's financial and governance risk exposure and release the person with Management or Control (currently Manager - Community Connections) of any personal liability.

This option will result in a direct ongoing benefit to Council's general fund of approximately \$90,000 per annum. This option also provides potential income opportunity through the lease of the purpose-built childcare facility, currently occupied by SFDC.

2. Increase income by recruiting educators. Educators need to reach a minimum of 31 active educators to break even.

Implications: Given the focused recruitment activities already undertaken in the past few years, the likelihood of recruiting and maintaining the minimum educators required to provide a cost neutral service is considered to be low based on the last five years trends. However, since November, there have been positive signs with 4 enquiries from potential FDC educators being received.

This option will require the service to continue to be subsidised by Council whilst additional recruitment activities are undertaken. There is potential for current labour shortage issues within the Early Childhood Education and Care sector to be alleviated in some measures by Australian Government initiatives to increase early childhood educators.

The estimated financial result of this option would be an annual loss of up to \$90,000.

3. Reduce SFDC operating deficit through a reduction in Council staff to new minimum requirements (due to legislation changes).

CL25.42

Implications: As of 1 July 2023, the National Quality Framework (NQF) has altered its requirements, so that SFDC is now required to have 1 full time equivalent (FTE) Coordinator for every 25 educators, rather than 1 FTE Coordinator for every 15 educators. This provides an opportunity to reduce the Child Development Coordinator staffing footprint of SFDC to 1 x FTE coordinator at the current educator numbers which could reduce the staffing establishment by 0.6 FTE.

At current educator numbers, this option will result in a decrease in annual deficit to approximately \$40,000. By reducing the staffing costs, the number of educators required to reach a breakeven point will reduce to 27.

4. Cease service with no transition support (not recommended).

Implications: If Council make the decision to close the business, there is a minimum notification period of 42 days (six weeks), to the Department of Education.

This option has the most potential for detrimental reputational risk. As educators would not be supported to find alternative providers, this could result in educators having to close for a period of time as they register with a new provider. This will have impacts on families as their children will be unable to receive care until the educator's registration is completed.

This option will result in a number of Council staff involved in the operation of SFDC being displaced and potentially eligible for redundancy.

The estimated financial result of this option is similar to option 1, with an earlier breakeven point due to exiting the service more quickly. This option is not recommended by staff due to adverse community, educator and reputational impacts.

Background and Supplementary information

Overview of Shoalhaven Family Day Care

Shoalhaven City Council has operated Shoalhaven Family Day Care since 1980 (45 years) and is the largest Family Day Care service in the Shoalhaven.

Family Day Care (FDC) is a home-based education and care service for children aged from six weeks through to 12 years. FDC is a significant element of Early Childhood Education and Care (ECEC) in Australia that responds to parents' desire for a 'home-based' and 'family-like' environment for their children.

FDC educators operate as small business operators and provide a service in their own premises. The educator role is to provide education and care to children within their homes. An educator can provide care for four children under school age and an additional three school age children at any one time. Days of opening and hours are flexible and can be chosen to suit the educator. Most educators work four days per week.

As of February 2025, SFDC has 24 educators registered with the service and 23 currently providing care to 186 children from 154 families.

Current operation

To oversee the operation of SFDC, Shoalhaven City Council employs 3.6 FTE qualified staff who form the Co-ordination Unit. Central to the operational functioning of SFDC, the Coordination Unit are the point of contact, registration, referral, resourcing, monitoring and support for parents and educators. The team work in a close partnership with educators to ensure they uphold organisational values and meet requirements set by government legislation. They play an essential role in monitoring and regulating service delivery, and in supporting educators and their businesses, and ensuring the safety and wellbeing of children and families. Coordination Unit activities include:

- Annual compliance inspections – to ensure compliance of each Family Day Care Service against the Education and Care Service National Regulations and SFDC policies and procedures.
- Home visits for support and monitoring – at least monthly, including scheduled and unannounced visits.
- Education program monitoring and mentoring – individualised visits and support from Educational Leader.
- Set-up support – assistance setting up business with advice and support with documentation and registration.
- Professional development for educators – learning opportunities at no cost to educators, as well as training, professional development plans, training and self-assessment.
- Promotion and marketing – promote the service to families and potential educators, active social media profile.
- Play and learning resources – Larger group play sessions, support for excursions, toy and book library
- Administration and finance – process payments and all enquiries and procedures for enrolments and waiting list.
- Management of policies and procedures – staying current with new and amended regulations and legislation.
- Mediation – maintain parent relationships through any concerns or grievances.

Need for service

Currently, demand for FDC services far exceeds supply. All FDC educators in Shoalhaven Family Day Care are operating at capacity, and there is a sizeable waiting list. The waiting list for childcare has been over 300 since 2021.

There is significant need across the Shoalhaven for access to quality childcare. In research conducted by the Mitchell Institute, neighbourhoods classified as a ‘childcare desert’ were identified. A childcare desert is a populated area where there are more than three children per childcare place, or less than 0.333 places per child aged four or under.

Shoalhaven LGA has several areas labelled as a childcare desert:

- Ulladulla Region
- Berry - Kangaroo Valley
- Culburra Beach
- Tomerong - Wandandian – Woollamia
- Sussex Inlet – Berrara
- St Georges Basin - Errowal Bay

There are two privately owned Family Day Care services that operate within the LGA. Neither is based in the Shoalhaven. The addition of these private, for-profit Family Day Care services has led to increased competition in FDC providers which gives educators greater choice in registering with a provider. Shoalhaven However, Shoalhaven Family Day Care remains the largest single provider for Family Day Care in the LGA.

There are currently no other not-for-profit FDC providers operating in the Shoalhaven, however providers based in neighbouring LGA's engaged during this process indicated a strong interest in supporting SFDC educators to transition to their service (details provided in the External Consultations section of this report).

If Shoalhaven City Council chooses to exit the FDC service with a supported transition, educators and families can receive the same coordination service from another provider with minimal disruption, maintaining existing childcare supply levels.

There is also a likely positive impact on the financial sustainability of the remaining FDC providers in the region, as recruiting and retaining quality educators is essential to the success of these businesses.

Industry Challenge – shortage of educators

The broader early childhood education and care sector are in the midst of a workforce crisis. Already an emerging issue pre-COVID, workforce challenges post-COVID are undeniably the primary challenge facing the broader Early Childhood Education and Care sector. The significant impact of COVID on Family Day Care operations, viability and life more broadly, have placed immense pressure on educators and services, and has created a static educator recruitment environment.

The impact of the industry shortage of educators has had a huge impact on FDC. Nationally, the number of FDC services has reduced significantly across Australia since 2018 and are continuing to decline. According to the December 2023 ACCC Childcare Inquiry report, Family Day Care reduced from 518 services in 2018 to 402 services in 2023. Labour shortages are particularly pronounced for services in remote areas of Australia and in respect of educators working in Family Day Care and in home care services.

Locally, in the surrounding areas, in the last two years, two FDC services have closed due to lack of financial sustainability brought on by educator shortages. These include Shellharbour Kiama FDC (committee run) and Wingecarribee FDC (Council managed). Most regional FDC services have seen a reduction in educators over the past few years for example Kempsey FDC has dropped from 30 to 20 educators. Goulburn FDC (supported by Anglicare) is currently operating with just five educators. SFDC has seen a drop in educators, consistent with the national and regional trend.

Industry Challenge – educator set-up costs

Although set up costs for Family Day Care are much lower compared to centre based day care, there are still significant costs for educators when setting up their Family Day Care business. These upfront costs incurred by educators may deter entry into the Family Day Care sector, especially since costs of this nature are not incurred as an educator in other childcare sectors such as centre based day care.

In addition to financial costs there are other challenges to setting up a Family Day Care business. There are impacts on the family home where the home and outdoor areas become the care environment. There are ongoing costs to meet regulatory requirements for running a Family Day Care service. The Australian Competition and Consumer Commission (ACCC) Childcare Inquiry found that increasing requirements and associated costs of complying with regulatory requirements has contributed to the decline in Family Day Care educators.

Industry challenge – less favourable funding environment

Federal funding was historically provided to FDC services through the Community Child Care Fund. This funding ceased for SFDC in the 20/21 financial year. With new criteria for funding introduced, SFDC did not meet the eligibility criteria under this program. The loss of funding, coupled with a decline in educators has placed financial stress on the service.

Internal Consultations

The outgoing Council of 2024 was consulted on the Shoalhaven Family Day Care service review options through a Councillor workshop in June 2024. The matter was then brought to a Councillor Briefing to the incoming Council in November 2024.

The current Nominated Supervisor for SFDC has been consulted and informed that the final decision on the future of SFDC would be made by the incoming Council. Staff at SFDC have been directed to pause recruitment and maintain the service as it is - not increasing educator numbers over 25 active educators.

Staff at Shoalhaven Family Day Care have been informed of this report being submitted to Council and are aware that the outcome of this report may have an impact their employment. Formal consultation with staff about a possible service closure has not yet occurred.

External Consultations

To understand the possible implications of transitioning educators to another provider, staff have consulted with the following alternative Family Day Care providers:

Illawarra Family Day Care

Illawarra Family Day Care have indicated that they would be willing and have capacity to enrol all the SFDC educators into their service. They have also indicated, that because they currently do not have a presence in the Shoalhaven, they would also be willing to consider employing some of the existing SFDC staff to continue to work with the educators in the service.

A meeting took place with the Illawarra Family Day Care service on 22 January 2025 to ensure that the services were compatible: to understand how the funding and fees and charges differed between the services; and to get a clear understanding of the implications to educators to transferring into this service.

Illawarra Family Day Care would be willing to waive their enrolment fees for educators that decide to move to their service. Other fees and charges are comparable to the fees charged by SFDC. Council could also share the required enrolment documents (with educator consent) with Illawarra Family Day Care to remove some of the administrative burden of changing service provider. Educators would be required to have a new NSW Police Check completed at their expense.

Eurobodalla Shire Council (ESC)

ESC were engaged on 17 December 2024 to understand if their Family Day Care service was able to consider taking on educators from the south of the Shoalhaven. ESC's Division Manager for Community Development commented that they would certainly be interested in taking on some of the educators in the Southern part of the Shoalhaven LGA.

Cullunghutti Aboriginal Children and Family Services

Council staff have reached out to Cullunghutti Aboriginal Children and Family Services explore their interest in expanding their service provision to include a Family Day Care service. A meeting has been scheduled for Thursday 6 February. Due to the timing of the report, it is not possible to include the outcome of the meeting in this report.

Central Shoalhaven Mobile Preschool

The Central Shoalhaven Mobile Preschool have also been consulted and asked if they might consider providing an alternative model to childcare provision. To date, no response has been received.

Other providers

Due to concerns about information getting out to educators early, Council staff will be consulting with local 'for profit' schemes once this report has been made public. Should Council choose to proceed with Option 1, other services will be consulted.

All services that express an interest, will be invited to provide an online / in person information session so that current educators can make an informed decision about which educator that they may wish to sign up with.

Community Consultations

Council staff have called a meeting with Family Day Care educators to inform them that this report will be presented to Council at the 18 February 2025 Ordinary Meeting. This meeting is scheduled to take place on 12 February 2025.

The meeting provides an opportunity for staff to share the outcomes of their investigations into alternative providers which can be found in the section above 'External Consultations'.

Due to this meeting occurring a few days prior to the report being published in the business paper, the outcome of the meeting is not included in this report.

Should Council decide to no longer provide a FDC service, the following additional stakeholders will be engaged and informed of the decision, including how Council plans to exit from the industry, while not disadvantaging families or educators.

- Parents and families (service users)
- Educators
- Parents and families on the waiting list

Policy and Statutory Implications

Legislative framework

SFDC operates under the following legislative framework:

- [The Education and Care Services National Law 2011](#) and
- [The Education and Care Services National Regulations](#).

The National Law and Regulations guide the [NQF](#) and is jointly funded by the Australian Government and State and Territory governments. The Australian Children's Education and Care Quality Authority ([ACECQA](#)) oversees the system. This sits within the NSW Government Early Childhood Education Directorate within the NSW Department of Education.

If Council chooses to exit the service, Council will need to export all historical SFDC data which is currently stored in the Harmony Web System (Family Day Care management portal) and store for between 3 and 25 years (45 years is suggested as best practice) to ensure compliance with the child safe legislation. Child Care Subsidy (CCS) payment information needs to be kept for seven years.

Policy implications

All policies and procedures specific to SFDC are unique to that part of the business and have therefore not been reported to Council, nor appear on the policy register. All SFDC policies and procedures are required under legislation and can be checked by the Department of Education using spot visits and Assessment and Rating (A&R).

If Council decide to no longer deliver a Family Day Care service, all policies will be rescinded following the closure of the service and archived.

Financial Implications

SFDC is a high-quality service meeting all National Quality Standards.

However, due to declining educator numbers and a less favourable funding environment, the cost to Council to provide a family Day Care service has been growing over the last few years.

Table 1: SFDC financial performance

	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25 Forecast with 23 Educators
Income	\$1,450,858	\$1,373,522	\$1,111,793	\$1,141,802	\$1,099,574	\$1, 238,283	\$1,530,302
Expenditure	\$1,448,541	\$1,356,048	\$1,180,306	\$1,212,492	\$1,187,775	\$1,335,269	\$1,621,196
Profit / Loss	\$2,316.95	\$17,474	-\$68,512	-\$70,690	-\$88,201	-\$96,986	-\$90,895

Table 2: Annual educator numbers and funding received

Key impact	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	Current – Feb 2025
Funding support received	Yes*	Yes*	Yes*	No – fees raised	No	No	No
Registered Educators (average)	39	35	33	28	25	26	24 >
Active Educators (average)	36	29	28	26	22	23	23 >
Notes about Educator numbers	Similar to numbers for the service since 2015/16	Fell below break even due to loss of educators through COVID and bushfires	Unable to recruit sufficient educators	Unable to recruit sufficient educators	Unable to recruit sufficient educators	Unable to recruit sufficient educators	Directed in June 2024 to cap recruitment – 4 current enquiries

*Federal funding was available until 2017/18, and SFDC was successful in receiving Community Support Program funding for 3 financial years between 2018/19 and 2020/21.

> Educator figures for 2025 are as at February and are not averages across the financial year.

Despite the significant recruitment efforts of SFDC, the educator numbers have continued to trend downwards since 2015/16.

If Council chooses to continue running a FDC service, it should do so with the knowledge that the service will require an ongoing subsidy from the general fund.

Risk Implications

Option 1 - Transition educators to another provider. Educators will be supported to transition to another FDC provider, minimising disruption to families.

- Risk of minor service disruption: the transition could provide some disruption for educators and families requiring care. This has a reputational risk to Council. To mitigate this, Council staff have had discussions with other Family Day Care providers who would be willing to consider transferring the SFDC educators en masse, into their service. If this outcome is achieved, it will mean little to no interruption to service and that educators will be able to continue to operate and that families will be able to continue to receive care for their children.
- Risk of major service disruption – SFDC staff must be retained during the transition to ensure the legislated minimum staffing ratio is maintained. Should SFDC be in a position where the nominated supervisor or coordinators leave the service early, SFDC could be in breach of legislation and the service will cease with immediate effect.

Option 2 - Increase income by recruiting educators. Educators need to reach a minimum of 31 active educators to break even.

- Financial risk: there is a high probability that this option continues to deliver the same financial outcome to Council, due to the difficulties experienced with recruiting and retaining active educators. Until SFDC reaches 31 educators, the service will operate at a loss (estimated at \$90,000 per annum).
- Financial and administration risk: starting from January 1 2026, Family Day Care providers will be required to collect gap fees directly from families, rather than having educators collect them. The 'gap fee' is the difference between the fee charged by the Educator and the Child Care Support payment. Council would then be responsible for collection of this gap fee and in-turn paying the Educator their portion less any costs charged by us. This will increase Council's administrative workload and may require additional administrative resource to support the billing process. In addition, Council will now hold the risk of late or non-payment from families, and this change creates a debt liability for Council.
- Compliance risk: the CEO is the approved provider for SFDC, with day-to-day operational responsibility for the service delegated through the Director – City Development to the Nominated Family Day Care Supervisor. The Education and Care Services National Regulations, under the Education and Care Services National Law 2011 and the National Quality Framework in 2012, brought with it penalties that can be applied to the Approved Provider as an entity and personally. The penalties range from \$200-\$200,000 depending on the offence.

Option 3 - Reduce operating deficit through a reduction in SFDC staff to new minimum requirements (due to legislation changes).

- Financial risk: under this option, the SFDC business continues to operate at a loss subsidised by Council (estimated at \$40,000 per annum).
- Financial and administration risk: starting from January 1, 2026, Family Day Care providers will be required to collect gap fees directly from families, rather than having

educators collect them. The 'gap fee' is the difference between the fee charged by the Educator and the Child Care Support payment. Council will now be responsible for collection to gap fee and then paying the Educator their portion less any costs charged by us. This will increase Council's administrative workload and may require additional administrative resource to support the billing process. In addition, Council will now hold the risk of late or non-payment from families, and this change creates a debt liability for Council.

- Compliance risk: the CEO is the approved provider for SFDC, with day-to-day operational responsibility for the service delegated through the Director – City Development to the Nominated Family Day Care Supervisor. The Education and Care Services National Regulations, under the Education and Care Services National Law 2011 and the National Quality Framework in 2012, brought with it penalties that can be applied to the Approved Provider as an entity and personally. The penalties range from \$200-\$200,000 depending on the offence.

Option 4 - Cease service with no transition support (not recommended).

- Reputational risk: educators will not be supported to find alternative providers. This could result in educators having to close for a period of time as they register with a new provider. This will have further impacts on the families as their children will not be receiving care.

CL25.43 Policy Review - Building Over Water / Sewer Pipelines Policy

HPERM Ref: D25/28651

Department: Water Business Services

Approver: Andrew McVey, Acting Director - Shoalhaven Water

Attachments: 1. Revised Policy - Building Over Water / Sewer Pipelines [↓](#)

Purpose:

The review of all Public and Local Approval Policies has been the practice of each newly elected Council. This report will propose that Council consider and reaffirm the attached Policy.

Summary and Key Points for Consideration:

The attached Policy has been reviewed and updated with minor edits in wording, definitions and legislation references the changes proposed do not change the original policy intention.

Recommendation

That Council reaffirm the Building over Water/Sewer pipelines Policy with minor changes and additions.

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency and clarity. There are no significant changes.

2. Not adopt the recommendation.

Implications: Council can request further detail, seek further community input or make other changes.

Background and Supplementary information

The Policy attached to this report has been marked up with the proposed changes for consideration and adoption by Council and a summary of the changes to the policy are as follows:

Building Over Sewer/Water Pipelines Policy

- Addition of “Zone of Influence” definition
- Updated list of related legislation, policies and documents
- Addition of a Risk table

Changes also include minor editing, rewording and formatting of the policy and updating to the new policy template.

Internal Consultations

Key staff within Shoalhaven Water have been consulted and provided feedback on the changes proposed, No formal internal consultation across Council was conducted as the responsibility and application of the two policies are the responsibility of Shoalhaven Water.

External Consultations

No external consultation has been conducted as part of the review of these policies as no significant changes have been proposed in the review of this existing Policy.

Community Consultations

No community consultation has been conducted as part of the review of these policies as no significant change has been proposed.

Policy and Statutory Implications

Policy included in this report is proposed for reaffirmation, the nature of the changes are considered minor and therefore have no implications or deviation from the intent of the existing approved policies.

Financial Implications

No financial implications have been identified from the proposed changes.

Risk Implications

As no significant changes have been proposed there is no change to the current risk implications of this Policy.



Building Over Water/Sewer Pipelines Policy

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Next Review Date: 01/12/2024
Related Legislations:
Associated Policies/documents:
Responsible Owner:
Record Number: POL24/142



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Contents

1	Policy Purpose.....	3
2	Objectives.....	3
2.1	Policy Statement.....	3
3	Definitions.....	3
4	Roles and Responsibilities.....	4
4.1	Provisions.....	4
4.1.1	Restrictions.....	4
4.1.2	Exemptions.....	4
4.2	Implementation.....	5
5	Related Legislation, Policies or Procedures.....	5
6	Risk Assessment.....	5
7	Data and Reporting.....	7
8	Monitoring and Review.....	7
9	Ownership and Approval.....	7

Deleted: 1 Policy Purpose 3¶
2 Objectives 3¶
2.1 Policy Statement 3¶
3 Definitions 3¶
4 Roles and Responsibilities 4¶
4.1 Provisions 4¶
4.1.1 Restrictions 4¶
4.1.2 Exemptions 4¶
4.2 Implementation 5¶
5 Related Legislation, Policies or Procedures 5¶
6 Risk Assessment 5¶
7 Data and Reporting 5¶
8 Monitoring and Review 6¶
9 Minor Amendments 6¶
10 Ownership and Approval 6¶
10.1 Public Policy 6¶



1 Policy Purpose

This policy document has been prepared as guidance for proposed development/s where approval is required from Shoalhaven Water for building over or adjacent to Council's gravity sewer pipes, pressure sewer pipes and water pipelines. The implementation of this policy will ensure that Council's assets are protected, and adequate clearance is provided to those assets for operation and maintenance.

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2 Objectives

2.1 Policy Statement

Shoalhaven Water's (SW) first position is that structures are not constructed over, or close to sewers, water pipelines or within Easements.

Applications for construction adjacent to and/or over SW's assets or within easements that are in favour of Shoalhaven City Council will only be considered if it can be clearly demonstrated that the applicant has investigated all other options for development. The applicant/developer/designer must give due consideration and/or care to protect Council's water and sewer assets and ensure access for operation and maintenance purposes.

SW will treat each application on its merits, but it should not be assumed that consent for construction over or near the sewer will be automatically granted.

No construction will be permitted over water pipelines or within the easements for water pipelines.

3 Definitions

Term	Meaning
<i>Building over sewer</i>	means the erection of a structure over or within the zone of influence of a sewer.
<i>Easement to drain sewage</i>	means a legal entitlement placed over a parcel of land for the purposes of the provision, operation and maintenance of sewer infrastructure
<i>Easement for Water Supply or Easement over Line of Pipes</i>	means a legal entitlement placed over a parcel of land for the purposes of provision, operation and maintenance of water supply infrastructure
<i>Encasement</i>	means the protection of a sewer pipe by encasing all around with concrete to SW standards
<u>Zone of Influence</u>	<u>Area of ground around SW assets if built within or over, could cause undue loading on the asset and cause damage</u>



	<u>of the asset and surrounding soil or reduce access for maintenance and repair of the asset.</u>
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4 Roles and Responsibilities

4.1 Provisions

4.1.1 Restrictions

Structures will not be permitted to be built over and/or in close proximity to the following:

- Critical water and sewer assets, sewer rising pipes or pressure sewer pipes (generally all sewer pipes of greater diameter than 150mm pipes and/or assets deemed to be excessively deep i.e., greater than 3.0m), as determined by SW.
- Concrete pipes, asbestos cement pipes, vitreous clay pipes. However, if local conditions permit, these pipes can be replaced with alternative pipe types, subject to approval by SW. In most circumstances SW will provide the replacement pipe for sewer assets which are approved for concrete encasement, or which are to be replaced as part of the approval. Water supply pipes will not be replaced by Shoalhaven Water.
- Any pipes that, in the opinion of SW, is in poor condition. Exposing of the pipe so that it may be inspected by the SW and, if necessary, repaired or replaced, may be a requirement.
- Any water and sewer assets where sufficient clearances cannot be achieved (For further details see WSAA's NSW Regional Water and Sewer Supply Codes and or Shoalhaven Waters "Building over and adjacent to assets technical guide")
- Sewer manholes, lamp holes, sewer maintenance shafts, surface fittings, pressure sewer units and sewer junctions where sufficient clearances cannot be achieved. These structures enable ventilation of the sewer and provide access for maintenance, operations and inspections. (See Shoalhaven Waters "Building over and adjacent to assets technical guide" for further details)
- Sewers and or water supply assets in water charged ground unless normal building over asset precautions can be taken and approved by Shoalhaven Water.
- Where access to adjacent land is required to undertake the works and access to enter is NOT granted by the adjacent landowner.
- Construction within 5 metres of a water pipeline must consider operational and maintenance matters and risk to Council's water assets.
- Encasement of water pipelines are not permitted under any circumstances.

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4.1.2 Exemptions

Some lightweight structures may be exempt from certain conditions set down in this policy, as noted below:

- a) If the proposed structure/s are approved by Council as readily demountable and can be easily dismantled by the owner at their own risk and expense, at any time, as requested by Shoalhaven Water. The applicant may need to provide information confirming the above.
- b) If the proposed structure/s do not place a superimposed load on the asset and do not prevent reasonable access to the assets either at the stage of construction or in the foreseeable future (owing to alteration of the structure).
- c) Small retaining walls where:
 - maximum soil retaining height of 600mm (as determined as an “exempt development” by Shoalhaven City Council), and
 - sewer pipe is not classified as critical, and
 - sewer depth is greater than 1200mm, and
 - sewer is in soil with zone of influence of 1H:1V.
- d) Driveways, however:
 - where it will be impacting Stop valves, Hydrants, service connection points of opposite lots, and Sewer maintenance structures. SW should be contacted immediately for appropriate action.
 - where clearance between underneath the slab and the SW asset is not achieved as per the Shoalhaven Waters “Building over and adjacent to assets technical guide” and Water Services Association of Australia NSW Regional Water Supply and Sewerage Codes, SW should also be contacted

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In general, each case will be assessed on its merits after lodgement of a Development Application/Certificate of Compliance with consideration being given (but not limited to) the loads imposed on the assets, access to the assets, and the criticality of the asset.

For more technical guidance regarding building over or near Councils assets please refer to Shoalhaven Waters “Building over and adjacent to assets technical guide”

4.2 Implementation

The Water Asset Planning & Development Section of Shoalhaven Water has responsibility to implement this policy.

5 Related Legislation, Policies or Procedures

This policy should be read in conjunction with the following documents

- [Water Management Act and Regulations](#)
- [POEO Act](#)
- [EP&A Act](#)
- Shoalhaven Waters “Building over and adjacent to assets technical guide”
- Water Services Association of Australia NSW Regional Water Supply Code,
- [Water Services Association of Australia NSW Regional Gravity Sewerage Code](#)

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6 Risk Assessment

<u>Risk Category</u>	<u>Risk</u>	<u>Notes</u>
<u>Reputation</u>	<u>Failure to manage structures being built over or near water and sewer pipes could result in safety incidents, soil contamination, or delays. This could result in negative media and reputation damage to Council.</u>	<u>This policy provides a guidance to developers/builders where approval is required from Shoalhaven Water for building over or adjacent Council's water and/ or sewer pipes and allows our staff to communicate with our stakeholders accordingly.</u>
<u>Financial</u>	<u>Structures built without Shoalhaven Water approval can foresee the needs for redesigning, or non-compliance from Council leading to increased costs for the developers.</u>	<u>This policy provides a guide to how proposed developments to be built over or near Council's assets can be assessed and a proper procedure to follow for approval to avoid any financial turmoil to the developer/ owner.</u>
<u>People</u>	<u>Difficult for community and staff to calculate the impact on SW assets.</u> <u>Damage to asset could lead to contamination causing harm to occupants of a property and people around.</u>	<u>The policy provides a framework and reference to a guideline to calculate if a proposed structure would impact any assets and provides list of restrictions/ exemptions for structures built near or over Council assets.</u>
<u>Environment</u>	<u>Building near or over Council's assets without Shoalhaven Water approval could lead to damage to water and sewer pipes and can cause significant environmental consequences, including contamination to water source, soil or surroundings.</u>	<u>This policy is implemented to ensure that Council's assets are protected, and adequate clearance is provided to those assets, also ensuring appropriate approvals are obtained prior to building to avoid accidents leading to environmental damage.</u>

Risk Category	Risk	Notes
Property and Infrastructure	Building over or near water and sewer pipes can cause damage to both the proposed development and existing underlying infrastructure, leading to costly repairs, damage to development and service disruptions.	This policy outlines that a detailed assessment be prepared and demonstrate all options have been investigated for the development prior to proposing building over or near water and sewer pipes.
Governance (probity, transparency, resilience to scrutiny)	Lack of a clear policy would increase the risk of structures being built over or near SW assets and causing further damage and delays in completion of works.	Policy provides guidance for proposed development/s building near or over Council assets and ensure due consideration and care to protect Council's water and sewer assets and ensuring access for operation and maintenance purposes.

7 Data and Reporting

N/A

8 Monitoring and Review

This policy will be reviewed within one year of the election of every new Council, or earlier should circumstances change to warrant a review.

9 Ownership and Approval

Responsibility	Responsible Owner
Directorate	Shoalhaven Water
Endorsement	CEO
Approval/Adoption	Council

Deleted: <#>Minor Amendments¶
Minor amendments to this policy may be approved under delegated authority to the Executive Manager of Shoalhaven Water.¶

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Public Policy

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CL25.44 Policy Review - Water and Sewer Headworks Charges (Section 64 Contributions) Assistance for Developments

HPERM Ref: D25/28888

Department: Water Asset Planning & Development

Approver: Andrew McVey, Acting Director - Shoalhaven Water

Attachments: 1. Revised Water & Sewerage Headworks Charges (Section 64 Contributions) - Assistance for Developments [↓](#)

Purpose:

This report reviews the "Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments" Policy (POL22/155) and proposes modifications to ensure the long-term financial sustainability of Council. Initially introduced in 2013, the policy has undergone several amendments, particularly in response to the COVID-19 pandemic. The proposed changes aim to address the significant revenue loss and fund critical infrastructure projects.

Summary and Key Points for Consideration:

The attached policy has been reviewed in accordance with the requirements of the Local Government Act which requires policies to be reviewed within 12 months of the election of a new Council. The policy has been modified significantly to remove the discount on subdivision of land and to remove discounts on all sewer contributions due to the impact the policy has had on the Sewer Section 64 Reserve.

Recommendation

That Council:

1. Approve the modification of the Water & Sewerage Headworks Charges – Assistance for Developers Policy to come into force on 1 July 2025 following item 2 below.
2. Publicly advertise the revised Policy in accordance with legislative requirements as soon as possible. If any significant submissions are received these will be considered in a further report to enable the finalisation of the Policy. If no (or minor) submissions are received then proceed to finalise the amendment to the Policy as notified, without any further reports.

Options

1. Resolve as recommended

Implications: This will allow Shoalhaven Water to collect the required funds to support growth and development.

2. Recind the policy

Implications: Council may choose to rescind the Policy completely before the Development Serving Plans are completed. This will increase income received; however,

CL25.44

affected industries may be adversely impacted by the quantum of the change if the Policy is rescinded.

3. Not adopt the recommendation

Implications: Council can request further detail, seek further community input or make other changes.

Background and Supplementary information

The “*Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments*” Policy (POL22/155) was introduced in its current state by the Council in 2013. It was introduced as an interim measure to aid all types of developments whilst the State Government reviewed its 2002 version of the Developer Charges Guidelines for Water Supply, Sewerage, and Stormwater. The policy essentially applies reduction amounts to the current charges in the DSPs prepared under the 2002 Guidelines.

The new guidelines were finally released in 2016 and required an update of the city-wide Water Supply and Sewerage Strategies. The strategy information including predictions for development, growth, and demand was then to be included in Council’s Development Servicing Plans (DSP’s).

Strategies were prepared and draft DSP documents were being finalised when Council suffered back-to-back disasters commencing with the black summer bushfires, flooding, and finally COVID-19.

At its Extra Ordinary Meeting on 7 April 2020, Council resolved to increase the assistance to local industry in the recovery from the impacts of COVID-19.

“Section 64 Developer Contributions for water and sewer headworks charges continue to be discounted. The rate of discount be a uniform 75% in line with current policy provisions for all development. Larger developments that currently only qualify for the 50% discount, shall now receive a 75% discount. Any proposal that has been approved where development contributions have not yet been paid qualify for the discount”

In line with that resolution, the Policy was further amended to increase the discount to 75% for all developments and to receive a report after 12 months for consideration of re-adoption or discontinuation.

In 2021, the Policy was readopted due to the ongoing COVID emergency and the impact on business and the community.

On 31 March 2022, Council resolved to discontinue the COVID assistance component of the Policy. This decision followed the end of Section 10.17, Environmental Planning and Assessment Act 1979: COVID-19 Pandemic – Ministerial Orders (2021).

Following public exhibition, the Policy reverted to the Section 64 Assistance Policy that existed before 7 April 2020.

In 2022, the existing Policy was again reaffirmed whilst staff finalised the Shoalhaven Water Sewer and Water Strategies and revised the drafted DSP’s that was shelved during the COVID-19 pandemic. With the strategies now complete and the DSP’s due for release later this year the current policy requires major modification to manage Council’s long-term financial viability.

Over the period 1 July 2013 to 31 December 2024 the total sum of Developer Contributions applicable was \$99,891,449, with the amount collected being \$41,553,631. The total discount throughout the policy equates to \$58,337,818. The loss of this revenue has resulted in a significant decline in both the water and sewer funds and whilst the water fund remains

positive the sewer fund is currently in deficit by over \$67MIL due to the development of major projects such as the REM's 1B Project and the Moss Vale Rd URA.

This deficit and the large capital work program will require large investment over the next 5 to 15 years to achieve the renewals program determined by Council and to ensure our water and sewer infrastructure can continue to deliver safe and secure water and sewer services to the residents and visitors to the Shoalhaven.

To address this issue, it is proposed to remove the Section 64 discount from all sewerage headworks charges for all types of development and remove the Section 64 discount for water headworks where the approved development involves the subdivision of land. The discount will only continue on residential, commercial and industrial development for water supply only. The Policy will remain in force until the Council finalises the DSP's later this year when it is proposed to report back to Council to rescind this policy and accept the new DSP's.

Internal Consultations

No internal consultation has been proposed as this is a public policy.

External Consultations

Per legislative requirements, the Policy will be advertised externally with requests for comment sort from affected organisations including developers, consultants, and industry organisations.

Community Consultations

Community consultation is required and the Policy will be advertised on Shoalhaven Water's website and made available from Council's offices upon request.

Policy and Statutory Implications

This report is to seek Council's support to modify the *Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments* Policy (+).

Financial Implications

The water and sewer funds will receive additional revenue following modifications to this policy.

Risk Implications

A detailed risk assessment has been included in this policy and risks are within Council's Risk Appetite Statement.



Water and Sewerage Headworks Charges (Section 64 Contributions) - Assistance for Developments

For more information contact
Shoalhaven Water

City Administration Centre

Bridge Road (PO Box 42)
Nowra NSW Australia 2541
P: (02) 4429 3214
F: (02) 4429 3170
water@shoalhaven.nsw.gov.au
www.shoalwater.nsw.gov.au

Adoption Date:

Effective Date: 1/07/2011

Reaffirmed: 26/02/2013, 13/06/2017, 23/07/2019,

Amendment Date: 10/06/2014, 28/5/2020, 15/09/2021, 01/08/2022

Minute Number: MIN11.527, MIN13.148, D14/147248, MIN17.512, MIN19.491,
MIN 20.240, MIN 20.276, MIN 21.116, MIN21.514, MIN22.512

Next Review Date:

Related Legislation:

Associated Policies/Documents:

Responsible Owner:

Record Number: POL24/65



Contents

1	Policy Purpose.....	1
2	Objectives	1
2.1	Policy Statement.....	1
3	Definitions	1
4	Roles and Responsibilities	1
4.1	PROVISIONS	1
4.2	Exemptions	2
4.3	Implementation	2
5	Related Legislation, Policies or Procedures.....	3
6	Risk Assessment.....	3
7	Data and Reporting.....	4
8	Monitoring and Review.....	4
9	Ownership and Approval	5

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2 Objectives 1¶
2.1 Policy Statement 1¶
3 Definitions 1¶
4 Roles and Responsibilities 1¶
4.1 PROVISIONS 1¶
4.2 Exemptions 2¶
4.3 Implementation 2¶
5 Related Legislation, Policies or Procedures 3¶
6 Risk Assessment 3¶
7 Data and Reporting 3¶
8 Monitoring and Review 3¶
9 Ownership and Approval 3¶

1 Policy Purpose

To assist developments (subject to approval under the Environment Planning & Assessment (EPA) Act and State Environmental Planning Policy (Exempt and Complying Development Codes)) within the Shoalhaven Local Government area in relation to granting a concession to the calculated equivalent tenement loading imposed on the water supply.

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2 Objectives

2.1 Policy Statement

It should be noted that Section 64 charges/contributions are also known as Headworks/Developer charges/contributions.

Deleted: This policy statement is based on Council Minute 11.116, Minute 13.864, Minute 20.240, Minute 20.276, Minute 21.116 and Minute 21.514.

3 Definitions

Section 64 – refers to Section 64 of the NSW Local Government Act

Developer Contributions – Also known as Section 64 contributions.

ET – Equivalent Tenement. An Equivalent Tenement (ET) is a unit of measurement used to estimate the demand a development will place on water supply and sewerage systems. It represents the average water consumption or sewage generation of a typical residential dwelling.

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Equivalent Tenement – is loading

4 Roles and Responsibilities

4.1 PROVISIONS

Concessional Section 64 Contributions

- The system loadings/demands to determine the applicable Section 64 charges are calculated for developments, excluding subdivision of land, based on the provisions contained in Council's Delivery Program and Operational Plan, and
- The unit rate for the applicable Section 64 charge is contained in Council's annual fees and charges, and
- For Development Application and/or Complying Development Certificate (excluding subdivision of land) considered by Council or by a private certifier:
 - Under the Environment Planning & Assessment Act or State Environmental Planning Policy (Exempt and Complying Development Codes), and
 - In accordance with the current Development Servicing Plans, and
 - Is permissible within the zoning,

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the applicable Section 64 charges may be reduced to the water supply Section 64 charge only (at time of payment) as follows:-

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Shoalhaven Water – Water and Sewerage Headworks Charges
(Section 64 Contributions) – Assistance for Developments

Page | 2

Equivalent Tenements (ETs)	Reduction Amount	Financial Year
0.0 - ≤ 2.0	50%	24/25
> 2.0	Nil	24/25

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General

- If a property changes ownership, the entitlement to a discount under this policy will remain with the land, and any refund will be issued to the legal owner of the land at the time of payment of the refund.
- For the purpose of approving the refund of Section 64 contributions the CEO/delegate will be the sole arbitrator in determining and assessing the status of a development, and further determining eligibility for the refund.

Deleted: Covid-19 Relief (Further Refund)

For developments that have received operational consent (eg, DA and/or CDC) between 7th April 2020 and 31st March 2022 (inclusive), a further refund (resulting in a total discount of 75% of the full contribution for all paid ETs) may apply following a written application from the owner/applicant to Shoalhaven Water demonstrating:

¶ payment of the Section 64 Charges as outlined in the Water Development Notice has been made, and
¶ the development is approximately 25% complete (as determined by Shoalhaven City Council), and
¶ the application for further refund is made within two (2) years from the date of consent for the development.

¶ For developments that have been granted operational consent (eg, DA and/or CDC) prior to 7 April 2020, a further refund (resulting in a total of 75% of the contributions paid) may apply for a further refund following a written application from the owner/applicant to Shoalhaven Water demonstrating:

¶ payment of the Section 64 Charges as outlined in the Water Development Notice has been made during the period between 7 April 2020 to 31 March 2022 (inclusive), and
¶ the development is approximately 25% complete (as determined by Shoalhaven City Council), and
¶ the application for further refund is made within two (2) years from the date of payment of the Section 64 Charges for the development.

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4.2 Exemptions

This policy does not apply to:

Concessional Section 64 Contributions

- The subdivision of land in any format either Torrens title, strata, neighbourhood title or other forms of land division which creates additional lots of land or legal entities.
- Sewer or wastewater developer charges or Section 64's
- Any development/s that does not have operational consent under the Environmental Planning & Assessment Act, State Environmental Planning Policy (Exempt and Complying Development Codes) or has received an Occupation Certificate and/or licence for the development as the case may be,
- Any development where the development consent articulates how the Headworks charges are to be calculated (that is the charges are not specified in Council's Fees & Charges),
- Any development/s which have paid or have signed an agreement/contract/deed with Council prior to 1st July 2013 to pay its Section 64 contributions.
- Any developments which receive S64 assistance under Council Policy POL14/36 (Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions).

4.3 Implementation

Shoalhaven Water has responsibility for implementing this policy.

Concessional Section 64 Contributions

An example of the calculations involved in the implementation of this policy is as follows:-

Eligible commercial business with an original determined load of 6.2 ETs for water supply and 6.20 ETs for sewerage services.

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Any development/s (in relation to the further discount) which have paid or have signed an agreement/contract/deed with Council prior to 7 April 2020 to pay its Section 64 contributions.

Any development consent granted after 31-3-2022
Existing approved development consent (approved prior to 7-4-2020) and payment of Section 64 Charges have been made after 31-3-2022.

Any approved development consent that makes written application for the section 64 Covid-19 Relief after 31-3-2024.

Any written application for the Further Refund which cannot demonstrate ALL the relevant requirements as set out under Section 3 PROVISIONS.

Shoalhaven Water – Water and Sewerage Headworks Charges
(Section 64 Contributions) – Assistance for Developments

Page | 3

~~2024/25~~ water supply ET Charge = \$7,071/ET.
~~2024/25~~ sewerage services ET Charge = \$8,964/ET.

Original determined charge = $6.2 \times (\$7,071 + \$8,964)$
= \$99,417

Reduction application: -

Water Supply

First 2 ET = $2.0 \times (\$7,071) \times 0.5 = \$7,071$ (0.50 is applied for 50% reduction)

>2 ETs = $4.2 \times \$7,071 = \$29,698.20$ (nil discount applied)

Reduced Payable Water Total = \$36,769.20

Sewer (Nil Discount)

$6.2 \times \$8,964 = \$55,576.80$

Total Amount payable = $\$55,576.80 + \$36,769.20 = \$92,346.00$

General

- Approved developments of 2 ET's or less are not entitled to any further refund as 50% reduction is already applied at assessment stage.
- Any determined refund will apply to the Section 64 Charge rates that were applicable at the time they were paid.

5 Related Legislation, Policies or Procedures

- Local Government Act 1993: This act allows councils to levy developer contributions for water supply and sewerage services under Section 64.
- Water Management Act 2000: Sections 305 to 307 of this act also govern developer contributions related to water supply and sewerage.
- Shoalhaven Water's Community Service Obligations (CSOs) and the charging policy for water, wastewater, effluent, and trade waste services, including Section 64 contributions.
- Shoalhaven Water Development Information Guide: Provides detailed information on how Section 64 contributions are applied and managed

6 Risk Assessment

Risk Category	Risk	Notes
Reputation	Community backlash that Council is not seen to be supportive of growth and development in the region.	This policy provides a method of assessing the discount on Section 64 contributions that can be received by developers.

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Covid-19 Relief (Further Refund)
Applies only to those developments which have a total equivalent tenement (ET) loading greater than 2 ETs. The further refund ONLY applies to those ETs beyond 2
An example of the calculation and amount of the further refund after the concessional charges have been applied is:
= $0.5 \times \$31,325.70$
= \$15,662.85
Subject to compliance with ALL relevant requirements as set out under Section 3 PROVISIONS.
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CL25.44 - Attachment 1

Shoalhaven Water – Water and Sewerage Headworks Charges
(Section 64 Contributions) – Assistance for Developments

Page | 4

Risk Category	Risk	Notes
	<u>Large organisations attempting to use aggressive negotiation tactics to reduce their costs.</u>	<u>Having this policy in place allows Council staff to provide consistency in the application of these fees, leading to more confidence in Council achieving fair value for the community.</u>
<u>Financial</u>	<u>Income generated from these fees is essential to Council's financial sustainability.</u>	<u>The methodology sets out the criteria for the various discounts applied to Section 64 contributions to ensure consistent application by staff.</u>
<u>People</u>	<u>Difficult for staff to calculate the fees.</u>	<u>Overly complex methodology can lead to errors when assessing developments and determining Section 64 Contributions.</u>
<u>Environment</u>	<u>This policy does not impose an environmental risk</u>	<u>N/A</u>
<u>Property and Infrastructure</u>	<u>This policy does not impose a Property and Infrastructure risk</u>	<u>N/A</u>
<u>Governance (probity, transparency, resilience to scrutiny)</u>	<u>Lack of a clear policy would increase the risk of to Council.</u>	<u>Policy provides a methodology to apply when calculating the fee applicable to developers.</u>

7 Data and Reporting

The value of these discounts are recorded as cross subsidies in Council's financial statements.

8 Monitoring and Review

Review of this policy will be within 12 months of the election of a new Council.

Deleted: Application of the further refund/discount component of this policy will end after 31 March 2024.
Council reserves the right to review or amend this Policy and any future review may involve discontinuing the policy earlier than 31 March 2024.
APPLICATION OF ESD PRINCIPLES
This policy provides an incentive for economic growth of the City, while ensuring that projected system demands can be met.

Shoalhaven Water – Water and Sewerage Headworks Charges
(Section 64 Contributions) – Assistance for Developments

Page | 5

9 Ownership and Approval

Responsibility	Responsible Owner
Directorate	Shoalhaven Water
Endorsement	CEO
Approval/Adoption	Council

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LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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