

Ordinary Meeting

Meeting Date: Monday, 20 May, 2024
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.30pm

Membership (Quorum - 7)
All Councillors

Please note: The proceedings of this meeting (including presentations, deputations and debate) will be webcast, recorded and made available on Council's website, under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

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<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Stream-a-Council-Meeting>.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Shoalhaven City and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 6 May 2024
6. **Declaration of Interests**
7. **Presentation of Petitions**
8. **Mayoral Minute**

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

Nil

13. Reports

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Notices of Motion / Questions on Notice

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Reports

- CCL24.14 Consideration to Sell Council Owned Property
- Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 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 and undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.*
- CCL24.15 Tenders - Road Pavement Repairs - Various Sections between Chainage 180m and Chainage 52000m, Braidwood Road, Yerriyong
- 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.*
- 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.*
- CCL24.16 Tenders - South Nowra Surcharge Main - New SPS20 & Overflow Structures
- 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.*
- 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.*

CL24.138 Ongoing Register of Pecuniary Interest Returns - April 2024

HPERM Ref: D24/137585

Department: Business Assurance & Risk

Approver: Kerrie Hamilton, Director City Performance

Reason for Report

The reason for this report is to provide the Council with the Register of Pecuniary Interest Returns from newly designated persons lodged with the Chief Executive Officer for the period of 1 April to 30 April 2024 as required under Section 440AAB of the Local Government Act 1993 and Part 4.26 of the Code of Conduct.

Recommendation

That the report of the Chief Executive Officer regarding the Ongoing Register of Pecuniary Interest Returns lodged for the period of 1 April to 30 April 2024 be received for information.

Background

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

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

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

Part 4.26 of the Model Code of Conduct states:

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

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

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

Directorate	Name	Designated Position Start Date	Returned
City Development	Brianne Martin	02/02/2024	08/04/2024

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

Risk Implications

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

CL24.139 Business Case - Portable Defibrillators - CellaED

HPERM Ref: D24/155931

Department: People & Culture

Approver: Kerrie Hamilton, Director City Performance

Reason for Report

In response to *MIN24.152 - CL24.84 - Notice of Motion - RRR CellaEDs - Hand Held Defibrillators - Investigate & Consider Purchasing - Provide Information to CCBs - Report to Council - Ordinary Meeting 25 March 2024.*

Recommendation

That Council retain existing defibrillator arrangements and continue to share information on CellaED for future purchase consideration.

Options

1. As recommended.

Implications: There are financial and logistical implications if Council moved to a corporate approach for the purchase and coordination of defibrillators. This approach could be considered as existing arrangements expire, however would require a resource to coordinate.

Background

Council currently maintains 97 defibrillators including 58 defibrillators across Council worksites, 20 at Holiday Haven Parks and 19 across community facilities. The recommendation is based on the variety of brands of defibrillators across Council under different contract and servicing arrangements.

Currently, a corporate approach is not considered practical or economical, nor is there a resource allocated to coordinate and manage this. In most Council facilities, the defibrillator is maintained by the nominated first aider and serviced under an agreement with the defibrillator provider.

If there are areas that don't have a defibrillator, that have been identified as at risk, these should be assessed on a case-by-case basis. The requirement to purchase a defibrillator and the type of defibrillator purchased should be based on risk assessment, facility requirements and have an allocated responsible person.

Internal Consultations

Product details of the CellaED have been consulted, documented, and shared through the Committee of Safety Review and respective Safety Committees. The Waste Management team have purchased eight CellaED's which are housed across depot office locations.

Financial Implications

The overall cost of a standard defibrillator is slightly more economical than the CellaED, this is shown in the below table.

	<u>Comparison 1) Standard defibrillator</u>	<u>Comparison 2) – CellaED</u>
Cost	<ul style="list-style-type: none"> From \$1479.00 8 year warranty 8 year customer support Pad and battery replacement \$460 @ 4 year mark <p>8-year investment = \$1939.00</p>	<ul style="list-style-type: none"> Year 1 - Initial purchase of \$359 + \$198 (membership) = \$557 + prep kit \$35.00 Each year after - \$198 <p>8-year investment = \$2176.00</p>
Training	<ul style="list-style-type: none"> Assisted voice prompting. Training videos 	<ul style="list-style-type: none"> Assisted voice prompting. Training videos
Other benefits	<ul style="list-style-type: none"> Suitable for adult and infant Small and portable 1.1kg 	<ul style="list-style-type: none"> Suitable for adult and infant Small (approx. 500g) and very portable Replacement of any items used and whole unit replaced if expires – whatever comes first. Monthly email with maintenance stats about; battery update, if it's still ready for use and if there are any issues, the unit is replaced. There is no requirement for a worker or an external person to check as this is done electronically.

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CL24.140 Policy - Town Entry Street Tree Planting Strategy

HPERM Ref: D24/154915

Department: Corporate Performance & Reporting
Approver: Coralie McCarthy, Acting Director - City Futures

Attachments: 1. Town Entry Street Tree Planting Strategy - update 2024 (under separate cover) [⇨](#)

Reason for Report

The reason for this report is to seek a resolution from Council to retain the Town Entry Street Tree Planting Strategy and adopt the proposed amendments shown in **Attachment 1**.

Recommendation

That Council retain the Town Entry Street Tree Planting Strategy and adopt the proposed amendments shown in Attachment 1.

Options

1. As recommended

Implications: This Policy would replace previous now outdated strategy MIN17.909

Background

The current Town Entry Street Tree Planting Strategy (the Strategy) sets out a range of provisions and implementation strategies to manage the town and village entryway tree planting which provides an aesthetic and landscaped approach to the urban precincts throughout the City.

The Policy was first adopted in 2006 and has been reaffirmed through time and most recently in 2017. The existing policy can be accessed via Council's website

<https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL17/80>

Since the Town Entry Street Tree Planting Strategy was first endorsed, tree planting has been implemented throughout the Shoalhaven on an annual basis. The beautification to town entryways has been seen as a success and a source of pride for our communities.

The priority listing for planting is intended to continue through to 2030 or when all towns and villages have received entryway tree planting.

The Strategy has proven to be successful, but it needs to be more contemporary. Proposed amendments to the Strategy are shown in the body of the document (**Attachment 1**) as red text.

The Strategy was first brought to the 20 September 2022 Council meeting, however, was deferred to allow further consultation with Councillors (MIN22.628). Further amendments made following feedback have included the removal of the desired outcome of "Encourage tourists to return to the Shoalhaven to visit and stay longer due to a high-quality town and village streetscapes". The Policy name was updated with "Entry" to state that the policy only relates to street trees alongside Town Entryways.

Internal Consultations

Relevant Council teams were consulted in the update of this Strategy. Feedback was also sought directly from Councillors on further amendments for consideration.

Community Consultations

Prior to any new planting Community Consultative Bodies (CCB's) and affected residents and Council Officers will be invited to participate in a consultative process to ensure that the work is compatible with the vision for the enhancement of all towns and villages throughout Shoalhaven.

Policy Implications

The content of the Policy is not anticipated to have further implications beyond what is outlined in the document.

Financial Implications

Annual Operational Budget when allocated for Roads Tree Planting will be managed by City Services.

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CL24.141 New Proponent Initiated Planning Proposal - 131 St Vincent Street, Ulladulla - Initial Consideration

HPERM Ref: D24/139676

Department: Strategic Planning

Approver: Coralie McCarthy, Acting Director - City Futures

Attachments: 1. Preliminary Planning Proposal Assessment - 131 St Vincent Street, Ulladulla (under separate cover) [⇒](#)
2. Summary of Initial Community Submissions [↓](#)

Reason for Report

The report seeks direction for a proponent-initiated Planning Proposal (PP) submitted by SMEC Pty Ltd on behalf of Ulladulla Precinct Trust to alter the Shoalhaven Local Environmental Plan (LEP) 2014 for a mixed-use residential and commercial development at 131 Vincent Street, Ulladulla. The proposal aims to rezone the land to MU1 Mixed Use, raise the building height limit up to 30 metres, and implement a floor space ratio (FSR) of 3.5:1.

Recommendation

That Council:

1. Not support the Planning Proposal (PP-2024-109) due to the range of strategic and site merit issues outlined in this report, including:
 - a. Land use conflict and potential health implications of locating residential and childcare centre uses next to industrial land uses.
 - b. Potential impacts on the viability and vitality of the existing Ulladulla town centre.
 - c. The need to protect and manage industrial land supply in the Milton Ulladulla area.
 - d. Impacts of the proposed height increase on local amenity and character also noting that additional building heights and floor space ratio bonuses recently introduced by the Department of Housing, Planning and Infrastructure may enable an increase in height and developable area of 20-30% if the proposed development complies with the minimum affordable housing floor space requirements.
2. Not submit the proponents Planning Proposal document to the NSW Department of Planning, Housing and Infrastructure (DPHI).
3. Consider the future of the site and the precinct as part of the broader strategic review to be undertaken in Stage 2 of the New Land Use Planning Scheme in consultation with the proponent and relevant stakeholders.

Options

1. **As recommended, not support the application**

Implications:

- The site is **not identified** for rezoning investigation in the existing adopted NSW strategic planning framework documents, which includes the Shoalhaven Illawarra Regional Plan 2041, the Shoalhaven Local Strategic Planning

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- Statement (Shoalhaven 2040), the Shoalhaven Growth Management Strategy 2014 (which reflects the current Milton-Ulladulla Structure Plan).
- The proposal could have unintended consequences for Ulladulla in context of recent and proposed changes to the NSW planning system intended to further increase housing supply and diversity. For example:
 - DPHI's recently exhibited Explanation of Intended Effect (EIE): *Changes to create low- and mid-rise housing*. This is discussed further under Strategic Planning Context.
 - The height and density of development could potentially be further increased under the Housing SEPP. For residential developments that provide 10 to 15% affordable housing, building height and Floor Space Ratio (FSR) can be 20 to 30% more than allowed under the LEP.
 - The sites optimal future use, along with wider industrial precinct, should be considered as part of the broader strategic review in Stage 2 of Council's new land use planning scheme, starting later in 2024. Site-specific rezoning risks creating conflicting development outcomes and is not recommended. The Proponent's report acknowledges that the subject site's future should ideally be reviewed holistically. Council is scheduled to complete the Milton Ulladulla Structure Plan (MUSP) review within the new City-wide Growth Management Strategy as part of the Stage 2 work on the new land use planning scheme. This will strategically guide future growth (residential, employment, transport, infrastructure, and community services), rather than site-by-site approach.
 - The proposed location of mid- to high-rise housing directly adjacent to active industrial land uses, including the area's only current concrete batching plant, is likely to generate land use conflict.
 - The extent of the proposed height increases and associated impacts, including on amenity and local character.
 - There is no identified need for additional commercial and mixed-use zoned land in Ulladulla.
 - Rezoning the subject land from E4 to MU1 will potentially fragment the existing CBD.
 - There is currently an undersupply of developable industrial land in the Ulladulla area. While there is a significant amount of vacant zoned industrial land, most has significant environmental and/or tenure-related barriers to timely development including:
 - 4.9 ha of Council-owned land requires considerable remediation due to its prior use as a sewage treatment plant, and also has terrestrial biodiversity values.
 - 19.7 ha owned by the Ulladulla Aboriginal Land Council has biodiversity values and is subject to an unresolved Native Title claim.
 - 0.68 ha of Crown land is identified for inclusion in a future Council road project.
 - The Department of Planning, Housing and Infrastructure (DPHI) did not support the proposal during the pre-lodgement consultation, citing a range of strategic and site-merit concerns.

If this recommendation is resolved, the proponents have the option of seeking a rezoning review, conducted by the Southern Regional Planning Panel. If the review is successful, the Panel (assisted by DPHI) appoints itself to the role of Planning Proposal Authority (PPA) to reconsider the application and Council from the process.

2. Support a modified version of the proposal

Implications:

This option is not recommended as the proponent's intended outcome is considered unsuitable for the subject land that is part of a wider existing industrial precinct, that supports several industrial activities, including an adjacent concrete batching plant.

Consistent with the LEP Making Guidelines, Council must notify the proponent of the decision within 115 days of the PP lodgement. It is not recommended to report back on an alternative option as this would prevent Council from complying with this timeframe. The proposed land uses are fundamentally incompatible with the existing adjoining industrial land uses.

3. Support the Planning Proposal (PP-2024-109) and progress to Gateway determination

While this option is not recommended due to the fundamental issues outlined in this report, should the Council resolve to support the application, the following wording could be considered:

That Council support Planning Proposal (PP-2024-109) 'in principle' and subject to:

- a. *The inclusion of a recommendation for Gateway condition to complete an independent review of the proponent's key studies, including:

 - i. *Urban Design and Visual Impact Assessment*
 - ii. *Economic Impact Assessment*
 - iii. *Feasibility Assessment*
 - iv. *Air and Odour Assessment*
 - v. *Acoustic Assessment**
- b. *Consideration of options to amend the proposal to minimise health risks and land use conflict.*
- c. *Detailed vacancy analysis of the existing town centre to determine if there is a need for additional mixed use-zoned land.*
- d. *Creating a more detailed 3D model of the surrounding landscape and built form to enable the visual impacts to be better assessed.*
- e. *All costs associated with the above to be met by the proponents in accordance with Council's [Guideline for Proponent Initiated Planning Proposals \(PPs\)](#).*

Implications:

- The proposed rezoning and height increase would enable mid- to high-rise residential uses (shop top housing, multi-dwelling housing, residential flat buildings) and other uses.
- Providing appropriately located and designed higher density in-fill housing within established higher-order centres like Ulladulla is generally desirable provided the location is right.
- The proponent's PP claims the site is well located and that the proposal will have a range of positive economic and social impacts:
 - The proposed development will increase retail expenditure by \$9-10 million in Ulladulla and Shoalhaven as a result of an additional 600 residents.
 - The proposal will support the viability of identified centres – by providing 250 additional dwellings in the immediate vicinity of the Ulladulla Town Centre and new commercial floorspace that will bring new residents and workers into the Ulladulla Town Centre for their retail, commercial, and community needs.

- The proposed childcare centre will support existing and new workers in the Town Centre while Local retail and non-retail businesses in the Town Centre and immediate surrounds will benefit from this additional resident and daily worker population.
- The commercial floorspace will attract workers which will contribute to activity within the existing centre.
- Additional population in the region is likely to drive increasing demand (as a share of employment) for retail and commercial floorspace, rather than industrial land.
- The proposed development will add to the town centre’s vibrancy by increasing the number of residents accessing the services and employment opportunities.

The first step in progressing the PP would be to request a Gateway determination from the NSW Government. Council’s request could recommend any additional studies that should be done prior to public exhibition. However, if the determination allows the PP to proceed, any additional studies listed in the conditions would need to be completed prior to public exhibition. DPHI’s ‘maximum benchmark timeframes’ allow 70 business days from Gateway to public exhibition. This relatively short timeframe is unlikely to be sufficient to undertake complex assessments and iteratively refine the PP. As such this option is not supported.

If the Council wishes to support the PP, it is suggested that this support should be in-principal only pending completion of the above matters.

Background

Subject Land

The subject land comprises Lot 26 DP759018 and Lot 14 DP1105304 located at 131 St Vincent Street, Ulladulla – see **Figure 1** below. The existing Bunnings Warehouse (hardware and building supplies) currently operates at the site but it will relocate to a new approved site in due course.



Figure 1 – Subject Land

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The land uses adjacent to and surrounding the subject land currently include:

- Low and medium density one and two storey residential properties to the north.
- Commercial premises (Commercial Vehicle and Marine Sales and Repairs, Ulladulla Storage, and Blue Room Car Wash) and bulky-goods retailers to the east, separated by St Vincent Street.
- The Dunn Lewis Community Centre to the south (completed in 2009)
- Mixed general industrial uses to the west including Hansons concrete batching plant, metal fabrication, and an earthmoving truck depot.

Shoalhaven LEP 2014 Overview - current zoning, height and FSR

The subject land is currently zoned *E4 General Industrial* under Shoalhaven Local Environmental Plan 2014 (LEP) as shown in **Figure 2**. The site has a maximum building height of 11 metres under Clause 4.3 (2A) and is not currently specifically mapped on the FSR overlay in the LEP.

The subject land was previously zoned Industrial 4(a)(general) under the earlier Shoalhaven LEP1985. This zoning was retained and confirmed through Amendment No.1985 to this LEP that was gazetted in 2003.

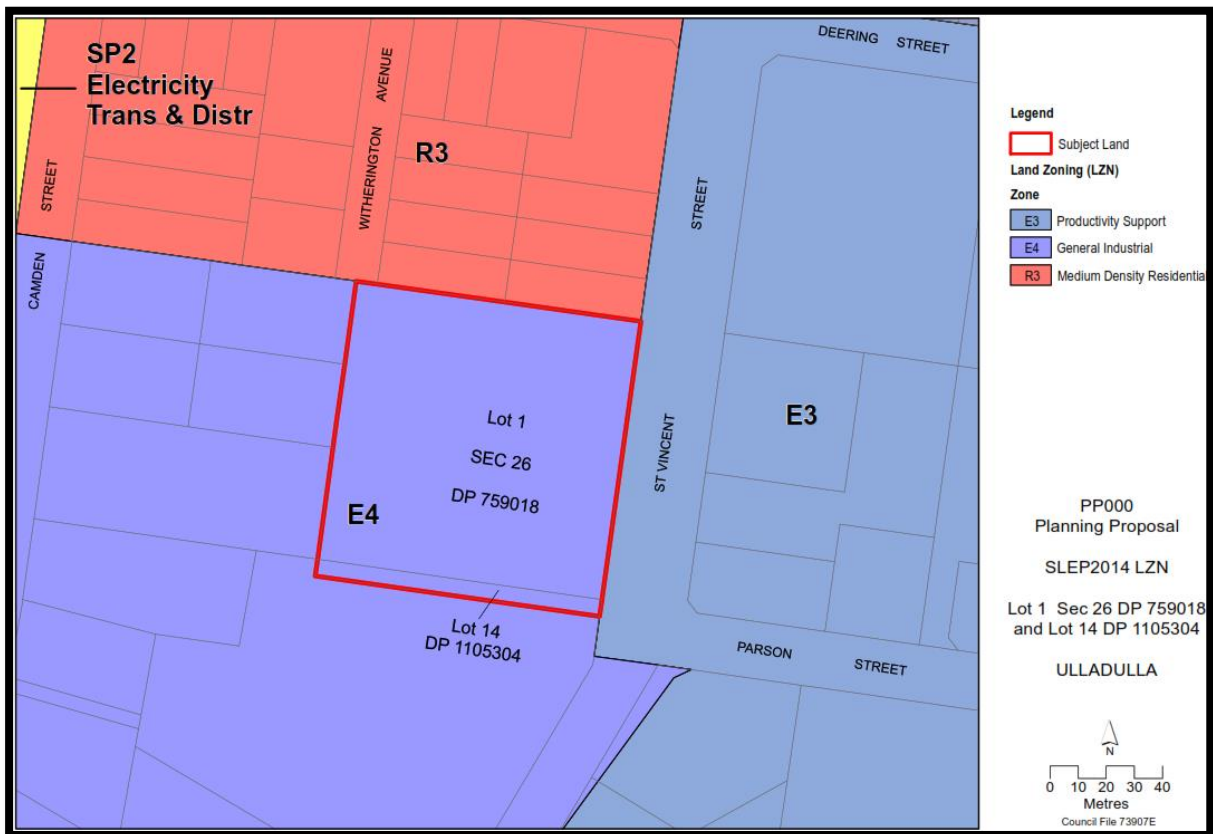


Figure 2 – Current zoning under SLEP 2014

Forms of development that are currently permissible with consent in the existing E4 zone include the following:

Depots; Freight transport facilities; Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Markets; Neighbourhood shops; Oyster aquaculture; Plant nurseries; Specialised retail premises; Take away food and drink premises; Tank-

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based aquaculture; Timber yards; Warehouse or distribution centres; Any other development not specified as being permitted without consent or as being prohibited.

The subject land is also adjoined by other E4 zoned land (south and west) and land zoned E3 Productivity Support to the east and R3 Medium Density Residential to the north.

Subject Land - Development history

The subject land has historically been used for a range of industrial uses, as approved through the following applications:

- BA67/0080 – Fibro Dwelling and Septic Tank Permit
- BA67/0081 – Fibro Factory
- BA69/0354 – Weatherboard Garage
- BA71/0677 – Factory Additions
- BA72/0037 – Timber Moulding Factory
- DA06/2580 – New Single Storey Warehouse and Showroom (Bunnings Warehouse)

Planning Proposal (PP) Application

In accordance with the NSW Government's [Local Environmental Plan Making Guideline](#), the following pre-lodgement process steps occurred in regard to this application:

- 19 December 2022 - Submission from proponents on the Milton-Ulladulla Structure Plan Review: Preliminary Growth Scenarios and Key Sites. Council requested consideration of the subject site for residential growth, potentially as part of a wider precinct that extended to Camden Street.
- 23 May 2023 - Proponents submitted a PP scoping proposal report to Council
- 3 July 2023 - Initial feedback provided to the proponents following internal and relevant government agency referral of the scoping proposal.
- 30 October 2023 – Online Pre-lodgement meeting held and Pre-lodgement letter issued to the proponents on 15 November 2023.
- 19 January 2024 - PP application initially submitted to Council via the NSW Planning Portal.
- 22 January 2024 - Additional information (Council PP lodgement form and pre-lodgement letter) requested. Information provided on 25 January 2024.
- 1 February 2024 - Additional information (architectural files) requested. Information provided on 7 February.
- 7 February 2024 - Council's PP lodgement invoice issued to the proponents. Payment received 8 February (deemed acceptance date for PP).
- 16 February 2024 – 'Get Involved' project page published, including links to proponent's documents.
- 14 March 2024 – Initial Councillor briefing providing an overview of the PP.
- 19 March 2024 – Council staff and proponents urban design consultant attended the Ulladulla District Forum meeting.
- 20 March 2024 – Proponents contacted Council staff regarding the Forum meeting feedback to discuss potential changes to the proposed building height.
- 5 April 2024 – [Proponent letter](#) (received via the NSW Planning Portal) outlining alternative height controls for the southern part of the site: 21 metres (m) instead of 27 m and 30 m.

- 9 May 2024 – Councillor briefing covering the staff assessment of the PP.

Planning Proposal - What LEP changes are requested?

The PP application essentially seeks Council’s support to amend the LEP to:

- Rezone the site from General Industrial (E4) to Mixed Use (MU1)
- Increase the maximum height limit from 11 m to mapped heights of: 15 m and 17 m for the northern part of the site, and 28 m and 30 m for the southern part of the site.
Note: on 5 April, the proponents proposed an alternative 21 m height limit for the southern part of the site.
- Apply a FSR of 3.5:1 across the site.

The proponent’s application included a potential concept design for a mixed residential and commercial development comprising four mid- to high-rise buildings ranging from three to nine storeys. The buildings could potentially incorporate:

- 250 residential apartments, including 60 affordable units
- commercial premises with a floor area of 5,750 sqm
- a 120-place childcare centre with a total internal/external floor area of 1170 sqm.

Subject to future development consent, the indicative development footprint could include eight and nine storey buildings with commercial use on the ground floor and residential above (i.e. shop-top housing). The nine-storey building would be located in the south-western portion of the site, directly adjacent to the concrete batching plant.

The proponents also provided a ‘letter of offer’ to enter into a Voluntary Planning Agreement (VPA) to provide 50 affordable rental dwellings for 15 years via a registered Community Housing Provider (CHP). Five of these would be limited to households with at least one key worker. Section 7.11 developer contributions are normally levied at the development application stage to fund local public infrastructure and community facilities. The letter proposes partial exclusion from S7.11 development contributions for the proposed affordable housing units, with an estimated value of approximately \$279,000.

The key submitted PP documents listed below can be accessed via the links provided.

Document name
Planning Proposal report 19-1-24 131 St Vincent Street Ulladulla PP-2024-109
Appendix C – Traffic Impact Assessment PP-2024-109
Appendix D - Acoustic Assessment PP-2024-109
Appendix E - Preliminary Site Investigation PP-2024-109
Appendix F - Air and Odour Assessment PP-2024-109
Appendix G - Urban Design & Visual Impact PP-2024-109
Appendix H - Economic Impact Assessment PP-2024-109
Appendix I - Social Impact Assessment PP-2024-109
Appendix J – Development Feasibility Assessment
Appendix K – Draft Letter of Offer – Voluntary Planning Agreement
Site Plan PP-2024-109
Council pre-lodgement letter, 15/11/2023
Proponent letter, 5/4/2024 (Height Options)*

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* The proponents provided a letter on 5 April 2024 (during the assessment period) proposing an alternative 21 m building height limit for the southern part of the site, instead of 28 m and 30 m as detailed in the submitted PP. No other changes were suggested/proposed.

Overview - Strategic Planning Context

Planning Proposal PP030 - Ulladulla Building Heights Review

Following the *Ulladulla Building Height Review* adopted by Council in 2017, this PP implemented the review recommendations by generally increasing the mapped building height limits for buildings within the defined study area, including lots on the eastern side of St Vincent Street.

PP030 applied to land within the Ulladulla commercial area, including properties on the eastern of St Vincent Street, bounded by Parson Street to the South and Burrill Street South to the East. It did not include the industrial land on the western side of St Vincent Street (where the subject land is located).

Height limits were generally increased from 7.5 m to 11 m, apart from nine properties (116-126 St Vincent Street and 37-41 Deering Street) which increased to 14 m.

Milton Ulladulla Structure Plan (MUSP) Review

The subject land is within the area covered by the Milton Ulladulla Structure Plan (MUSP). The land was not identified for rezoning investigation in the MUSP. The LEP amendments resulting from the MUSP were completed in 2003.

In September 2022, Council sought community feedback on a Discussion Paper prepared to inform a review of the MUSP. Submissions (including one from the proponents) have not been considered by the Council yet and the MUSP review will now be completed as part of Stage 2 of preparing a new land use planning scheme, which is scheduled as resolved by Council to commence late 2024.

To inform the Discussion Paper of the MUSP review, HillPDA Consulting was engaged to analyse the supply and availability of residential and employment land in the Milton-Ulladulla locality to 2051. The [report prepared by HillPDA in 2021](#) included the following conclusions:

- There is no need to rezone additional land for commercial and retail uses in the area.
- If additional capacity is required, consideration should be given to increasing floor space ratio or building heights on existing commercial land rather than rezoning additional land.

Relevant NSW Planning Reforms – Recent and Proposed

• NSW Employment Zones Reform

The NSW employment zones reform was completed by NSW Planning with input from Councils across the State. Previous Business and Industrial zones were transitioned and compressed into employment zones.

As a result, the zoning of the subject land was changed from *IN1 General Industrial* to *E4 General Industrial* on 26 April 2023.

• Height and FSR Incentives for Affordable Housing

Amendments to the Housing State Environmental Planning Policy (SEPP) commenced on 14 December 2023. Under these provisions the applicable Height and FSR of eligible residential development can be increased by 20-30% if it includes an affordable housing component with at least 10% of the gross floor area.

Sites must however be within 800 m walking distance of land in zones E1 Local Centre, MU1 Mixed Use, B1 Neighbourhood Centre, B2 Local Centre, B4 Mixed Use or an equivalent zone.

A State Significant Development (SSD) assessment pathway is available for residential flat buildings and shop-top housing carried out in the Six Cities Region (includes Shoalhaven) where the proposal has a capital investment value of \$30 million (\$75 million in Greater Sydney).

The proponent's concept plans included in the PP application suggest the proposal would most likely meet this threshold, meaning that under these provisions building heights and FSR's up to 30% greater than allowed under the LEP could possibly be pursued in the future.

- **Transport Orientated Development Program**

The first stage of the NSW Government's Transport Oriented Development (TOD) planning reforms was implemented on 30 April 2024 through an amendment to the [State Environmental Planning Policy \(Housing\) - Chapter 5 Transport oriented development \(the Housing SEPP\)](#).

The new planning controls initially apply within 400 m of 18 identified metro and rail stations to deliver more affordable, well-designed and well-located homes. (Land to which the policy applies is identified on maps adopted by the Housing SEPP.)

The number of stations is expected to be increased to 37 over the next 3 – 18 months. None of these are within Shoalhaven, so these provisions are not expected to affect the subject land.

- **Explanation of Intended Effect: Change to create low- and mid-rise housing**

In December 2023, the NSW Government exhibited an Explanation of Intended Effect (EIE) which seeks to encourage additional low-rise and mid-rise housing near established town centres and areas serviced by good public transport.

The proposed changes, if implemented, will over-ride local planning controls and allow:

- Dual occupancies (two dwellings on the same lot) in all R2 low density residential zones across NSW.
- Terraces, townhouses and 2 storey apartment blocks ('manor houses') near transport hubs and town centres in R2 low density residential zones across the Greater Sydney region, Hunter, Central Coast and Illawarra Shoalhaven (Six Cities Region).
- Mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones across the six cities region.

'Non-refusal' development standards are also proposed for applicable development.

In terms of this PP application, the implications of the amendments proposed under this EIE could potentially be significant depending on the final detail of the legislative change that is not available at the time of writing.

DPHI will meet with Council staff in late May to discuss the detail of these reforms and the feedback provided in Council's submission.

Preliminary Assessment

A full preliminary assessment of the PP application received is provided in **Attachment 1**.

The assessment considers and addresses the strategic and site merit criteria set out in the NSW Government's [Local Environmental Plan Making Guideline](#). The key findings are summarised below:

- The proposal falls within 'complex' PP category as it involves a *"change in the land use zone... which would result in a significant increase in demand for supporting local, regional or State infrastructure and would require infrastructure funding."* It is also considered to be: *"... inconsistent with a District/Regional Plan or council's endorsed LSPS."*

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- It is acknowledged that the proposal would help deliver needed additional housing stock and diversity.
- The proposal is however not considered to be consistent with the following Ministerial Directions:
 - 1.1 Implementation of Regional Plans
 - 6.1 Residential zones and
 - 7.1 Employment Zones.
- The proposal is also inconsistent with some aspects of the Illawarra-Shoalhaven Regional Plan 2041, in particular:
 - Objective 4 - Activate regionally significant employment precincts to support new and innovative economic enterprises.
 - Strategy 4.1 - retain and manage regionally significant employment lands and safeguard them from competing pressures.
 - Objective 18 – Provide housing supply in the right locations.
 - Strategy 18.2 - promote urban design outcomes to support healthy and vibrant communities.
- The existing strategic planning framework (e.g. the Shoalhaven Local Strategic Planning Statement and the Illawarra Shoalhaven Regional Plan 2041) encourages infill housing in the right locations. The subject land is not considered to an appropriate location for a proposal of this nature and scale because:
 - The land is part of a broader existing industrial/employment lands precinct, including an adjacent concrete batching plant (important to the area), creating the significant potential for land use conflict. The proponents concept plans depict a wall/barrier in the western elevation of the building facing the concrete batching plant (see the proponent's western elevation on page 27 of the [proponent's PP](#)).
 - The proponent's Air Quality Assessment (prepared by Todoroski Air Sciences, 2023) recommends that the least sensitive land uses be located on the western side of the subject land to increase separation from industrial land uses. The report also recommends landscaping barriers and orientating buildings to provide adequate airflow.
 - As a comparison, the South Australian Environment Protection Authority recommends that housing be separated from concrete batching plants by at least 100 m to minimise risk of impacts arising from excessive dust and noise.
 - The proposal will potentially exacerbate the current undersupply of developable industrial land in the area, noting that approximately 25 ha of other existing industrial-zoned land in the area is unlikely to be developed in the foreseeable future due to a range of environmental, contamination and land tenure issues.
 - An independent analysis by HillPDA concluded that the Ulladulla area already has an adequate supply of MU1 Mixed Use zoned land that is capable of supporting higher densities ([HillPDA, 2021](#)).
- The proposed building heights will change local character and amenity and create overshadowing.

- The southern part of the site was substantially filled to accommodate the Bunnings building. Case law suggests the proposed height controls would potentially apply from the existing filled height (not the natural ground level that existed before the Bunnings development).

The future zoning of the broader industrial precinct should be strategically considered when the work on Stage 2 of the New Land Use Planning commences after the September 2024 local government elections, specifically the Growth Management/Housing Strategy component. The reasons for not recommending support for this PP application are unlikely to change in the short term and may change in the longer term, however, for example, when the current undersupply of vacant industrial-zoned land is alleviated, and the nearby industrial activities are discontinued or able to relocate.

Additional information required.

If the Council wishes to support the PP application, consideration should be given to ‘in-principal’ support only, subject to the following:

1. Completing an independent review of the proponent’s key studies including:
 - i. Urban Design and Visual Impact Assessment
 - ii. Economic Impact Assessment
 - iii. Feasibility Assessment
 - iv. Air and Odour Assessment
 - v. Acoustic Assessment
2. Considering options for amending the proposal to minimise health risks and land use conflict.
3. Detailed vacancy analysis of the existing town centre to determine if there is a need for additional mixed use-zoned land.
4. Creating a more detailed 3D model of the surrounding landscape and built form to enable the visual impacts to be better assessed (**Note:** Council’s technical staff have created a basic 3D model using the proponent’s architectural data. A more detailed 3D model could be developed to more accurately depict the built form of the broader precinct to understand potential impacts, if funded by the proponent – refer to the following point).
5. All costs associated with the above would need to be met by the proponents in accordance with Council’s [Guideline for Proponent Initiated Planning Proposals \(PPs\)](#).

Internal Consultations

The following internal Council stakeholders have reviewed and provided feedback on the PP application (including as part of the scoping proposal process):

- City Development – Development Services, Environmental Health
- City Services – Works and Services
- City Futures – Principal Traffic Engineer
- Shoalhaven Water

The feedback received has informed the recommendations of this report.

Council staff presented an overview of the PP application to Councils Strategic Planning Working Party on 14 March 2024. It is also intended that the review of the PP application will be presented to the Working Party meeting on 9 May 2024.

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External Consultations

The following NSW Government agencies provided feedback on the scoping proposal component.

NSW Department of Planning and Environment (now Department of Planning, Housing and Infrastructure)

Summary: *The proposal lacks strategic merit and is not supported in its current form: it is inconsistent with the Ministerial Directions and the Illawarra Shoalhaven Regional Plan 2041. Proponents should discuss alternate options for the site with Council.*

NSW Rural Fire Service

Summary: *No objections raised. Council should consider the capacity for the proposed, and existing, road network to deal with evacuating residents and responding emergency services, based on the existing and proposed community profile.*

Transport for NSW

Summary: *Traffic Impact Assessment (TIA) is required. Includes detailed advice on the scope of the TIA.*

A more detailed summary of the agency feedback is provided in **Attachment 1**. The feedback received has also informed the report recommendations.

Further consultation would be undertaken with the relevant agencies if the PP proceeds.

Community Consultation

Formal community notification is not mandated till later in the PP process.

However, in accordance with standard practice, adjoining landowners, Milton and District Community Forum, Business Milton Ulladulla and Ulladulla and Districts Community Forum were notified on 21 February 2024 of receipt of the PP application - summary of the 12 submissions received as a result of this advice is contained in **Attachment 2**.

Consistent with Council's Guideline for Proponent Initiated Planning Proposals, a [Get Involved project page](#) was also established to help keep the community informed due to the expected public interest in the project given its scale/significance. The document library page includes links to the proponent's key documents and any Council updates and notifications. Interested people can also subscribe to receive these updates via email).

Council also staff attended the Ulladulla Forum March Meeting on 19 March 2026 and presented on the PP assessment process. The proponent's urban design consultant (Cox Architecture) also attended and presented the concept plans.

Policy Implications

The principle of retaining employment and industrial-zoned land is well established in the applicable strategic planning framework (Illawarra Shoalhaven Regional Plan 2041, the Shoalhaven Local Strategic Planning Statement 2040, and the Shoalhaven Growth Management Strategy 2014).

The objectives of Ministerial Direction 7.1 (Employment Zones) to "protect employment land in employment zones" and to "support the viability of identified centres" are also relevant.

While light industry is permissible in the requested MU1 zone, it is unlikely that the land would be used for this purpose if rezoned as requested, particularly given the height increase and intended development outcomes proposed by the proponents.

Industrial land is currently generally in short supply locally in Ulladulla. Should the PP proceed, it could create a precedent and potentially lead to similar proposals elsewhere that seek to rezone employment land to enable residential development. This would also have an

undesirable impact on the supply of industrial land more broadly in the City and could result in significant social and economic impacts.

Further, there is the risk that land use conflict may arise between the existing adjacent industrial uses and future residents of the proposed development, which would present additional significant policy and compliance challenges.

The proposed height increase from 11 m to 30 m represents a 173% increase in a location that has not been strategically considered/identified. There is risk that this may set an undesirable precedent for future development in Ulladulla and other centres in Shoalhaven. It is also concerning that heights set in the LEP could also potentially ultimately be increased via the NSW Government's planning reforms.

Financial Implications

The PP would be managed as a 'complex PP', fully funded by the proponents in accordance with the applicable Council fees and charges. The relevant fees have been paid as required by Council's Fees and Charges document. If the PP is supported, additional fees will be required to be paid as the matter progresses.

The application includes an offer to enter a VPA that would seek to reduce the S7.11 developer contributions that would be payable at development application stage for the 50 proposed affordable rental housing units that are to be provided for 15 years. Under the Shoalhaven Contributions Plan 2014, this has been calculated to be approximately \$278,803 (2023/24 FY rates).

As s7.11 contributions are used to fund necessary community infrastructure, services and facilities, a reduction in payable contributions is likely to increase financial risk for Council and existing ratepayers who will bear the cost of providing adequate infrastructure, services and facilities. As no negotiations have taken place between the Council and the proponents on this aspect, there is currently a lack of clear public benefit to progress a VPA on this basis. This could however potentially be addressed by either providing the affordable rental housing in perpetuity or by deferring the s7.11 contributions by 15 years (i.e. when the legal obligation to provide affordable housing expires).

Conclusion

The proponents PP and supporting specialist studies conclude that the impacts are acceptable, and that the proposal would provide significant overall social and economic benefits. Assessment has identified a need for independent studies to verify this position.

Notwithstanding the proposal's potential benefits, the staff assessment is that the subject land is not an appropriate location for the proposed development and concludes that the PP does not have the necessary strategic or site merit to proceed to Gateway. The key reasons for this include, but are not limited to:

1. Lack of justification for rezoning the land to MU1. There is already an adequate supply of MU1 land in Ulladulla. The land is also not identified for investigation for rezoning in the current adopted strategic planning framework.
2. There is an undersupply of *developable* industrial land that is unlikely to be resolved soon. The proposed mixed-use development would effectively preclude redevelopment of the Bunnings building (e.g. adaptive reuse or similar) for industrial purposes.
3. Land use conflict and potential health impacts arising by situating mid- to high-rise housing and a childcare centre beside industry (including the area's only concrete batching plant) and the associated threats to the future of the adjoining industrial uses.
4. Creating another area of MU1 land that is separate from the CBD will potentially fragment the town centre and create another competing centre.

5. The proposed height increases will impact on local character and amenity, noting that heights set in an LEP could potentially be increased by the planning reforms being pursued more generally by the NSW Government.

Summary of Initial Community Submissions – Planning Proposal - 131 St Vincent Street Ulladulla

#	Submitter	Positive Comments	Negative Comments
1	Ulladulla Community, Business and Holiday Info	Rezoning is acceptable	Height Precedent Inconsistency with LEP Guidelines Vacant commercial sites in Ulladulla Traffic Impact – increased congestion Lack of available public infrastructure to support the proposed development, including hospitals, schools and public transport.
2			Height Precedent Local character Visual Impact Inconsistent with the height increase PP which involved community consultation
3		Supports mixed use development	Height Excessive scale Insufficient public infrastructure
4			Impacts to on-street parking.
5			Does not support rezoning Height is inconsistent with prevailing local heights Visual impact and security for adjoining residences north of the site.
6			Height is inconsistent with surrounding development Local character Concerns that the apartments will not be affordable Concerns about the 15 year period for affordable housing – insufficient? Concerns that the proposed commercial space may not be commercially viable. Raised that a commercial building on Parsons St has been vacant longer than one year. Raised concerns about long-term commercial vacancy at Pier 32 (Wason St) as well.
7	Hanson Heidelberg Cement Group	Requested clarification on how to be involved? No comments in email.	
8			Scale of proposed development that would be permitted by the PP would be inappropriate to the prevailing character and scale of development in Ulladulla. Concerns that infrastructure is insufficient to support the development.
9		Supported height, density and rezoning, subject to the proposal being a spot rezoning only.	Concerned about lack of industrial lands in Ulladulla. Concern about precedent.

#	Submitter	Positive Comments	Negative Comments
10	[REDACTED]		Visual impact – particularly associated with height and density. Concern for likely traffic impacts, capacity of existing public car parks to support additional users. Raised that the site is not walkable to the existing shopping centre and will encourage car use. Concerns about use of the new apartments for short term rental accommodation. Raised vacancy rates at Pier 32 (Wason St). Impact on local character would be negative.
11	[REDACTED]		Negative impact on local character, height poses visual impact issue. Likely traffic congestion. Raised overshadowing impact to neighbouring properties.

CL24.142 New Land Use Planning Scheme (Stage 1): Strategic Growth Principles and Affordable Housing Strategy - Community Engagement

HPERM Ref: D24/156287

Department: Strategic Planning
Approver: Coralie McCarthy, Acting Director - City Futures

Attachments: 1. Draft Strategic Growth Principles [↓](#)
2. Draft Affordable Housing Strategy (under separate cover) [⇒](#)

Reason for Report

This report seeks Council endorsement for the draft Strategic Growth Principles and the draft Affordable Housing Strategy, initiating community engagement.

The Principles will guide a City-wide Housing Strategy and assist with consideration of rezoning proposals (proponent-initiated Planning Proposals PP's).

The Strategy addresses Shoalhaven's affordable housing challenge, proposing potential ways Council can boost Affordable Rental Housing supply and housing affordability through planning controls, development contributions, public land use, and advocacy.

Recommendation

That Council:

1. Endorse the draft Strategic Growth Principles (**Attachment 1**) and the draft Affordable Housing Strategy (**Attachment 2**) for public exhibition. Note: Staff will finalise the draft Strategy prior to exhibition, including only minor changes that do not significantly change or alter the intent of the draft.
2. Exhibit the draft Principles and draft Strategy for a minimum of 28-days.
3. Notify Shoalhaven's communities, Community Consultative Bodies, Local Aboriginal Land Councils, and other relevant stakeholders/interest groups of the opportunity to provide feedback on the draft Principles and draft Strategy.
4. Receive a further report on the outcomes of the public exhibition and any recommended work required to finalise both documents.

Options

1. As recommended.

Implications: The exhibition of the draft Principles and draft Strategy progress components of the Stage 1 of the new Land Use Planning Scheme. It notifies communities and stakeholders and invites feedback on the drafts. Council will review all feedback to inform final adoption of a set of Principles and a finalised Strategy.

This work helps Council implement several Priorities from the Community Strategic Plan, Delivery Program, and Local Strategic Planning Statement (LSPS). Specifically, **Delivery Program Objective 1.1.05: Develop plans which will enable a variety of affordable and appropriately serviced housing options** and **LSPS Planning Priority 1: Providing homes to meet all needs and lifestyles.**

2. Make an alternative resolution, including adjusting the draft Principles and draft Strategy prior to public exhibition.

Implications: Subject to the nature of the alternative resolution, it could delay the public exhibition and adoption of a final set of Principles and Strategy.

3. Make an alternative resolution to not proceed or delay the proposed consultation.

Implications: Work on these documents, which are confirmed new Scheme Stage 1 priorities, will be paused until Council determines how to progress.

Without the Principles in place, Council will not have a contemporary policy framework to guide the preparation of a City-wide Housing Strategy or its consideration of PP's. This increases the possibility of proposals with limited strategic merit or inconsistent with Council's land use planning priorities progressing through the NSW Government's process for making rezoning proposals.

Not updating the current Affordable Housing Strategy will potentially limit Council's ongoing efforts to increase the supply of Affordable Rental Housing and improving the cost of housing more generally. The Affordable Housing Strategy work is funded via a government grant that has timeframes.

Background

At the Ordinary Meeting of Council 28 August 2023, Council committed to preparing a new Land Use Planning Scheme for Shoalhaven in response significant change experienced over recent years, current and emerging land use planning challenges, and legacy planning matters.

The resolved staged delivery of the new Scheme (MIN23.451 & MIN23.621) also provides significant opportunities to consider and respond to the ongoing planning reforms being progressed by the NSW Government. Having a contemporary land use planning policy for the City is essential to inform collaboration and advocacy activities with NSW Government Agencies.

Stage 1 of the Scheme includes:

1. Additional development controls and heritage conservation measures for Berry.
2. New planning controls to elevate consideration of local or neighbourhood character in the assessment of development applications.
3. A contemporary local infrastructure contributions framework.
4. Investigation of options to manage Short-Term Rental Accommodation (STRA).
5. An updated Affordable Housing Strategy.
6. Preparation of an evidence base and Strategic Growth Principles to guide the preparation of a City-wide Housing Strategy.

Components of Stage 1 work on the Scheme have been the subject of presentations and discussions at recent meetings of Council's Strategic Planning Working Party.

The envisaged overall Scheme has many components, with future stages potentially including a City-wide Housing Strategy, other land use Strategies for rural land and employment land in the City, and updated Character Statements and development controls for locations sensitive to change. The scope and timing of this work (Stage 2) will be settled with the newly elected Council from September 2024. The Scheme is generally consistent with *Shoalhaven 2040*, Council's adopted *Local Strategic Planning Statement* (from 2020) ([link to document](#)) and will be implemented through new or adjusted local planning documents. These include the City-wide Local Environmental Plan, Development Control Plan, and Development Contributions Plan.

This report provides an update on items 5 and 6 of the new scheme, listed above. The feedback response to the public exhibition of the draft Principles and Strategy will be summarised and presented to Council to inform final adoption of the Principles and the Strategy.

The aim is to report community feedback, the final Principles, and Strategy to Council before the caretaker period for the 2024 Local Government elections, as per the adopted program timeline.

Proposed Strategic Growth Principles

The Principles will guide the future preparation of a City-wide Housing Strategy and, in the short term, will strengthen Council's consideration of PP's. They will provide an interim strengthening and confirmation of Council's growth management policies, helping support dated but still valid land use planning strategies. The NSW Government's Gateway Process for PP's requires proposals to, amongst other things, justify the strategic merit of the proposal. The Principles will act as a key component of the framework which proposals must demonstrate consistency and will also guide Council's assessment and consideration of PP's.

Additionally, the Principles will be extremely useful in responding to and shaping the outcome of any Rezoning Reviews. This review process allows a proponent of a PP to request the review of a proposal by the Regional Planning Panel in certain circumstances (when Council does not support a proposal or has taken too long to consider it). These reviews are on the increase in Shoalhaven as the development industry responds to the current housing situation with an increasing number of residential rezoning proposals on non-residential zoned land.

Council endorsed the following Principles when setting and resolving work on the new Scheme:

1. *Preference for urban consolidation and increased/higher densities in existing centres wherever possible.*
2. *Any outward expansion to be focused on cleared/unvegetated land.*
3. *Ability to adequately and economically deliver the development and service the needs of the community in preparing new planning schemes.*
4. *Ecologically sustainable development for resilient and climate-friendly design.*

A draft set of 12 Principles (**Attachment 1**) has been created to address housing need, guide growth, make efficient use of infrastructure, protect biodiversity resources, and avoid areas at risk from natural hazards.

The [Local Strategic Planning Statement](#) (LSPS) is the most appropriate current document to contain and confirm the proposed Principles, until the City-wide Housing Strategy is prepared. The LSPS is a high-level strategic land use planning document confirming the broad land use vision, priorities, and actions for Shoalhaven. It sets out the work Council will do to identify and meet the communities' land use needs over the next 20 years. It also already contains the two Policy Statements on the protection of rural and employment land. Critically, it is a key document which PP's must address to demonstrate consistency with local planning documents (strategic justification). The existing endorsed principles have been discussed by Council's Strategic Planning Working Party and expanded to cover broader matters and outcomes arising from previous community engagement activities and the general direction provided by the LSPS.

Once the draft Principles have been exhibited and adjusted if needed in response to any community feedback, they will be presented to Council with a recommendation that they be included in the LSPS. The preparation of the City-wide Housing Strategy, which will occur with the new Council as Stage 2 of the work on the new scheme, provides an opportunity to further review the Principles if needed.

Explanatory text for each draft Principle is also included in **Attachment 1**.

Affordable Housing Strategy

The current Shoalhaven Affordable Housing Strategy was adopted by Council in late 2017 ([link to document](#)) and has reached its recommended review timeframe. A contemporary Strategy will help Council continue to respond to the ongoing affordable housing challenge. The update of the Strategy also foreshadows the need to prepare for the NSW Government's proposed housing supply, affordability, and diversity targets. The Strategy provides the evidence base and policy position required to advocate for targets that meet the communities' housing needs and support a sustainable development industry in Shoalhaven.

Council received grant funding from the NSW Government's Regional Housing Strategic Planning Fund to prepare the new Strategy and several pieces of associated research. Planning and economic consultants, HillPDA, were commissioned to undertake this work.

The overall project includes building an evidence base of current opportunities and challenges and seeks to identify potential mechanisms to manage housing affordability in Shoalhaven. This includes: the barriers to the delivery of alternative dwelling types; development feasibility; and the use of alternative dwelling types (e.g. Tiny Homes).

The draft Strategy defines types of affordable housing, estimates Shoalhaven's affordable housing need, and identifies key challenges to the supply of affordable housing. Importantly, it identifies a range of actions which will help Council contribute to increasing the supply of Affordable Rental Housing and improving the cost of housing more generally. The actions fall into four categories: direct delivery on Government land; indirect market delivery; a supportive and innovative framework; and advocating and raising awareness. Key actions include:

- Implement an affordable housing contributions scheme requiring developers to contribute land, homes, or funds towards the delivery of Affordable Rental Housing.
- Increasing dwelling diversity in new Urban Release Areas.
- An audit of Council-owned land to identify opportunities to partner with community housing providers and other developers to deliver Affordable Rental Housing.
- Advocacy and education activities to influence the work of other organisations and agencies and manage potential community concern about different types of housing.

A copy of the current draft Strategy is provided as **Attachment 2**.

Community Consultation

The exhibition of the draft Principles and draft Strategy for community review and comment is proposed to occur in June 2024 for approximately 4 weeks. The opportunities for a longer exhibition are limited, noting the aim to present the feedback received to the current Council prior to the local government elections. The exhibition will be supported with explanatory information including a summary of the Strategy and Frequently Asked Questions (updated throughout the exhibition).

A dedicated webpage will be created for both documents. The exhibition material will be published on this page, along with project updates and ways to provide feedback (survey, submission form etc.). A physical copy of the exhibition material will be available in Council's Administration Buildings (Nowra & Ulladulla) and the Nowra and Ulladulla Libraries. The Council Project Team will be available to answer questions on the phone or through the online "Question & Answer" function provided on the project webpage.

Notification of the public exhibition will occur through a variety of methods including on Council's website, newsletters, and social media. Community members subscribed to receive updates on Council's land use planning projects, Community Consultative Bodies, Local

Aboriginal Land Councils, and the local development industry will be notified. Reminders will be published at the mid-point of the exhibition.

A summary of all submissions received will be prepared and published following the close of the public exhibition.

Once the drafts have been exhibited and adjusted, as needed in response to community feedback, they will be presented to Council for consideration and final adoption.

Financial Implications

Should the draft Affordable Housing Strategy be adopted, there are several actions that are to be investigated both short and long term. Whilst the initial investigation can be considered as part of operational work plans, as these actions progress, they will need to be considered through a lens of financial sustainability for Council. If adopted, these actions will be supported 'in principle' with staff to investigate and report to Council outcomes, including any potential financial considerations as relevant.

Shoalhaven Draft Strategic Growth Principles

1. Housing supply is informed by an established evidence base, including local population forecasts and historic development activity.

The communities' housing needs will be identified using Council's evidence base. This includes population forecasts and the monitoring of development activity. The population forecasts consider a range of inputs such as Census data and information about births, deaths and migration to predict anticipated population change for each of Shoalhaven's settlements. Change can include population growth, and the size, age, and composition of households. Monitoring of development activity provides information on the number and type of homes being delivered, development trends, and the remaining capacity of zoned land. The local forecast indicates the need for approximately 14,200 extra homes by 2051.

2. Housing diversity is increased to provide the dwelling types needed to meet the identified housing needs of Shoalhaven's communities.

Local population forecasts indicate Shoalhaven's housing needs are changing. Overall, the population is increasing and ageing, while household sizes are getting smaller. These changes create a demand for a range of dwelling types, including more compact and easily maintained homes located close to services and amenities to accommodate the needs of Shoalhaven's communities at all stages of their lives. Greater housing diversity has been shown to improve housing affordability by providing a range of housing at lower price points.

3. Housing affordability is improved through an increased supply of permanent Affordable Rental Housing.

Opportunities to increase the delivery of Affordable Rental Housing include partnerships with Community Housing Providers and other developers, and requirements for new development to contribute land, homes, and/or funds for the delivery of permanent Affordable Rental Housing. To secure rental affordability, it is estimated an additional 3,300 affordable homes are needed.

4. Identified Urban Release Areas will deliver the majority of new housing supply and support new communities with essential infrastructure.

Council will focus its planning work, infrastructure supply, and resources on delivering the existing urban release areas identified within Council's adopted land use planning strategies. The development of these areas will maximise the efficient use of existing and planned infrastructure. Council will collaborate with infrastructure delivery agencies and the development industry to provide the infrastructure to support future communities in these identified release areas. Proposals for additional or alternative release areas will only be considered in the update and review of existing land use planning strategies.

5. Additional greenfield development will be focussed on cleared, unvegetated land, strategically located to make efficient and cost-effective use of existing and planned infrastructure.

The investigation of new greenfield growth opportunities will focus on land without significant biodiversity values and vegetation, including mapped habitats and riparian corridors. Urban expansion opportunities will be logical extensions to the existing urban edge to make efficient use of existing and planned infrastructure including roads, water, sewer, electricity and the like. Proposals for remote or isolated urban areas require significant and expensive enabling infrastructure and do not achieve the same efficiencies.

6. Increase residential densities and deliver master-planned urban consolidation in strategic centres.

Increased densities will be delivered in Nowra, Bomaderry, Ulladulla and other key centres close to jobs, services and facilities. The intensification of population in existing centres increases social and economic vibrancy and activation and supports the viability and delivery of improved public transport. Development of defined precincts within centres will be informed by master-

Shoalhaven Draft Strategic Growth Principles

planned approaches to ensure efficient built footprints, retain vegetation, manage traffic and parking, and provide necessary infrastructure such as roads, footpaths, and open space.

- 7. Facilitate an increase in housing diversity in established neighbourhoods to provide a greater variety of homes which contribute to existing and desired future character.**

Established residential areas play a role in providing new homes to meet the communities' diverse and changing housing needs. Opportunities include the delivery of secondary dwellings, dual occupancies, and multi-dwelling housing. Encouraging positive change and delivering diverse housing without impacting existing communities is acknowledged. Council will manage the contribution new development makes to local character through its assessment processes and by confirming existing and desired character.

- 8. New residential development will conserve, protect, and manage significant habitats and areas of high biodiversity value.**

Development will maximise opportunities to conserve and protect biodiversity values and habitats in accordance with contemporary environmental legislation.

- 9. New residential development will avoid areas of known environmental risks and minimise impacts on emergency management.**

A risk management hierarchy will be applied to new development to firstly avoid and then manage risks. Known and anticipated risks and constraints will be validated with contemporary assessments. The ability of emergency services to support communities during events is also an important consideration. Proposals with unacceptable social, environmental and economic costs will not be supported. The elimination of risk for existing and future communities is not possible, with many settlements at risk from flooding, bushfires, and other coastal hazards. Some communities are also isolated during certain events. Council will consider alternative ways to increase dwelling supply in constrained locations to meet the communities housing need instead of further urban expansion.

- 10. Ecologically sustainable development will provide resilient and climate appropriate neighbourhoods and dwellings.**

Development should continually improve the quality of life, both now and in the future, in a way which maintains or enhances environmental and community values. Urban vegetation will be retained and increased in residential areas to deliver amenity and manage urban heat. Water sensitive urban design will help manage water quality in in urban environments, rivers, and aquatic environments. New homes will maximise thermal, energy and water efficiency to provide comfortable homes and lower household bills.

Adopted Policy Statements in Council's Local Strategic Planning Statement

- 11. Retain and manage existing rural land, avoiding the rezoning of such land for other uses including rural-residential and residential outcomes, unless identified in a relevant Strategy.**

Council's confirmed direction for the management of productive rural land is to identify, retain and manage agricultural land, protecting it from development that removes it as a resource, such as rural-residential subdivision. Development must avoid fragmentation of rural land and minimise potential land use conflicts with other uses such as residential.

- 12. Retain and manage existing zoned industrial land, including from rezoning for other purposes, while future need is established.**

The identified shortage of zoned, serviced, and available industrial land in Shoalhaven means existing industrial and urban services land needs to be protected from competing pressures, especially residential and mixed-use zones, and encroachment from sensitive land uses like residential. This is essential to provide the space for existing, new, and emerging industries providing diverse employment opportunities for Shoalhaven's communities.

CL24.143 Assignment of Lease - Airspace Morisons Arcade - 105 Junction Street, Nowra

HPERM Ref: D24/131870

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

The reason for this report is to provide Council with an opportunity to consider approving a Deed of Consent and Assignment of Lease in relation to the premises known as Airspace Morisons Arcade, 105 Junction Street, Nowra from F M Morison Pty Ltd (ACN 001 099 403) to Slobodan Tancev.

Recommendation

That Council

1. Authorise the execution of the Deed of Consent and Assignment of Lease for the Airspace in Morisons Arcade, 105 Junction Street, Nowra from F M Morison Pty Ltd to Slobodan Tancev; and
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 City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended

Implications: The lease will transfer to the purchaser of 103 Junction Street, Nowra with the same obligations as the current lease.

2. Not approve the transfer of the lease.

Implications: The purchaser of 103 Junction Street, Nowra would not have legal occupation of the airspace over Morisons Arcade. This will cause a liability risk to Council and may result in Council needing to remove the building within the airspace of Morisons Arcade.

Background

On 24 January 2024, Council resolved to (MIN24.23)

That Council:

Enters a five-year lease with an option for a further three x five year extensions, 20 years total, to F M Morison Pty Ltd for the lease of Airspace in Morisons Arcade, being Part Lot A DP 161880 at a commencement rent of \$5,400 (plus GST) per annum;

In recent months, F M Morison Pty Ltd listed their building, 103 Junction Street, Nowra, for sale and have now secured a purchaser. Accordingly, F M Morison Pty Ltd have requested approval by Council for assignment of the lease to the new purchaser, Mr Slobodan Tancev.

In accordance with the conditions of the current lease agreement, the tenant has requested that the assignment of the lease be approved by Council as the lessor. Under the lease, Council cannot unreasonably withhold its consent.

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The lessee will pay all of Council's costs associated with the lease transfer.

Investigations into the purchaser have been completed and the purchaser, Slobodan Tancev, has the ability to meet the obligations under the lease agreement.

Internal Consultations

A request for internal comments was made on 3 April 2024. No objections were received.

External Consultations

Nil.

Community Consultations

Further community engagement is not considered necessary as there will be no change to the current use of the site, the affected stakeholders are a party to the agreement and the proposal is consistent with the Operational Land classification.

Policy Implications

The proposed assignment of the lease over Operational land is in accordance with Occupation of Council Owned or Managed Land Policy with the decision to grant a term greater than five years, requiring Council resolution.

Financial Implications

The lessee will pay all of Council's costs associated with the lease transfer.

Risk Implications

Nil.

CL24.144 Consideration to Sell Council Owned Property

HPERM Ref: D24/194892

Department: Building Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

The purpose of this report is to inform Council that staff have identified potential opportunities to divest assets from the existing property portfolio and to seek the support from Council to further investigate these potential opportunities.

In accordance with Section 10A(2)(c) of the Local Government Act 1993, some information should remain confidential as it would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. 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 and undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market. This information will be considered under a separate confidential report

Recommendation

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

Options

1. Accept the recommendation.

Implications: Consider a separated confidential report on the matter.

2. Reject the recommendation.

Implications: Information regarding properties would be shared in a way that would potentially compromise the outcome.

Background

Council is currently pursuing initiatives that will assist its financial sustainability. These initiatives have included the Council divesting itself of some property assets on behalf of the community in order to assist achieving financial security into the future.

A series of land assets are considered able to be investigated for the purposes of understanding whether they can be leased at commercial rates, sold or continue to be managed as they are now.

The proposal represents an opportunity for Council to consider financial efficiency, supporting its long-term financial status, while potentially relieving Council of the operational obligations of continuing to own and manage some of its land holding.

CL24.144

Policy Implications

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

Financial Implications

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

CL24.144

CL24.145 Tenders - Road Pavement Repairs - Various Sections between Chainage 180m and Chainage 52000m, Braidwood Road, Yerriyong.

HPERM Ref: D24/166560

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

The reason for the report is to inform Council of the tender process for “Road Pavement Repairs – Various Sections between CH180m and CH52000m, Braidwood Road, Yerriyong”.

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

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a 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

Details

Project Description

The project is for the pavement rehabilitation work at various sections along Braidwood Road between Chainage 180 metres and Chainage 52,000 metres. These sections of the road were damaged in severe weather and flooding event on 22 February 2022 onwards. The project is co-funded through the Natural Disaster Recovery Funding and Regional Emergency Road Repair Fund. The scope of works to be delivered include the following:

- Site establishment and disestablishment, including preliminaries, Dial Before You Dig investigations (DBYD) and work programming,
- Quality management including testing and compliance with the specification provided,
- Erosion and sediment control,
- Traffic management,

CL24.145

- Repairs to be done either with 200mm insitu stabilisation of the existing pavement and seal or rip, recompact and seal or asphalt heavy patch (70mm or 140mm),
- Supply and place double/double 14/7mm sprayed seal,
- If required:
 - Earthworks including disposal and haulage of excess material to designated stockpile location.
 - Excavated material to be tested and classified. Treatment of unsuitable material if needed.
 - Unsuitable material will be disposed of to an approved disposal facility.
 - Verge and table drain restoration as required.
 - Replacement of guideposts and linemarking.
- Work as Executed (WAE) survey.
- Provision of pavement conformance pack, showing demonstrated compliance to all relevant specifications.

Tendering

Council called tenders for “Road Pavement Repairs – Various Sections between CH180 – CH52000, Braidwood Road” on 20 March 2024 which closed at 10:00 am on 18 April 2024. Eight tenders were received at the time of closing. Tenders were received from the firms shown in **Table 1**.

Table 1 – Tendering Firms - Road Pavement Repairs - Braidwood Road

Tenderer	Location
Convil Group	Cecil Hills, NSW 2171
Countrywide Civil & Asphalt	Wodonga, VIC 3630
Denrith Pty Ltd	Goulburn, NSW 2580
Downer EDI Limited	Melbourne, VIC 3000
Fulton Hogan Pty Ltd	Richmond VIC 3121
Roadworx Group Pty Ltd	Unanderra, NSW 2526
Stabilised Pavement of Australia	Somersby, NSW 2250
Stefanutti Construction Pty Ltd	Wollongong, NSW 2526

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

Policy Implications

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

Financial Implications:

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

Risk Implications

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

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CL24.146 Report - Quarterly Review for Compliance Matters

HPERM Ref: D24/136415

Department: Certification & Compliance

Approver: James Ruprai, Director - City Development

Attachments: 1. Penalty Notices & Warnings Issued & Patrols - Quarterly Review - City Development - January to March 2024 [↓](#)

Reason for Report

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

This report provides this information for Quarter 3 FY24 (1 January 2024 to 31 March 2024).

Recommendation

That Council receive the 1 January 2024 to 31 March 2024 quarterly report (Q3) on compliance matters for information.

Options

1. Council receives the report for information.

Implications: Nil

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

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

Report

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

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

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

This report relates to 1 January 2024 to 31 March 2024 (Q3 FY24).

Penalties and Warnings

A combined total of 3,084 penalty notices were issued by the compliance disciplines during Q3 (Table 1). These penalties have a face value of \$760,477 and based on historical figures, it is anticipated that Council will receive approximately 70% of this ticketed figure.

A total of 39 warnings were issued during the period.

Attachment 1 to this report provides a breakdown of the penalties and warnings issued. The following sections provide a summary of these penalties and warnings.

Table 1:- Penalties and warnings issued for Q3 2023/24

Compliance discipline	Number Issued	Total Amount	% of total amount	Warnings Issued
Compliance	26	\$51,190	6.7%	6
Fire Safety	0	0	0.0%	0
Swimming Pools	11	\$4,510	0.6%	2
Environmental Health	8	\$24,830	3.3%	5
Rangers – Animal management	161	\$77,060	10.1%	19
Rangers – Environmental	96	\$23,458	3.1%	1
Rangers – Parking	2,782	\$579,429	76.2%	6
Total	3,084	\$760,477	100.0%	39

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Compliance

Twenty-six (26) Compliance penalty notices were issued during Q3:

- (a) Woollamia (\$5,160): Four (4) penalty notices were issued to the owner of a premises who was carrying out a prohibited tourist development activity on land mapped to contain a flame zone bush fire attack level.
- (b) Milton (\$4,700): Three (3) penalty notices were issued to the owner of a premises who constructed a prohibited secondary dwelling and a swimming pool without consent.
- (c) Conjola Park (\$9,500): Six (6) penalty notices were issued to the owner of a premises who constructed a dwelling, retaining walls, installed shipping containers and transported waste to council land. Recidivist offender.
- (d) St Georges Basin (\$6,330): Three (3) penalty notices were issued to the owner of a premises who constructed a boardwalk, jetty and amenities building associated with a tourist and visitor DA.
- (e) Berry (\$3,000): Two (2) penalty notices were issued to separate property owners for the construction of two (2) separate unauthorised swimming pools.
- (f) South Nowra (\$9,000): Two (2) penalty notices were issued. One (1) to the owner of a premises who was a company and one (1) to the individual carrying out an activity within a building that constituted a change of use without consent and increasing public safety risks. Recidivist offender.
- (g) Huskisson (\$3,000): One (1) penalty notice was issued to the individual conducting a food and drink business from a storage facility without development consent.

- (h) Barrengarry (\$6,000): Two (2) penalty notices were issued, one (1) to the owner of a premises who constructed a swimming pool without development consent and one (1) to the builder who carried out the works. Both are private limited (Pty Ltd) companies.
- (i) Greenwell Point (\$3,000): Two (2) penalty notices were issued to the owner of a premises who had constructed a pergola and deck without development consent.
- (j) Basin View (\$1500): One (1) penalty notice was issued to the owner of a premises who converted a new approved shed into a habitable room for commercial rental purposes without development consent.

Swimming Pools

Eleven (11) penalty notices were issued in relation to swimming pools during Q3:

- (a) South Nowra (\$880): Three (3) penalty notices were issued to the owner of a premises where the swimming pool was directly accessed from the house, no warning sign and not registered.
- (b) Sanctuary Point (\$880): Three (3) penalty notices were issued to the owner of a premises where the swimming pool and spa did not have a compliant child resistant barrier, no warning sign and not registered.
- (c) Jaspers Brush (\$550): One (1) penalty notice was issued to the owner of a premises who did not comply with a swimming pool Direction to install a compliant child resistant barrier.
- (d) Berry (\$1,100): Two (2) penalty notices were issued to separate owners of separate premises where the unauthorised swimming pools did not have compliant child resistant barriers.
- (e) Barrengarry (\$550): One (1) penalty notice was issued to the owner of a premises where the spa pool did not have a compliant child resistant lid and was sunken into the deck.
- (f) Shoalhaven Heads (\$550): One (1) penalty notice was issued to the owner of a premises where the child resistant was not maintained and had become completely ineffective.

Environmental Health

Eight (8) penalty notices and five (5) warnings were issued by Environmental Health during Q3:

- (a) Fishermans Paradise (\$330): - One (1) penalty notice was issued to a property owner for failure to comply with Order 21 of the *Local Government Act 1993* for an overgrown and unsightly property.
- (b) Woollamia (\$500): - One (1) penalty notice was issued to a property owner for burning a prescribed matter (i.e. asbestos containing material) in the open after educational information was previously provided. One (1) warning was also issued for burning in the open and not preventing or minimising air pollution which would have equated to a further \$500 if issued as a penalty notice.
- (c) A further two (2) warning notices were also issued to the joint property owners for burning prescribed matter and for burning in open and not preventing or minimising air pollution, which would have equated to \$1,500 if issued as a penalty notice.
- (d) Culburra Beach (\$4,000): - One (1) penalty notice was issued to an owner builder for pollution of waters. Sediment controls were removed allowing sediment laden water to enter the stormwater drains.

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Culburra Beach pollution of waters

- (e) Greenwell Point (\$3,000):- One (1) penalty notice was issued to a building company for development not in accordance with their development consent for sedimentation and erosion.



Greenwell Point sedimentation and erosion

- (f) Badagarang (\$3,000):- One (1) penalty notice was issued to a building company for development not in accordance with development consent for sedimentation and erosion.

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- (g) Mollymook (\$11,000):- Two (2) penalty notices were issued to a building company for development not in accordance with development consent for sedimentation and erosion concerns and pollute waters.
- (h) South Nowra (\$3,000):- One (1) penalty notice was issued to a building company for development not in accordance with development consent for sedimentation and erosion.
- (i) South Nowra (\$0):- One (1) warning notice was issued to a building company for development not in accordance with development consent for sedimentation and erosion concerns. This would have equated to \$3,000 if issued as a penalty notice.
- (j) Milton (\$0):- One warning notice was issued to a building company for development not in accordance with development consent for sedimentation and erosion concerns. This would have equated to \$3000 if issued as penalty notice.

The penalty notices and warnings for Mollymook, South Nowra and Milton ((f) – (i) above) were all issued to the same company for offences in the same month. As such, Environmental Health Officers met with the Director and Senior Construction Manager of the company to discuss ongoing and future development compliance. The development sites have been operating in an environmentally satisfactory manner since this meeting occurred. A toolbox talk was carried out with the company in late 2023.

Compliance and Environmental Services Court Elected Penalties

The following matters have been court elected during Q3:

- (a) One (1) pollution of waters offence under *the Protection of the Environment Operations (POEO) Act 1997 (NSW)* - a Not Guilty plea was entered with the trial scheduled for April 2024.
- (b) Three (3) court elected penalty notices under the POEO Act and one (1) unauthorised works under the *Environmental Planning and Assessment (EP&A) Act 1979 (NSW)* Guilty pleas were entered for the pollution of waters, failing to comply with a clean-up notice and failing to pay the administration fee under the POEO Act, and development not carried out in accordance with a development consent under the EP&A Act. The date for sentencing is scheduled for May 2024.
- (c) Seven (7) penalty notices issued to the owner of a premises at Culburra Beach for offences relating to unauthorised development under the EP&A Act including land use, building works and an unsafe spa pool. The offender pleaded guilty, and the penalties were upheld.

Ranger Services

Animal Management

There was a total of 73 dog related penalty notices issued for the period (not including registration offences). Figure 1 provides information on the penalty notices issued by town for the period.

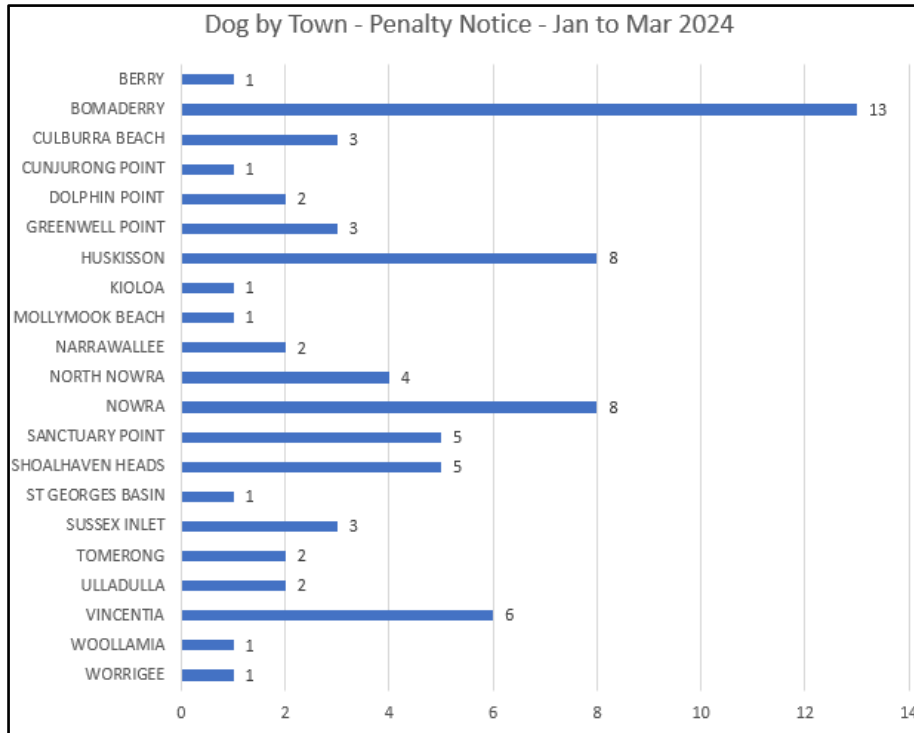


Figure 1:- Dog related penalty notices by town for the period

Dog attacks: Rangers received and attended 73 reports (including reoccurrences) of dogs attacking during the Q3 period. Of these reports, 21 investigations have been completed with 22 penalty notices issued (i.e., 22 x \$1,320 = \$29,040). A further 52 matters remain under investigation.

Although the penalty is high, dog attacks remain a major risk. Whilst there is more awareness in the community, there may still be several unreported dog attacks. Rangers continue to apply Council’s resolution of 21 April 2020 (MIN20.264) for zero tolerance and issue penalty notices for all substantiated dog attacks.

Registration non-compliances: 88 penalty notices were issued for non-compliance with the requirements for lifetime registration, microchipping and keeping details up to date on the Companion Animals Register.

Rangers - Environmental

A total of 96 penalty notices were issued for Rangers - Environmental, this includes camping, littering, unattended vehicles and fail to comply penalties.

Parking

A total of 2,782 parking tickets were issued in the period with a value of \$579,429. The breakdown of the tickets issued by town is provided in Figure 2.

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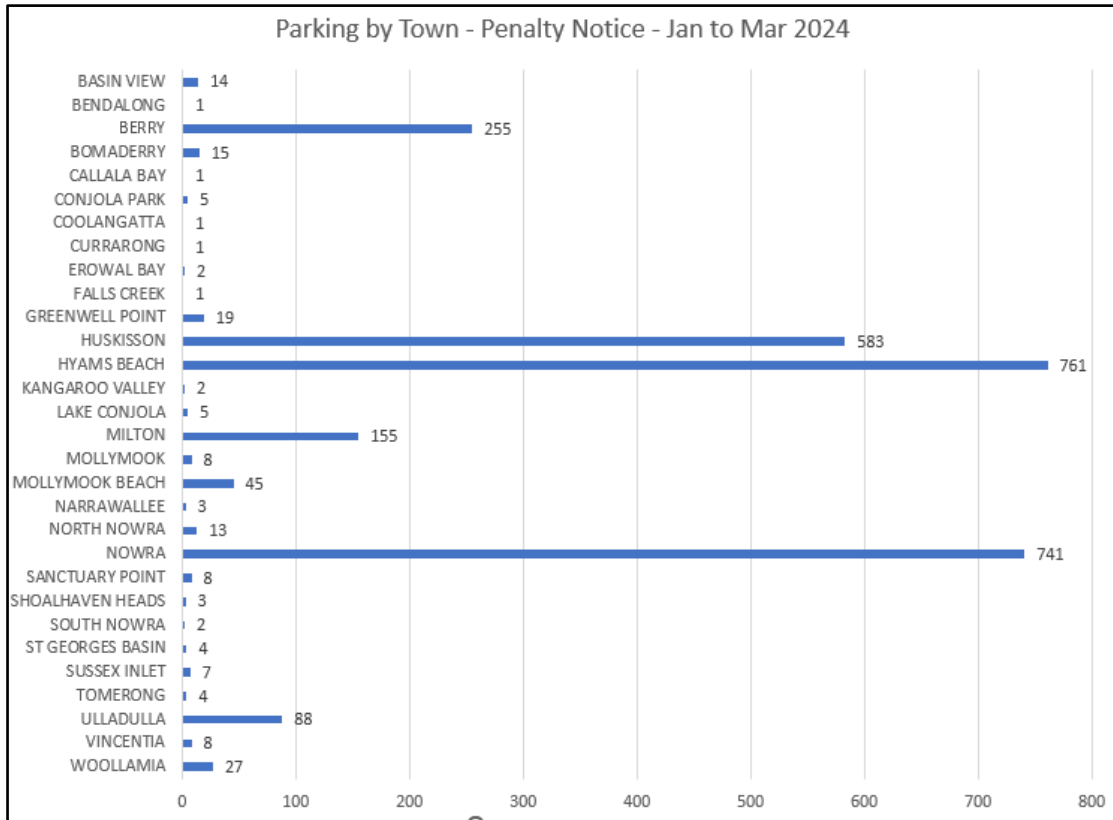


Figure 2: - Parking penalty notices issued by town.

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<p>Campers – Abraham Bosom Beach Currarong. Three fines issued.</p>	<p>No stopping offence at Hyams Beach – Fine issued.</p>
<p>Stop at side of road with continuous yellow edge line at Hyams Beach. Fine issued.</p>	<p>Traffic control measures in place outside Milton Showground during the annual Show highlights the need for a review of the process.</p>

Selected examples of Ranger Services' issued penalty notices

Customer Requests

Compliance

The Compliance Unit received 122 Customer Requests in Q3 (Table 2).

Table 2: - Customer requests by type received.

Type of customer requests received	Number Received	Percentage of total (%)
Development Concern	87	71%
Stormwater	16	13%
Swimming Pool Inspection	19	16%
TOTALS	122	100%

The following additional comments are made:

(a) Development concerns: This represents the highest percentage of customer requests and includes development without consent, development not in accordance with consent and land safety issues such as landslides and fire damaged dwellings.

The requests received were from all areas of the Shoalhaven LGA, with the central area representing the highest total with 39 or 31.97% of the total requests received.

(b) Stormwater: Compliance receives a high number of complaints following extreme weather events. These complaints are often in towns without street drainage infrastructure and require officers to liaise with the customers to acknowledge their concern but often to advise that Council is not able to implement actions.

(c) Swimming pool compliance: This includes concerns raised by members of the public, referrals from private certifiers and Council’s proactive inspection obligations. Council’s Compliance Unit continue to enforce swimming pool legislation in accordance with the Council resolution (MIN22.946) to take a zero-tolerance approach to swimming pool breaches and have attended a high volume of unauthorised pools during the quarter.

Two (2) warnings were issued for non-significant swimming pool offences in Q3.

Compliance has also been streamlining processes internally with the intent to reduce office-based time and increase the number of pools being inspected each quarter. For Q3, Council conducted 99 separate inspections. This included 63 inspections following an application to Council for a Certificate of Compliance whilst the remaining 36 inspections were under Council’s Mandatory Inspection Policy.

Environmental Health

The Environmental Health Unit received 386 Customer Requests in Q3 (Table 3).

Table 3:- Environmental Health customer requests by type

Category of customer requests	Number Received	% of total requests
Air, Land & Water Pollution (inc. Sediment & Erosion)	103	26.68%
Contaminated land enquiries	1	0.26%
Noise Pollution	37	9.59%

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Public Health	234	60.62%
Short Term Rental Accommodation (STRA)	11	2.85%
TOTAL	386	100%

The following provides a breakdown of the aspects of the customer requests that Environmental Health received:

- (a) Air, Land and Water Pollution (inc. Sediment & Erosion): This category represents one of the highest percentages of customer requests received by Environmental Health and includes backyard burning, odour and smoke; pollution to waters and sediment and erosion pollution from building sites.
- (b) Contaminated Land enquiries: Environmental Health administers the Potentially Contaminated Land (PCL) layer in GIS and provides advice internally and guidance to members of the public.
- (c) Noise Pollution: Noise disturbances from prescribed articles such as air conditioners and pool pumps as well as musical instruments, poultry, and licensed establishments.
- (d) Public Health enquiries: This category includes food premises, on-site septic systems, overgrown properties and hoarding and squalor. Complaints about overgrown properties take up a lot of resources at this time of the year.
- (e) Short Term Rental Accommodation (STRA): While STRA's are administered by NSW Fair Trading, Environmental Health will respond to complaints with letters outlining responsibility of owners and provide advice to customers.

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Ranger Services - Animal Management

A total of 525 animal management complaints were received for the quarter (Figure 4).

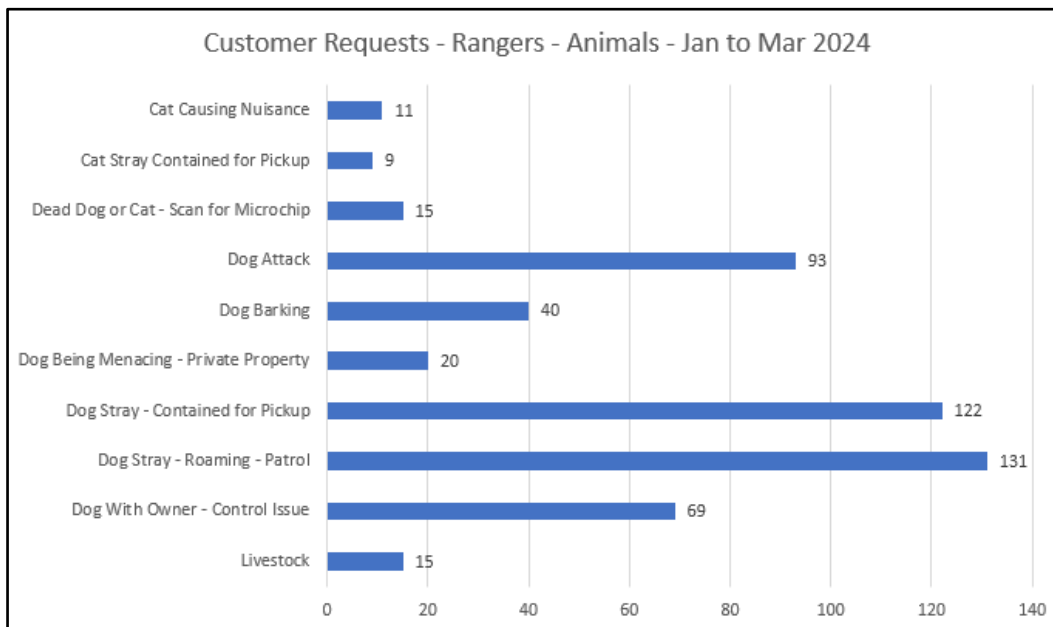


Figure 4: – Customer requests for animal management issues

Ranger Services - Environmental and Parking

Rangers attended 976 environmental and parking complaints (Figure 5).

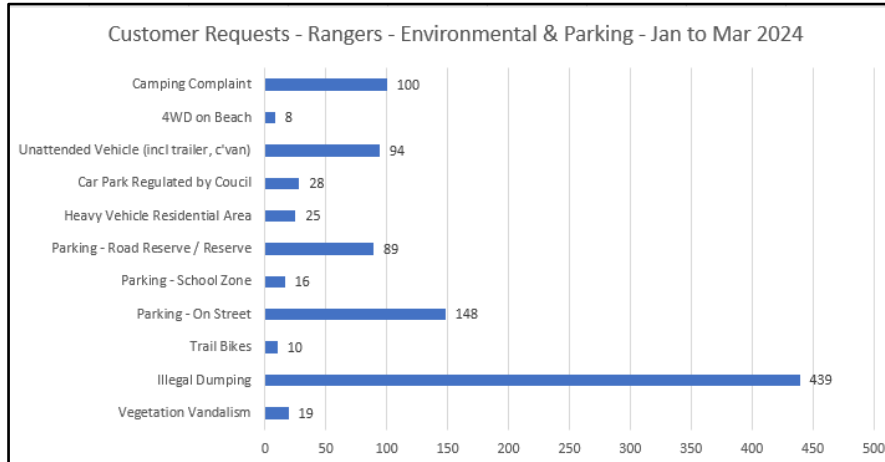


Figure 5: – Customer requests for environmental and parking issues

The following provides a breakdown of the aspects of the customer requests that Ranger Services received:

- (a) Vegetation Vandalism: Ranger Services received 19 reports of vegetation vandalism and eight (8) are still under investigation. Rangers continue surveillance of these vandalised areas in accordance with Council’s Vegetation Vandalism Prevention Policy.
- (b) Proactive Beach Patrols: Ranger Services completed 1,292 beach patrols during this quarter. A number of dog owners were spoken to during this period with Rangers identifying 1,018 compliant dogs and 120 non-compliant dogs. Enforcement action and education is undertaken when offences are detected.
- (c) Proactive Patrols – Other: Ranger Services completed 1,071 patrols with categories including Asset Inspection (RID), Asset Protection, Camping, CBD Foot Patrol, Illegal Dumping, Parking, Schools, Shopping Trolley, Unauthorised Signage, Vegetation Vandalism.

Ranger Services - Report Illegal Dumping (RID)

Illegal Dumping: - 439 incidents were reported to RID Online including 31 duplicate jobs. Of this figure, 32 incidents remain open pending further investigation. Strategies to reduce and prevent illegal dumping includes collaboration with other public land managers and Local Aboriginal Land Councils in the Shoalhaven. Rangers conducted 5 deployments of covert surveillance cameras during the reporting period at illegal dumping “hot spots”.

Table 4 provides a breakdown of the waste types and the relevant weights.

Table 4: - Waste types and weight for the period (from RID online)

Waste Types	Incidents	Incident %	Weight (Tonnes)
Asbestos	4	0.91%	1.38
Commercial & Industrial	15	3.42%	2.88
Construction & Demolition	24	5.47%	66.58
Electronic Waste	12	2.73%	0.76
Household Waste	219	49.89%	50.98
Liquid Waste	4	0.91%	0.13
Mulch & Green Waste	42	9.57%	76.4
Other	10	2.28%	0.07

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Scrap Metal	16	3.64%	5.23
Soil and Excavated Material	3	0.68%	32
Tyres	32	7.29%	3.68
Vehicles & Car Parts	27	6.15%	24.54
Duplicates	31	7.06%	0
TOTAL	439	100%	264.63

The estimated cost to Council for the removal of the waste reported for Q2 is \$54,787. The Correctional Service NSW Community Projects Team continue to support the RID Program in the Shoalhaven by removing waste from land managed by other public land custodians.

	
Council Reserve Crookhaven Heads – Owner of Waste Fined \$2,000	Nature Strip Nowra – Occupants / Owners Arranged Removal
	
Nature Strip Nowra – Social Housing Manager Arranged Removal	Tullarwalla – Locate Stolen Motor Vehicle

Selected examples of sites where dumped waste has been identified and removed.

Clean Up Australia Day

More than eight tonnes of rubbish was collected across the Shoalhaven during Clean Up Australia Day on Sunday 3 March 2024.

Staff and the community stepped up to retrieve a range of discarded and dumped items on our beaches, waterways, bushland, parks and townships.

Animal Shelter

Data on the incoming and outgoing dogs and cats to and from the Animal Shelter is presented in Table 5.

The Animal Shelter currently has over 24,000 followers on Facebook. This platform provides an effective means of advertising adoptions, lost dogs, and the promotion of responsible pet ownership.

- i. Income: Overall income increased this quarter to \$43,296.35 (\$37,158.02 Q2).
- ii. Animal desexing vouchers: The Animal Shelter collaborated with external organisations obtaining continued support for the animal desexing program. This

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resulted in a total of 91 desexing vouchers being provided by RSPCA (69) and AWL (22).

- iii. Contributions to the shelter: The Animal Shelter would like to acknowledge the generosity from within the community. Blooms Chemist donated close to \$250.

Table 5: - Data on incoming and outgoing dogs and cats.

Cats	Number	Dogs	Number
Cats incoming M/C	11	Dogs incoming M/C	59
Cats incoming not M/C	61	Dogs incoming not M/C	44
TOTAL	72	TOTAL	103
Cats incoming - Ranger	12	Dogs incoming - Ranger	34
Cats incoming - Public	55	Dogs incoming - Public	63
Cats Surrendered	12	Dogs Surrendered	5
Shelter Offspring	5	Shelter Offspring	7
Emergency Boarding	0	Emergency Boarding	0
TOTAL	84	TOTAL	109
Cats Reclaimed by Owner	5	Dogs Reclaimed by Owner	45
Cats Adopted	96	Dogs Adopted	56
Cats Euth'd Feral	5	Dogs Euth'd aggressive	1
Cats Euth'd medical	4	Dogs Euth'd medical	1
Transferred to rescue	2	Transferred to rescue	2
TOTAL	112	TOTAL	105
Cats returned home by Ranger	1	Dogs returned home by Ranger	42

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Companion Animals Register

The numbers of companion animals per animal category is presented in Table 6.

Table 6: - Companion animals in Shoalhaven LGA

Animal category	Total animals in Shoalhaven		
	ID Only	Registered	Total
Cats	2643	13471	16114
Dogs	10440	49944	60384
Total	13083	63415	76498

Incoming Companion Animal forms from the public are processed at the Animal Shelter. Pet owners can manage their own data via NSW Pet Registry, but the option exists to utilise Council for this service. The number of forms entered onto the NSW Companion Animals Register by the Animal Shelter staff this quarter are listed in Table 7.

Table 7: - Companion animal forms processed by Council.

Function	Number
Change of owner	1,219
Change of address or details	91
Permanent identification	259
Lifetime Registration	789
Total	2,358

A total of 671 registrations totalling \$43,558 were received via Council (Table 8).

Table 8: - Registration income by registration type (Companion Animals Register).

Registration Categories 1 Jan to 31 Mar 2024	Number	Total \$ Value
Assistance Animal	5	0
Cat - Desexed (eligible pensioner)	9	288
Cat - Desexed (sold by Pound/Shelter)	193	0
Cat - Desexed or Not Desexed	15	975
Cat – Desexed or Not Desexed with Late Fee	3	258
Cat – Not Desexed (not recommended)	1	65
Cat – Not Desexed (recognised breeder)	1	65
Desexed (sold by Pound/Shelter)	46	0
Dog - Desexed (by relevant age - eligible pensioner)	71	2272
Dog - Desexed (by relevant age - eligible pensioner) with Late Fee	6	318
Dog - Desexed (by relevant age)	131	9825
Dog - Desexed (by relevant age) with Late Fee	49	4704
Dog - Not Desexed (not recommended - eligible pensioner)	9	288
Dog - Not Desexed (not recommended)	26	1950
Dog - Not Desexed (recognised breeder)	5	375
Dog - Not Desexed or Desexed (after relevant age)	73	18396
Dog - Not Desexed or Desexed (after relevant age) with Late Fee	9	2457
Dog – Not Desexed (not recommended) with Late Fee	3	288
Working Dog	9	0
In Service Of State	1	0
Jul 2022-Jun 2023 Cat - Desexed (Pensioner)	1	29
Jul 2022-Jun 2023 Dog - Desexed (by relevant age)	1	69
Jul 2022-Jun 2023 Dog - Not Desexed or Desexed (after relevant age)	4	936
Grand Total	671	43558

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Education

Environmental Health

Environmental Health Officers undertook targeted fast-food premise inspections outside of normal working hours during Q3. This resulted in the implementation of education programs to Area Managers of larger fast-food chains in the LGA. Environmental Health Officers will continue this surveillance and the use of the hierarchical compliance approach to increase food safety.

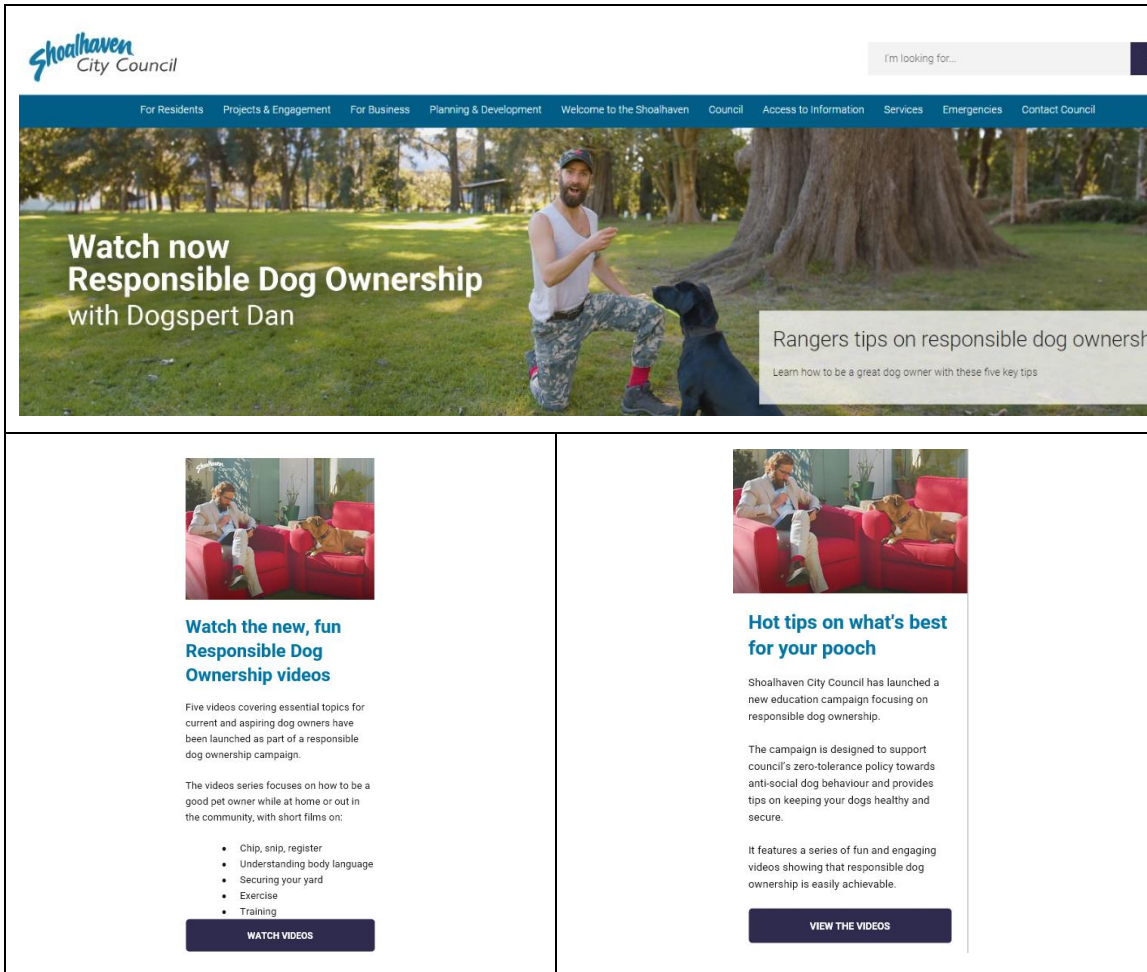
Ranger Services

The following education was carried out by Ranger Services:

(a) Responsible dog ownership project:

- i. Videos providing education to pet owners were launched on Council's website on 13 March 2024 along with information provided in Council's March 2024 Staff Newsletter and the Community Newsletter.
- ii. The videos have also been showing on the Community HUB Screens and at Huskisson Pictures since 14 March 2024.
- iii. Media posts are ongoing.

Council website link to [Responsible-dog-ownership](#)



(b) Keeping cats safe at home project:

- i. Council launched a competition on 4 March 2024 to win a 'Catnet' cat containment product with accessories for cat owners to the total value of \$5000. The funding was provided by RSPCA as part of the project. More than 100

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entries were received which is a great result creating an opportunity to raise awareness within the community. Eight lucky winners were notified on 27 March 2024 with an expectation that the enclosures will be installed by 1 September 2024 with photos provided to Council.

Link to [Keeping-Cats-Safe-at-Home](#)

- ii. Number of cats desexed by the program this quarter, totals 69.
- iii. Information from RSPCA has been posted on the Animal Shelter's Facebook and Council's Get Involved page.

Attachment to Report – D24/136415 - 60029E
Quarterly Review for Compliance Matters - Ordinary Meeting 20/05/2024

Contents

Penalties Issued by Team and Offence Code 1

 Compliance 1

 Compliance Fire Safety 2

 Compliance Pools 2

 Enviro Health 2

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Proactive Patrols - Dogs Beaches & Reserves 5

Proactive Patrols - Other Categories 7

Penalties Issued by Team and Offence Code

Offence Code by Team	Number Issued	Offence Value	Total Amount
Compliance			
Carry out building work without required certificate-class 1a or 10 building - Individual	3	1500	4500
Carry out development forbidden on land - any other case - Individual	1	3000	3000
Carry out specified development prohibited on land - any other case - Individual	1	3000	3000
Development not accord consent - class 1a or 10 building - Corporation	1	3000	3000
Development not accord consent - class 1a or 10 building - Individual	1	1500	1500
Development without development consent - any other case - Corporation	1	6000	6000
Development without development consent - any other case - Individual	2	3000	6000
Development without development consent - class 1a or 10 building - Corporation	3	3000	9000
Development without development consent - class 1a or 10 building - Individual	8	1500	12000
No prior approval waste management activity-item 6 Part C	1	330	330
Not ensure class 1a building or manufactured home has smoke alarms as prescribed	1	200	200
Operate sewage management system without approval	2	330	660
Owner transport etc waste to unlawful facility - class 1 officer - Individual	1	2000	2000

Compliance Fire Safety			
	0	0	0
Compliance Pools			
Fail to ensure registration information entered on Register	2	220	440
Fail to erect prescribed warning notice - Occupier	2	110	220
Not comply with written direction - Owner	1	550	550
Residential pool not have complying barrier - Owner	6	550	3300
Enviro Health			
Burn prescribed matter in the open in specified local government area - Individual	1	500	500
Development not accord consent - class 1a or 10 building - Corporation	4	3000	12000
Fail to comply with order number 21 (safety/health of land/premises)	1	330	330
Pollute waters - class 1 officer - Corporation	1	8000	8000
Pollute waters - class 1 officer - Individual	1	4000	4000
Ranger Animal			
Companion animal (other) not registered as prescribed - first offence	53	330	17490
Companion animal (other) not registered as prescribed - second or subsequent offence	4	330	1320
Companion animal (other) not registered if required by regulations - first offence	1	305	305
Companion animal (restricted dog) not registered as prescribed - first offence	2	1320	2640
Dog not wear collar and name tag - not dangerous/menacing/restricted dog	5	180	900
Fail to comply with menacing dog control requirements	2	1760	3520
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	18	220	3960
Former owner not notify change of ownership	2	180	360
In charge of dog in prohibited public place	2	330	660
In charge of dog not under control in public place	3	330	990
In charge of dog which rushes at/attacks/bites/harasses/chases any person/animal	9	1320	11880
Not comply notice re registration (menacing dog) - first offence	1	1320	1320
Not comply notice to register companion animal - first offence	25	305	7625
Owner of dog in prohibited public place	7	330	2310
Owner of dog not under control in public place	14	330	4620
Owner of dog which rushes at/attacks/bites/harasses/chases any person/animal	13	1320	17160
Ranger Environment			
Aggravated deposit litter from vehicle no exclusions - Individual	12	450	5400
Burn prescribed prohibited item in the open - Individual	1	500	500
Damage etc sign etc on dedicated etc Crown land	1	220	220
Deposit litter excluding cigarette and from vehicle - Individual	1	250	250
Deposit litter from vehicle no exclusions - Individual	2	250	500
Drive vehicle in disrepair cause damage to road/structure or work on road	2	422	844
Drive vehicle or animal on road cause damage to road/structure or work on road	6	422	2532
Enter dedicated etc Crown land etc contrary to notice	1	220	220

Fail to comply with section 28 notice for class 3 item - Individual	1	1320	1320
Fail to comply with terms of notice erected by council	22	110	2420
Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	43	110	4730
Owner transport etc waste to unlawful facility - class 1 officer - Individual	1	2000	2000
Stand unregistered registrable Class A motor vehicle on road	1	302	302
Transport etc waste to unlawful waste facility - class 1 officer - Individual	1	2000	2000
Use dedicated etc Crown land etc contrary to notice	1	220	220
Ranger Parking			
Disobey motor bike parking sign	66	129	8514
Disobey no parking sign	99	129	12771
Disobey no parking sign (in school zone)	8	215	1720
Disobey no stopping sign	292	220	88102
Disobey no stopping sign (in school zone)	51	387	19737
Double park	7	302	2114
Double park in school zone	26	387	10062
Fail to comply with parking direction	1	92	92
Not parallel park in direction of travel	134	302	40468
Not parallel park in direction of travel (road related area)	31	129	3999
Not parallel park near left	1	129	129
Not park at 45 degree angle	3	129	387
Not park wholly within parking bay	5	92	460
Not position front/rear of vehicle correctly - 90 degree angle parking	113	92	10524
Not position rear of vehicle correctly - 45 degree angle parking	396	92	36944
Not stand vehicle in marked parking space	91	92	8372
Obstruct access to ramp/path/passageway	1	302	302
Parallel park close to dividing line/strip	15	302	4530
Park continuously for longer than indicated	344	92	31904
Park so as to obstruct vehicles/pedestrians	13	129	1677
Park vehicle for longer than maximum period allowed	234	92	21528
Park vehicle not in marked parking space	7	92	644
Park vehicle not wholly in marked parking space	1	92	92
Stop at side of road with continuous yellow edge line	467	220	140952
Stop at/near bus stop (in school zone)	2	387	774
Stop heavy/long vehicle longer than 1 hour	2	129	258
Stop in bus zone (in school zone)	49	387	18963
Stop in bus zone (not clearway or transit/bus lane)	52	302	15704
Stop in disabled parking area without current permit displayed	53	644	34132
Stop in loading zone	25	215	5375

Stop in loading zone longer than 30 minutes	1	215	215
Stop in mail zone	1	129	129
Stop in taxi zone	35	215	7525
Stop near fire hydrant/indicator/plug indicator	3	129	387
Stop on painted island	1	129	129
Stop on path/strip in built-up area	69	302	20838
Stop on path/strip in built-up area (in school zone)	2	387	774
Stop on/across driveway/other access to/from land	37	302	11174
Stop on/near pedestrian crossing	1	387	387
Stop within 10 metres of an intersection (no traffic lights)	43	387	16641
Grand Total	3084		760,477

Warnings Issued by Team and Offence Code

Compliance	
Development not accord consent - class 1a or 10 building - Individual	1
Development without development consent - any other case - Individual	1
Development without development consent - class 1a or 10 building - Individual	3
Occupy or use building without required certificate-not class 1a/10 building - Individual	1
Compliance Pools	
Not keep access to pool securely closed - Occupier	1
Residential pool not have complying barrier - Owner	1
Enviro Health	
Burn in the open not prevent or minimise air pollution - Individual	2
Burn prescribed matter in the open in specified local government area - Individual	1
Development not accord consent - class 1a or 10 building - Corporation	2
Ranger Animal	
Fail to prevent dog from escaping - not dangerous/menacing/restricted dog	11
In charge of dog not under control in public place	3
Owner of dog not under control in public place	5
Ranger Environment	
Transport etc excess waste to unlawful facility - class 1 officer - Individual	1
Ranger Parking	
Disobey no stopping sign	1
Not parallel park in direction of travel	1
Not stand vehicle in marked parking space	1
Stop heavy/long vehicle longer than 1 hour	1
Stop in bus zone (in school zone)	2
Grand Total	39

Proactive Patrols - Dogs Beaches & Reserves

Beach / Reserve	# Beach / Reserve	# Compliant Dogs	# Non-compliant Dogs
Basin View Boat Ramp Reserve - Off Leash 24 hrs	18	10	0
Bawley Beach	20	4	3
Bawley Point Cormorant Beach	1	4	0
Bawley Point Gannet Beach	7	0	2
Bawley Point North Beach	2	6	2
Bendalong Beach	2	1	0
Bendalong Boat Harbour Beach	2	2	0
Bendalong Flat Rock Beach Prohibited	11	0	0
Bendalong Inyadda Beach	2	1	0
Bendalong Washerwomans Beach Off Leash 24 hrs	3	3	0
Berrara Beach Spit Prohibited	29	1	5
Berry Showground	1	0	0
Burrill Lake Burrill Beach	13	19	4
Burrill Lake Entrance Beach	12	3	1
Callala Bay	16	5	1
Callala Bay Bicentennial Park	13	11	2
Callala Bay Wowly Creek	1	0	0
Callala Beach East End	12	37	0
Callala Beach Prohibited Area	23	3	1
Callala Beach West End	21	13	5
Crookhaven Boat Ramp	4	0	0
Culburra Beach North On Leash	5	11	0
Culburra Beach South Off Leash timed	18	114	5
Culburra Lake Wollumboola Prohibited	14	0	0
Culburra Warrain Beach	10	0	0
Cunjarong Beach	2	0	3
Cunjarong Point	3	2	3
Currarong Abrahams Bosom Beach	32	17	0
Currarong Beach Off Leash timed	27	15	2
Currarong Kinghorn Point	4	0	0
Currarong Rock Pool	2	0	0
Currarong Warrain Beach	2	4	0
Dolphin Point	3	2	0
Greenwell Point Foreshore Reserve	42	72	0
Huskisson Beach Off Leash timed	37	168	1
Huskisson Moona Moona Beach / Creek	85	0	2
Huskisson Shark Net Beach Prohibited	65	0	1
Hyams (Seamans) Beach	15	26	2
Hyams Beach Chinamans Beach - NPWS	17	1	0
Hyams Beach Little Hyams Beach	27	10	0
Kioloa Beach	7	14	4

Kioloa Racecourse Beach 2	1	0	0
Lake Conjola Conjola Beach	4	1	4
Lake Conjola Cunjurong Beach Shore Birds	4	0	0
Lake Conjola Ocean Beach Spit Prohibited	10	0	0
Lake Tabourie Crampton Island Beach	1	0	1
Lake Tabourie Tabourie Beach	1	0	2
Lake Tabourie Wairo Beach	1	0	0
Manyana Beach	2	0	0
Manyana Inyadda Beach	4	0	1
Merry Beach	1	0	0
Mollymook Beach North Prohibited	47	0	7
Mollymook Beach On Leash 24 hrs	14	2	2
Mollymook Beach South Prohibited	44	3	7
Mollymook Bogey Hole	17	2	4
Mollymook Colliers Beach Off Leash 24 hrs	2	3	2
Mollymook Unknown Beach nth of Collers	6	1	3
Myola Breakwall NPWS	22	1	0
Myola Spit Prohibited	16	0	3
Narrawallee Beach North Prohibited	55	0	3
Narrawallee Beach Off Leash timed	26	120	5
Narrawallee Beach South Prohibited	66	0	5
Narrawallee Spit Prohibited	16	0	3
Nowra Riverview Road	5	0	0
Nowra Showground	7	7	0
Orient Point Foreshore Reserve Orama Crescent	5	0	0
Sanctuary Point Ray Brooks Rsrv (BTRMP - STR) PRHB	3	0	0
Shoalhaven Heads River Road Reserve Off Leash 24hr	25	28	0
Shoalhaven Heads Seven Mile Bch Off Lsh 24hr/OnLsh	40	120	3
Shoalhaven Heads Spit Prohibited	62	8	2
St Georges Basin Kingfisher Reserve	4	5	0
Sussex Inlet Waterfront Reserve	1	0	0
Swan Lake - Ski Club BR to Yaroma Ave BR Off Lsh T	2	1	1
Ulladulla Bomies Beach	1	0	0
Ulladulla Racecourse Beach 1	47	5	9
Ulladulla Rennies Beach	7	2	2
Vincentia Barfleur Beach	3	1	0
Vincentia Blenheim Beach Prohibited	24	0	0
Vincentia Collingwood Beach Prohibited	54	0	2
Vincentia Nelsons Beach Off Leash timed	8	123	0
Vincentia Orion Beach	3	4	0
Woollamia Boat Ramp	1	2	0
Grand Total	1292	1018	120

Proactive Patrols - Other Categories

Patrol Type	# Patrol Type	Additional Information
Asset Inspection (RID)	16	Checking infrastructure
Asset Protection	71	
Camping	224	
CBD Foot Patrol	16	
Illegal Dumping	362	Rubbish found = 159
Parking	260	
Schools	114	
Shopping Trolley	3	
Unauthorised Signage	0	
Vegetation Vandalism	5	
Grand Total	1071	

CL24.147 Interim Report - Community Infrastructure Strategic Plan - Methodology

HPERM Ref: D24/44146

Department: Recreation Projects - Planning & Delivery

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Neighbouring Councils Strategic Plans for Social Infrastructure [↓](#)

Reason for Report

The purpose of this report is to inform Council of the proposed methodology and anticipated timeline for the Community Infrastructure Strategic Plan Review project.

The review of the Community Infrastructure Strategic Plan 2017-2036 is an action in Council's Delivery Program & Operational Plan 2023/24.

Recommendation

That Council:

1. Receive the *Interim Report – Community Infrastructure Strategic Plan - Methodology* for information on the proposed methodology and anticipated timeline for the Community Infrastructure Strategic Plan Review project.
2. Direct the CEO (Director – City Lifestyles) to prepare subsequent reports to be provided to future Ordinary Council meetings on the:
 - a. Findings of the Shoalhaven City Council Community Infrastructure Audit.
 - b. Proposed methodology and guiding principles for the Needs Analysis - Open Space & Community Facilities.

Options

1. Adopt the recommendation as proposed.

Implications: The Community Infrastructure Strategic Plan Review project team will continue with work as outlined in this report and submit reports on the findings of the Shoalhaven City Council Community Infrastructure Audit and proposed methodology for the Needs Analysis – Open Space & Community Facilities to future Ordinary Council meetings.

2. Defer decision on the recommendation.

Implications: Deferral of a decision to receive the report on the proposed methodology and anticipated timeline for the Community Infrastructure Strategic Plan Review will create uncertainty for the project team and is likely to result in delays to the overall project program.

3. Adopt an alternate recommendation.

Implications: Adoption of an alternate recommendation may create uncertainty for the project team, resulting in delays to the overall project program. Other implications to be advised, depending on the detail of the alternate recommendation.

Background

The Community Infrastructure Strategic Plan 2017-2036 (CISP) Review project is being led by Council's Open Space & Recreation Planning team, within the City Lifestyles Directorate.

The review of the CISP is an action in Council's Delivery Program & Operational Plan 2023/24 (DPOP 2023/24) as follows:

- 1.3.02 Provide and maintain leisure facilities to meet community needs.
 - 1.3.02.03 Review and update the Community Infrastructure Strategic Plan.

Council's current CISP was adopted in 2017 (ref. *MIN17.103*). The intention was for the CISP is to be reviewed every five years to ensure relevancy.

The revised CISP will incorporate contemporary best practice, as well as update references to:

- Population and demographic data (the current CISP relies on data from 2015).
- Contemporary trends in sport and recreation.
- Changes to Section 94 Contributions, now Section 7.11 Contributions.
- Addition of Destination Parks typology to the parks' hierarchy.
- Adoption of Council's Asset Custodian Model.
- Current State and Federal government plans, policies and guidelines.
- Status of recommendations from the 2017 CISP.

Shoalhaven City Council was a front-runner in adopting a CISP in 2017. However, most Category 5 councils and neighbouring councils now have high-level plans for social infrastructure. Attachment 1 – *Neighbouring Councils Strategic Plans for Social Infrastructure* provides further information.

Project Status

The CISP Review project commenced in January 2024. Component outputs of the CISP Review project have been completed and/or are in progress, as outlined below:

Project Planning

- 28 February 2024 - CISP Review Project Management Plan (PMP) approved.
- 6 March 2024 - CISP Review Project Control Group (PCG) convened.

Community Infrastructure Audit

- 14 March 2024 - Consultant engaged.
- 21 March 2024 - Inception meeting convened; work commenced.

Desktop Research & Analysis

- 11 March 2024 - Desktop research and analysis commenced.

Community Engagement

- 19 April 2024 - CISP Review Get Involved page published.

Further detail on component outputs of the CISP Review are provided in the *Component Outputs of the CISP Review* section of this report.

Project Governance

Details on governance for the CISP Review project are provided in **Table A** below.

Table A: CISP Review Project Governance Structure

Project Sponsor	
Title	Role/Responsibility
Director – City Lifestyles	<p>Nil involvement in day-to-day project matters.</p> <p>Provide direction on the following matters:</p> <ul style="list-style-type: none"> • Variations to total project budget. • Capital expenditure (forecasts, variations, etc.). • Reputational risk (all matters where identified risk is 'medium' increasing or 'high'). • Political interest ('high') in project management and/or deliverables. <p>Approve/reject purchase order requests (for limits above approved financial delegation of Project Owner).</p>
Project Owner	
Title	Role/Responsibility
Acting Manager – Recreation Projects – Planning & Delivery Department – City Lifestyles	<p>Provide high-level project oversight, including approving:</p> <ul style="list-style-type: none"> • Project Management Plan (this document). • Engagement Plan(s). • Communications Plan(s). • Other project management documentation. <p>Limited involvement in day-to-day project matters.</p> <p>Approve/reject purchase order requests (up to approved financial delegation) for limits above financial delegation of Project Manager.</p> <p>Attendance at Project Control Group (PCG) meetings by request, related to:</p> <ul style="list-style-type: none"> • Project hold/decision points.
Project Control Group (Membership)	
Title	Role/Responsibility
Manager – Shoalhaven Swim Sport Fitness (SSSF) – City Lifestyles	<p>Asset Custodian (SSSF) Representative.</p> <p>Attend all PCG meetings to provide general, high-level Asset Custodian oversight.</p> <p>Liaise with SSSF Asset Custodians and other key stakeholders in relation to the CISP and relevant project hold/decision points.</p> <p>Relay feedback from SSSF Asset Custodians and other key stakeholders to Project Manager and PCG members.</p>

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<p>Manager – Open Space & Recreation Planning – City Lifestyles</p>	<p>Attend all PCG meetings in capacity as Project Manager.</p> <p>Oversee work of Project Lead.</p>
<p>Strategic Asset Advisor – Open Space & Recreation Planning – City Lifestyles</p>	<p>Attend all PCG meetings in capacity as Project Lead.</p>
<p>Manager – Works & Services – City Services</p>	<p>Asset Custodian (District Engineers) Representative.</p> <p>Attend all PCG meetings to provide general, high-level Asset Custodian oversight.</p> <p>Liaise with District Engineers and other key stakeholders in relation to the CISP and relevant project hold/decision points.</p> <p>Relay feedback from District Engineers and other key stakeholders to Project Manager and PCG members.</p>
<p>Manager – Technical Services – City Services</p>	<p>Technical Services Representative. Executive Project Management Office (ePMO) Representative.</p> <p>Attend all PCG meetings to provide general, high-level Technical Services and ePMO oversight.</p> <p>Liaise with Technical Services stakeholders and the ePMO in relation to the CISP and relevant project hold/decision points.</p> <p>Relay feedback from Technical Services and the ePMO to Project Manager and PCG members.</p>
<p>Manager – Building Services – City Services</p>	<p>Asset Custodian (Building Services) Representative.</p> <p>Attend all PCG meetings to provide general, high-level Asset Custodian oversight.</p> <p>Liaise with Building Services Asset Custodians, other key stakeholders in relation to the CISP and relevant project hold/decision points.</p> <p>Relay feedback from Building Services Asset Custodians and other key stakeholders to Project Manager and PCG members.</p>
<p>Section Manager – Strategic Planning – City Futures</p>	<p>Strategic Planning Representative.</p> <p>Attend all PCG meetings to provide general, high-level oversight with strategic planning projects including the Infrastructure Contributions Framework Review, and development of the Land Sales Strategy and Housing Strategy.</p> <p>Liaise with Strategic Planning in relation to the CISP and relevant project hold/decision points.</p> <p>Relay feedback from Strategic Planning to Project Manager and PCG members.</p>

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Temporary PCG Members	
Acting Tourism & Economic Development Manager - City Futures	<p>Tourism Representative.</p> <p>Provide strategic advice on the tourism value of open space and community facilities.</p> <p>Attend PCG meetings by request to provide input into:</p> <ul style="list-style-type: none"> • Project hold/decision points.
Manager – Corporate Performance & Reporting - City Futures	<p>Provide high-level strategic oversight, including alignment of the CISP with the SCC Community Strategic Plan (CSP).</p> <p>Attend PCG meetings by request to provide input into:</p> <ul style="list-style-type: none"> • Project hold/decision points.
Strategic Property Manager – City Futures	<p>Provide high-level strategic oversight, including alignment of the CISP with the SCC Land Sales Strategy.</p> <p>Attend PCG meetings by request to provide input into:</p> <ul style="list-style-type: none"> • Project hold/decision points.
Manager – Media & Communications – Communication & Community Engagement	<p>Provide strategic advice and oversight of community and key stakeholder engagement for the CISP Review.</p> <p>Attend PCG meetings by request to provide input into:</p> <ul style="list-style-type: none"> • Project hold/decision points.

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Purpose of the CISP

The purpose of the CISP is to provide an evidence-based framework to guide the provision and strategic management of open space and community facilities owned and/or managed by Council across the Shoalhaven Local Government Area (LGA).

Open space and community facilities are defined for the purposes of this report as: *Land and buildings designed and/or designated for recreational activities*. This includes:

- Parks and play spaces (local, district and regional/Destination Parks).
- Sportsgrounds (ovals, fields, sports courts).
- Showgrounds and equestrian facilities.
- Aquatic, leisure and indoor sports centres.
- Skate parks and BMX tracks/pump tracks.
- Community gardens.
- Public halls/community centres.
- Cultural buildings (libraries, galleries, museums, arts and craft buildings).
- Specialised community buildings (such as scouts/girl guides clubs, youth clubs, men's sheds).

- Tourism information centres.
- Foreshore and marine facilities (such as surf clubs, sailing clubs, jetties).
- Tracks, trails and boardwalks.
- Commercial/business/professional facilities (such as Shoalhaven Entertainment Centre and Shoalhaven City Turf Club).

Exclusions

The CISP is focused on the provision of assets rather than services. This means that recommendations on matters relating to the level of service provided at facilities including opening hours, maintenance schedules or fees and charges, are out of scope.

Service provision at open space and community facilities is covered by complementary Council policies, strategies, asset management plans, business plans, and guideline documents.

The CISP is focused on parent assets, rather than component assets. This means that the CISP is focused on larger assets (i.e. leisure centres or sporting complexes) rather than maintainable, repairable or replaceable parts within that larger asset.

While Tier 2 component assets of facilities will be listed (i.e. play equipment, toilets, carparks or paths), the CISP will focus on the:

- Provision, distribution, condition, and utilisation of parent assets.
- Analysis of the fitness for purpose of parent assets considering projected population growth and other factors.
- Recommendations relating to the delivery, upgrade, or rationalisation of parent assets.

Principles

The CISP Review will be undertaken in accordance with the guiding principles set out under the *Local Government Act 1993*. These are equity, access, participation and rights.

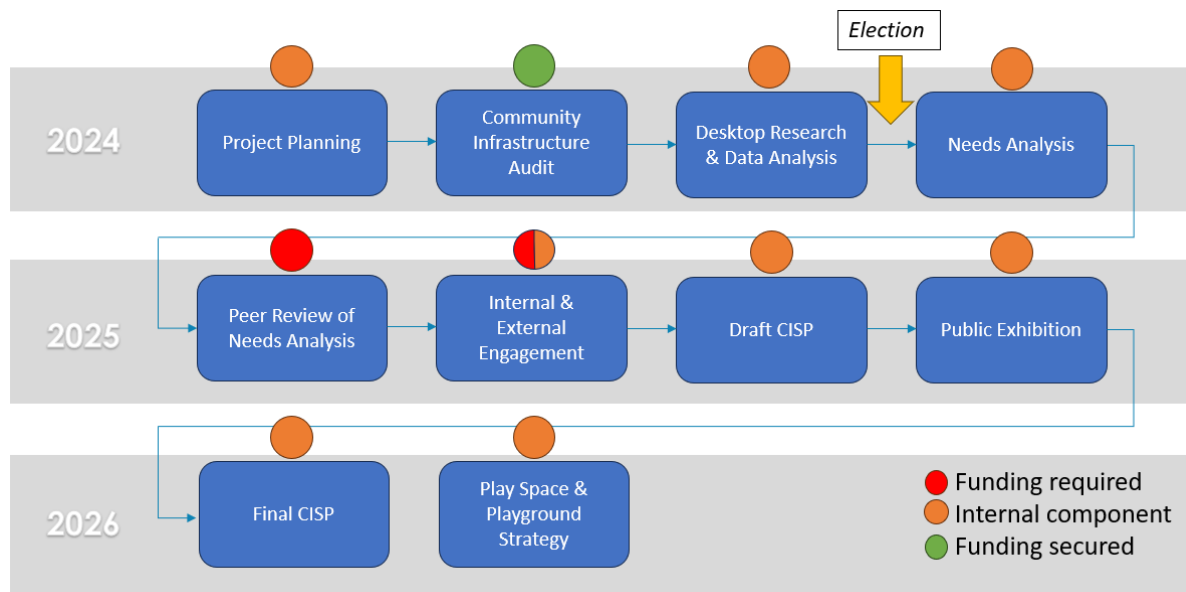
In addition, a discrete set of guiding principles will be developed for the CISP Review and submitted to Council for endorsement as part of the proposed methodology for the Needs Analysis – Open Space & Community Facilities (anticipated submission date, October 2024).

Further information on the Needs Analysis is provided in the *CISP Review Component Outputs* section of this report.

Proposed Methodology & Anticipated Timeline

The proposed methodology and anticipated timeline for the CISP Review, including funding arrangements, is provided in **Figure A** below.

Figure A: CISP Review Proposed Methodology & Anticipated Timeline



Further detail on the anticipated timeline is provided below.

- Shoalhaven City Council Community Infrastructure Audit –
 - (Anticipated completion - June 2024).
- Needs Analysis - Open Space & Community Facilities –
 - (Anticipated completion – late 2024/early 2025).
- Internal/Community and Key Stakeholder Engagement –
 - (Anticipated completion – mid 2025).
- Draft Community Infrastructure Strategic Plan & Implementation Plan –
 - (Anticipated completion - late 2025).
- Public Exhibition of draft Plan –
 - (Anticipated completion - late 2025/early 2026).
- Final Community Infrastructure Strategic Plan & Implementation Plan –
 - (Anticipated completion - mid 2026).
- Completion of associated Play Space & Playground Strategy –
 - (Anticipated completion - mid 2026 – TBC).

It is proposed that the majority of the CISP Review will be undertaken internally by Council's Open Space & Recreation Planning team, rather than by an external consultant. This represents a cost-saving to Council of approximately \$200,000 (over the life of the project).

Sub-components of the CISP Review may be outsourced, pending the availability of funding. Sub-components requiring funding are noted in **Figure A** above, and described in the CISP Review Component Outputs' below.

CISP Review Component Outputs

a) *Community Infrastructure Audit*

The Community Infrastructure Audit – Open Space & Community Facilities is being prepared by Xypher Sport + Leisure, with funding allocated under the DPOP 2023/24.

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The Community Infrastructure Audit (Audit) will provide a key base of evidence for the Needs Analysis – Open Space & Community Facilities (described below) and will inform recommendations in the CISP Implementation Plan.

The Audit collates and synthesises data on the existing provision, distribution, condition and use of open space and community facilities across the Shoalhaven LGA into one easily accessible document. The final Audit report will be presented to Council (anticipated August 2024) and will be attached to the updated CISP as an appendix, once endorsed.

The Audit will provide a:

- Comprehensive register and mapping of open space and community facilities owned/managed by Council.
- Condition score and remaining asset life estimates for Council owned/managed open space and community facilities.
- Governance arrangements for Council owned open space and community facilities.
- Register and mapping of third party open space and community facilities.
- Utilisation data for Council owned/managed open space and community facilities derived from Bookable, door counters, Point of Sale systems and surveys.
- Utilisation data for Council owned/managed open space and community facilities derived from GPS People Mobility Data (metadata).
- Customer satisfaction data for selected sites derived from stakeholder and community surveys.

b) Desktop Research & Analysis

Comprehensive desktop research and analysis has commenced and is being undertaken as a key input to the Needs Analysis – Open Space & Community Facilities (described below).

Comprehensive research is being undertaken into:

- Population forecasts, demographics, SEIFA Index data.
- Provision benchmarks for open space & community facilities.
- Best practice CISP examples and academic literature review.
- Outcomes of past community engagement.
- Council minutes relating to requests for social infrastructure.
- Community requests for social infrastructure.
- State and Federal government participation targets for sport and active recreation.
- Strategic and legislative framework.
- Financial and environmental constraints.

c) Needs Analysis – Open Space & Community Facilities

The Needs Analysis – Open Space & Community Facilities will form the core component of the updated CISP. It will analyse current and future need for open space & community facilities by considering the evidence collated in the Community Infrastructure Audit and the findings of the desktop research and analysis.

A proposed methodology and guiding principles for the Needs Analysis – Open Space & Community Facilities will be provided to Council for endorsement (anticipated October 2024, following the Council election in September 2024).

d) *Proposed Academic Peer Review – Needs Analysis*

It is proposed that a well-established academic in the social infrastructure planning field is engaged to peer review the Needs Analysis – Open Space & Community Facilities.

The purpose of the proposed academic review is to provide quality assurance for this critical component of the CISP Review project. The academic peer review will ensure transparency and provide confidence to Council and the community on the neutrality and reliability of the Needs Analysis findings and associated recommendations in the Implementation Plan. Estimated costings for the proposed academic review are \$50,000.

Contingency: In the event that funding is not available for the proposed academic peer review, it is proposed that colleague councils in the Illawarra Shoalhaven Joint Organisation (ISJO) be approached to provide a peer review of the draft Needs Analysis, subject to agreement.

e) *Internal & External Engagement*

It is anticipated that Council's Communications & Community Engagement team will carry out the bulk of the engagement to take place in early 2025, in collaboration with the Open Space & Recreation Planning team. This represents a further saving for Council of approximately \$130,000.

It is proposed that a specialist consultant is engaged to undertake sub-components of the community and key stakeholder engagement. Sub-components that may be outsourced include representative surveys through telephone interviews, stakeholder interviews with local clubs and organisations, or targeted discussions in focus groups.

The benefits of these elements being undertaken by a consultant include maximising community and stakeholder participation resulting from the neutrality that a consultant brings to the engagement exercise. Broad community engagement in the CISP Review process is considered critical to the implementation phase of the CISP, once adopted.

Estimated costings for these sub-components are \$80,000.

Contingency: If funding is not available for sub-components of the community and stakeholder engagement activities in the DPOP 2024/25 and/or future years, all engagement activities will be delivered by Council's Communications & Community Engagement team, in collaboration with the Open Space & Recreation Planning team, and designed accordingly.

f) *CISP Implementation Plan*

The Implementation Plan will be a key component of the revised CISP. It will be included in the draft CISP that is placed on public exhibition late 2025/early 2026. Community feedback on the draft CISP and Implementation Plan will be reported to Council and incorporated into the final draft presented to Council for adoption in mid-2026.

The Implementation Plan will include:

- Key recommendations.
- Priority ranking of projects/actions linked to key recommendations.
- Indicative timeframes – short term, medium-term, long-term.
- Primary funding approach.

All recommendations in the Implementation Plan will be based on the findings of the Needs Analysis and outcomes of the community and key stakeholder engagement. All recommendations in the Implementation Plan will be traceable to the evidence presented in the Community Infrastructure Audit.

The CISP Implementation Plan will support the function of Council's newly established Enterprise Project Management Office (ePMO). This is further outlined in the *Policy Implications* section of this report.

Internal Consultations

This report has been prepared by Council's Open Space & Recreation team in the City Lifestyles Directorate. The proposed methodology and anticipated timeline contained in this report was presented to the CISP Review Project Control Group (PCG) on 6 March 2024.

The proposed methodology and anticipated timeline contained in this report was presented to Council's Executive Management Team (EMT) on 12 March 2024.

Following the PCG and EMT briefings, adjustments to the proposed CISP Review timeline have occurred due to unplanned changes to resourcing during March and April 2024, emerging financial constraints impacting the community and key stakeholder engagement phase. These adjustments have been notified to the CISP Review PCG.

Community Infrastructure Audit

The Community Infrastructure Audit component of the CISP Review project has been subject to extensive internal coordination and consultation, including with the following areas:

- Arts, Culture & Entertainment.
- Commercial Services.
- Building Services.
- Customer Experience.
- Environmental Services.
- Information Services.
- Library Services.
- Shoalhaven Swim Sport Fitness.
- Technical Services.
- Tourism & Economic Development.

External Consultations

External consultations on the CISP Review project to date are as follows:

- The proposed methodology and anticipated timeline provided in this report was presented at a Councillor Briefing on the 21 March 2024. Amendments have been made to the anticipated timeframe presented in the Briefing due to unplanned changes to resourcing during March and April 2024, emerging financial constraints impacting the community and key stakeholder engagement phase.
- The Community Infrastructure Audit – Open Space & Community Facilities is being prepared by external consultants, Xypher Sport + Leisure, with funding allocated under the DPOP 2023/24.

Community Consultations

Extensive community and key stakeholder engagement for the CISP Review is planned for early 2025, followed by a public exhibition of the draft CISP anticipated late 2025/early 2026.

A Get Involved page for the CISP Review was published on 19 April 2024 and can be viewed here: <https://getinvolved.shoalhaven.nsw.gov.au/cisp-review>.

Community Infrastructure Audit

The Community Infrastructure Audit component of the CISP Review involves targeted community and key stakeholder engagement to gauge utilisation and customer satisfaction data for a range of sites.

Community and stakeholders will be invited to participate in a survey. Surveys will be open for three weeks in May - June 2024. Invited survey participants include:

- Management Committees (all open space and community facilities).
- Lease and licence holders (all Council owned properties leased or licenced for recreational activities).
- Regular hirers (selected open space and community facilities only).
- Residents living within the walkable catchment of an 800m radius (selected open space and community facilities only).
- Other identified stakeholders (selected open space and community facilities only).

In addition, QR code survey posters will be installed at 25 selected sites to gauge utilisation and customer satisfaction data for these facilities. Surveys for these selected sites will also be hosted on the CISP Review Get Involved webpage.

Policy Implications

Financial Sustainability Review

The CISP Review is aligned with strategic drivers arising from the *AEC Draft Report: Shoalhaven City Council Financial Sustainability Review 2023* (AEC Report).

In particular, the CISP Review is aligned with:

- Council's resolution of 29 January 2024 (*MIN24.44*), that:
 - *Councillors assume a greater political discipline in the nomination of priority projects, not putting forward additional unfunded projects and calling for reports and investigations which may jeopardise existing priority projects and the Council's financial position. The Community Strategic Plan, Delivery Program and Annual Operational Plan are the avenues whereby councillors can define their priorities (Part 4, MIN24.44).*
- Recommendation 10 from the AEC Report:
 - *Improve the integration of asset planning with strategic service planning to better understand, manage and avoid where possible the demand for growth in assets. (Recommendation 10, AEC Report).*
- Recommendation 11 from the AEC Report:
 - *Prioritise updating the community infrastructure plan and its implementation with a view to explore opportunities to rationalise the land and facilities assets that are used to deliver Council's services, including the rationalisation of the number of locations services are provided and considering identified social needs and a regional approach to service delivery rather than service in each location. (Recommendation 11, AEC Report).*

Enterprise Project Management Office

The CISP Review will support the function of the recently established Enterprise Project Management Office (ePMO), in accordance with *MIN24.44* and *Recommendation 23* from the AEC Report. The revised and updated CISP will directly inform financial, project and resourcing decisions overseen by the ePMO as follows.

Financial

The updated CISP will inform:

- Asset Management Plans.
- Strategic asset management.
- Council's Long Term Financial Plan – 10-year Capital Expenditure (CAPEX).
- Annual Budgets.
- Quarterly Business Reviews and Annual Reporting.
- Performance Reporting.

Project Management

The updated CISP will inform:

- Program Estimation/Prioritisation/Planning.
- Programs/Projects.
- Enterprise Budgeting.
- Budget Packs.
- Project Actuals/Project Budgets.
- Project Management.
- Asset Creation/Capitalisation.

Resourcing

The updated CISP will inform:

- Council's Resource Strategy.
- Resource Modelling.
- Resource Allocation.
- Contract Management.

Other Strategic Alignments Arising from the Financial Sustainability Review

The CISP will be progressed in coordination with the:

- Development Contributions Plan Review (*MIN24.44/Recommendation 13* – AEC Report).
- Land Sales Strategy (*MIN24.21/Recommendation 6* – AEC Report).
- Potential changes to the Asset Custodian Model (*MIN24.44/Recommendation 19* – AEC Report).

Other Strategic Alignments – Shoalhaven City Council

The CISP Review is in alignment with Council's high-level plans and strategies:

- *Delivery Program & Operational Plan 2023/24* (DPOP 2023/24):
 - 1.3.02 Provide and maintain leisure facilities to meet community needs.
 - 1.3.02.03 Review and update the Community Infrastructure Strategic Plan.
 - Shoalhaven 2032 Community Strategic Plan (CSP).
 - Priorities 1-4.
 - Shoalhaven Community Wellbeing Strategy.

- Foundations 1, 3, 4, 6, 8.
- *Shoalhaven 2040 Our Local Land-Use Planning Statement.*
 - Direction 2, Priorities 10, 13, 16.
- *Disability Inclusion Action Plan 2022 – 2026.*
 - Theme 2, Action 2.2.5.

Other Strategic Alignments – State/Federal

The CISP Review is in alignment with State/Federal plans including the:

- *Everyone Can Play Guideline* (NSW Department of Planning).
- *Cultural Infrastructure Plan 2025* (Create NSW).
- *Greener Places Design Guide* (NSW Department of Planning).
- *Greener Places Framework* (NSW Government Architect).
- *Illawarra Shoalhaven Regional Plan 2041* (NSW Department of Planning).
- *Illawarra Shoalhaven Sport & Active Recreation Plan 2018 – 2023* (NSW Office of Sport).
- *Regional Sports Hub Model* (NSW Office of Sport).
- *Sport 2030* – (Australian Sports Commission) (NB. The definition of sport in this report includes unstructured active recreation).

Financial Implications

The review of the *Community Infrastructure Strategic Plan 2017-2036* (CISP) is an action in Council's *Delivery Program & Operational Plan 2023/24* (DPOP 2023/24) as follows:

- 1.3.02 Provide and maintain leisure facilities to meet community needs.
 - 1.3.02.03 Review and update the Community Infrastructure Strategic Plan.

The funding allocation for the CISP Review for the 2023/24 financial year is \$101,177.

The funding allocation for the 2024/25 financial year will be determined through the DPOP 2024/25. While the bulk of the CISP Review project will be undertaken in-house, representing a significant cost-saving for Council of approximately \$330,000 (including costs associated with management of engagement activities), additional funding may be required for:

- Academic Peer Review of the Needs Analysis – Open Space & Community Facilities (estimated \$50,000). This is the preferred approach as a quality assurance measure and to ensure transparency in the findings of the Needs Analysis and associated recommendations in the CISP Implementation Plan to deliver, upgrade or rationalise community facilities.
- Sub-components of the community and key stakeholder engagement which may include representative surveys through telephone interviews, stakeholder interviews with local clubs and organisations, or targeted discussions in focus groups (estimated \$80,000). This is the preferred approach to maximising community and stakeholder participation and supporting the implementation phase of the CISP Review.

Should funding not be available for the activities described above, contingency plans will be actioned. Contingency plans are outlined in the *CISP Review Component Outputs* section of this report.

Risk Implications

The following provides an overview of risks associated with the CISP Review project. The risk analysis has been undertaken in accordance with Council's Risk Assessment Procedure.

Reputation

- Risk of budget for 2024/25 not being made available for the proposed academic peer review resulting in reduced community confidence in the Needs Analysis findings and the associated recommendations in the CISP Implementation Plan.
- Risk of budget for 2024/25 not being made available for components of the proposed community and key stakeholder engagement activities resulting in reduced participation in CISP Review engagement exercises and reduced community support for the implementation phase of the CISP Review.
- Risk of the community not understanding the role of the CISP resulting in continued lobbying for social infrastructure leading to decisions not being made strategically with poor outcomes for Council's reputation.

Property Infrastructure

- Risk of Council decisions on social infrastructure not being made strategically with poor outcomes for Council's social infrastructure.
- Risk of the community not understanding the role of the CISP resulting in continued lobbying for social infrastructure and decisions not being made strategically with poor outcomes for Council's social infrastructure.
- Risk of delays to the CISP Review program resulting in decisions on social infrastructure not being made strategically due to:
 - Delays in decision making from Council/staff.
 - The project being reliant on a singular resource.

Financial

- Risk of Council making decisions for social infrastructure not being made strategically, potentially with poor outcomes for Council's financial position.
- Risk of the community not understanding the role of the CISP resulting in continued lobbying for social infrastructure and decisions not being made strategically with poor outcomes for Council's financial position.
- Risk of delays to the CISP Review program resulting in decisions on social infrastructure not being made strategically due to:
 - Delays in decision making from Council/staff.
 - The project being reliant on a singular resource.



Attachment
Neighbouring Councils’ Strategic Plans for Social Infrastructure

Shellharbour City Council

- Community Facilities Strategy 2021-2031 –
https://cdn.shellharbour.nsw.gov.au/sites/default/files/Policies/communityfacilitiesstrategy2021-2031_0.pdf
- Community Facilities Action Plan 2021-2031 -
<https://cdn.shellharbour.nsw.gov.au/sites/default/files/Policies/communityfacilitiesactionplan2021-2031.pdf>
 - Community Facilities Needs Study 2021-2031 –
https://hdp-au-prod-app-shel-letschatshellharbour-files.s3.ap-southeast-2.amazonaws.com/7016/3218/3822/Draft_Community_Facilities_Needs_Study.pdf
- Open Space & Recreation Strategy 2020 –
https://cdn.shellharbour.nsw.gov.au/sites/default/files/Council_documents/sccosrstrategyadopted7april20200.pdf
- Open Space & Recreation Needs Study 2020 –
https://cdn.shellharbour.nsw.gov.au/sites/default/files/Council_documents/sccosneedsstudyadopted7april20201.pdf
- Open Space & Recreation Needs Study Appendices 2020 –
https://cdn.shellharbour.nsw.gov.au/sites/default/files/Council_documents/sccosneedsstudyappendicesadopted7april20201.pdf

Kiama Municipal Council

- Open Space & Recreation Strategy (under development) -
<https://www.kiama.nsw.gov.au/Council/Your-say/Open-Spaces-and-Recreation-Strategy>

Eurobodalla Shire Council

- Recreation and Open Space Strategy 2018
https://www.esc.nsw.gov.au/_data/assets/pdf_file/0017/150605/Recreation-and-Open-Space-Strategy-2018-low-res.pdf

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Open Space and Recreation Planning
Recreation Projects – Planning & Delivery

Queanbeyan-Palerang Council

- Sports Facilities Strategic Plan (2024)
<https://www.gprc.nsw.gov.au/files/assets/public/v/1/resources-amp-documents/plans-and-strategies/sports-facilities-strategic-plan-2024.pdf>
- Aquatics Strategic Plan 2022 – 2032
<https://yourvoice.gprc.nsw.gov.au/86172/widgets/406312/documents/260149>

Wingecarribee Shire Council

- Community & Recreational Facilities Strategy (2023)
<https://www.wsc.nsw.gov.au/files/assets/public/v/1/council/strategies-amp-plans/community-and-recreational-facilities-strategy/community-and-recreation-facilities-strategy-adopted.pdf>

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CL24.148 Conjola Park - Best Practice Approach to Establishing a Memorial Outcome

HPERM Ref: D24/88038

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

Attachments: 1. Research Findings - Best Practice Approach to Establishing a Memorial Outcome [↓](#)

Reason for Report

The purpose of this report is to provide Council with an update on work undertaken to give effect to *MIN23.604 (Part 6)*. Staff have completed research and engaged with the Australian Red Cross to determine a best practice approach to establishing a memorial outcome at Conjola Park in response to the 2019/20 Black Summer bushfires. This report outlines a proposed process for the Council's consideration.

Recommendation

That Council:

1. Accept the Conjola Park – Best Practice Approach to Establishing a Memorial Outcome report for information regarding best practice approaches to establishing a memorial outcome in the aftermath of natural disaster events.
2. Endorse the proposed memorial process as outlined in the Proposed Process section of the Conjola Park – Best Practice Approach to Establishing a Memorial Outcome report.
3. Direct the Chief Executive Officer (Director – City Lifestyles) to:
 - a. Commence Stage 1 of the proposed process (at part 2 of this resolution), to establish a Working Group that will:
 - i. establish the level of community support for a memorial outcome commemorating the 2019/20 Black Summer bushfires at Conjola Park, and;
 - ii. remain actively involved throughout the proposed process (as at part 2 of this resolution).
 - b. Progress to subsequent stages (pending completion of Stage 1) and prepare a future report to Council at the completion of Stage 3.

Options

1. Adopt the recommendations as proposed.

Implications: Council staff will take steps to develop an Expression of Interest activity to establish a Working Group consisting of community members, Conjola Community Association representatives, non-government organisation representatives and Council staff. Upon establishment of the Working Group, the group will initiate engagement activities and guide the progression of subsequent stages. Pending the results of initial engagement activities, project work will either cease or continue to Stage 2 dependant on the level of support for a memorial.

2. Adopt an alternative recommendation, removing parts 2 and 3 of the proposed recommendation.

Implications: Council staff will cease work on this project, until further direction is received from Council in relation to this matter. This outcome would be considered inconsistent with Council's previous decision on this matter (ref. MIN23.376). Risks associated with this outcome are outlined in the *Risk Implications* section of this report.

3. Adopt an alternative recommendation.

Implications: To be determined, depending on the contents of the amended motion. Council would need to provide direction to the Chief Executive Officer regarding an alternative recommendation. This outcome may be considered inconsistent with the Council's previous decision on this matter (ref. MIN23.376). Risks associated with this outcome are outlined in the *Risk Implications* section of this report.

Background

After the 2019/20 Black Summer bushfires, a community-led Draft Master Plan was developed by the Conjola Community Recovery Association (CCRA) to propose infrastructure improvements for Conjola Park and Lake Conjola. The Draft Master Plan was not adopted by Council in-full, and Council commended the efforts of the CCRA in formulating the Draft Master Plan.

Instead of adopting the Draft Master Plan, Council approved specific infrastructure upgrades, such as a playground enhancement and a memorial garden at Hoylake Grove Reserve in Conjola Park (ref. MIN21.69 Part 2). Part 2 of MIN21.69 reads:

That Council:

2. Do not adopt the Draft Conjola Connected Communities Masterplan and Draft Yooralla Bay Concept Plan prepared by TAKT Studio for Architecture and instead endorse the following infrastructure improvements:
 - a. Hoylake Grove Park, Conjola Park:
 - i. Memorial Garden and seating elements.
 - ii. Footpaths from Hoylake Grove to and around Playground, Shade/Shelter near playground, Accessible BBQ and picnic facilities in accordance with grant funding.
 - b. Lake Conjola:
 - i. Lake Conjola Entrance Road Bikeway through to the boat ramp elements identified in the Draft Conjola Connected Communities Masterplan, without the deviation at Aney Street.

Council staff began initial design work on the memorial garden in early to mid-2022, producing concept plans and a plant species list. However, the project was subsequently deferred as overall project work came to a pause, in part due to a low level of interest from the Conjola Park community.

In July 2023, Council endorsed a Notice of Motion (ref. MIN23.376) proposing that some of the monies donated to the CCRA in the aftermath of the Black Summer bushfires be utilised to resume work on the memorial garden. MIN23.376 reads:

That Council free up funds from the Conjola Community Recovery Association (CCRA) monies held in trust to immediately install a bench and small garden for the residents and regular tourists who were affected by the fires with the works to be completed by Christmas 2023.

MIN23.376 was subsequently rescinded (ref. MIN23.604 Part 5) as Council did not have authority to determine allocation of the donated funds, in accordance with a Memorandum of Agreement (MoA) with the CCRA (now represented by an interim executive). MIN23.604 (parts 3, 5 & 6) reads:

That Council:

3. *Note that a memorial outcome at Hoylake Grove Reserve does not yet enjoy broad community support.*
5. *Rescind MIN23.376 in relation to a memorial bench and garden.*
6. *Direct Chief Executive Officer (Director City Lifestyles) to:*
 - a. *Design a process in line with contemporary, best-practice approaches to establishing a commemorative feature (such as a memorial, memorial garden, or reflection bench) in the Conjola area, and in accordance with Council's Plaques and Memorials Policy, and;*
 - b. *Provide a future report to Council in relation to 6a.*

In accordance with part 6 of MIN23.604, Council staff have designed a process that demonstrates a best practice approach to establishing the level of support for a memorial outcome at Conjola Park, which is the subject of this report.

There is an opportunity to initiate project work coinciding with the upcoming 5-year anniversary of the Black Summer bushfires, subject to the outcomes of Stage 1. This milestone has the potential to hold significant relevance for community members, providing an opportunity to symbolise their collective experiences and resilience. Undertaking and progressing memorial processes during this timeframe can provide a valuable support mechanism to the community as they navigate the ongoing healing process.

Proposed Process

This section outlines a comprehensive framework for engaging the Conjola Park community in understanding the level of support for the establishment of a memorial, ensuring that their voices are heard and reflected in any final outcomes.

Attachment 1 refers to an overview of research undertaken to inform the following proposed process.

The proposed process for establishing a memorial at Conjola Park associated with the Black Summer bushfire events is directly informed by best practices demonstrated in the work undertaken by the Strathewen Community Recovery Association (SCRA) following the Black Saturday bushfires in Victoria in 2009.

This proposed process integrates key insights from academic research related to community-led recovery efforts and transparent consultation, along with recommendations from disaster recovery subject matter experts.

While maintaining the integrity of a best practice approach derived from Strathewen's experience, additional details have been incorporated to align with Shoalhaven City Council's general project processes.

Governance Structure

The proposed governance structure for a potential memorial outcome related to the Black Summer bushfires at Conjola Park involves three key entities. Each party has defined roles and responsibilities within the project's decision-making processes.

1. Shoalhaven City Council (Project Owner):
 - Provides administrative assistance, governance services, communications support, and tender/contract management on behalf of a Working Group.

- Council's project management team leads the project's delivery.
 - Council staff collaborate with the Working Group to identify a funding solution for the project and determine the project scope and budget.
2. Working Group:
- Empowered to make key decisions regarding the location and characteristics of the memorial should this be the desired outcome articulated by the community.
 - Responsible for planning, analysing engagement activities, leading concept design work, and organising the opening event.
 - Collaborates with Council staff to identify a funding solution for the project and determine the scope and budget.
3. Shoalhaven City Council (Final Decision Maker):
- Provides final decision-making authority concerning the approval of funding solutions and site selection.

Stage 1: Establish Working Group

The project is initiated by establishing a Working Group, comprised of representatives from the Conjola Community Association (CCA), interested community members, independent non-government organisations (NGOs) and Council staff. This ensures that the project remains community led.

Council staff will facilitate this process by calling for Expressions of Interest (EOI) to be part of a Working Group. EOIs will be considered by suitably qualified Council staff, against a predetermined selection criteria and appropriate nominees selected and advised.

A Working Group inception meeting will be convened by Council staff, where roles such as leadership/chair, spokesperson, etc., will be allocated via a vote among all attendees. Council staff will provide governance oversight at this event to ensure that it is run in a best practice manner. A Terms of Reference will be developed by Council staff in consultation with the Working Group in order to determine a direction for the group.

Once established, the Working Group will guide the project through planning stages, detailed design, delivery and oversee the planning of the official opening event, with support provided by Council staff (outside of the Working Group) as appropriate to the requirements of each stage.

Note: If the level of interest expressed through the EOI process is considered insufficient to justify further progression, work will be paused and will not proceed to the subsequent stage. Working Group applicants will be advised accordingly.

Stage 2: Community Engagement – Memorial Objectives

Stage 2 initiates comprehensive community engagement efforts focused on identifying the objectives and purpose of the memorial. Through a series of interactive sessions, including in-person events, focus groups, surveys and written submissions, the community articulates its vision for the memorial (or not). Discussions revolve around defining the memorial's purpose, determining its physical expression and linking it to the Black Summer bushfires.

The intention is to run a staged engagement where the outcomes are reported to the community and evaluated prior to moving forward. The nature of this engagement process ensures that community perspectives are thoroughly considered and integrated into the project's framework.

Stage 3: Community Engagement – Memorial Location

Stage 3 will progress should there be clear support for a memorial outcome and involves further community engagement aimed at identifying a location for the memorial. Building upon insights gathered from previous engagement activities, the community offers

suggestions and feedback regarding potential sites. The locations to be considered will be Crown and Community Land, and publicly accessible private land (subject to landowner consent and agreed access arrangements). These suggestions are to be evaluated against predetermined criteria, such as accessibility, visibility and symbolic significance. The selection of the memorial site is a collaborative effort, guided by community input and aligned with the project's overarching objectives.

A report will be provided to the Council at a future Ordinary Council meeting outlining the outcomes of stages 1, 2, and 3. The purpose of the report will be to seek the Council's endorsement for delivery of a memorial (as defined by the outcomes of stages 2 and 3), noting the matter of funding is to be addressed in a future stage (stage 5).

Note: If the level of community interest expressed through the engagement activities is considered insufficient to justify further progression, work will be paused and will not proceed to the subsequent stage. Respondents to engagement activities undertaken as part of this stage will be advised accordingly. The Working Group will cease activities.

Stage 4: Design Brief

Drawing upon the findings from community engagement exercises, Stage 4 entails the development of a design brief. This document outlines the collective vision and aspirations of the community, providing architects and consultants with clear guidance for the subsequent design phase.

Key elements of the design brief include the memorial's location, thematic concepts, spatial requirements and aesthetic preferences. Additionally, considerations regarding long-term maintenance and sustainability are integrated into the brief, ensuring that the final design aligns with Council's overarching financial sustainability objectives.

Stage 5: Concept Design & Funding Solution

In Stage 5, architects, consultants and artists translate the design brief into conceptual plans for the memorial, to be reviewed by the Working Group. If deemed necessary, the Working Group may elect to establish a sub-committee to lead decision-making for the concept and detailed design stages. Internal feedback ensures alignment with project objectives and community preferences.

Following internal review by the Working Group, concept plans are shared with the community for input and suggestions. This final round of engagement allows the community to nominate their preferred design and propose amendments. The selected design should balance aesthetic appeal, functionality and project objectives, determined through consensus among stakeholders.

Simultaneously, the Working Group collaborates with relevant stakeholders to secure funding for the project, ensuring financial viability and sustainability. Potential funding sources include Council allocations, grant funding opportunities and donations.

Note: Work will only proceed to the subsequent stages if an acceptable funding solution is identified. A proposed funding solution will be reported to the Council at future ordinary council meeting, within the context of work being undertaken to improve the Council's financial position.

Stages 6 – 8: Detailed Design & Delivery

6. Detailed Design
7. Request for Quote / Tender (noting delivery work can only proceed where construction costs are considered to be within the agreed and fully funded project budget)
8. Delivery

Stage 9: Opening Event & Handover

The Working Group organises a community event to officially unveil the memorial, aligning with community preferences. Concurrently, Council staff facilitate a handover of the memorial to the Asset Custodian for ongoing maintenance, ensuring the site's preservation and care.

A summary of Stages 1 through 9 is provided in **Table 1** below.

Table 1. Summary of Proposed Process

Stage	Key Components	Responsible Party
1	<p><u>Establish Working Group</u></p> <ul style="list-style-type: none"> • Council invites community members to join a Working Group through an Expression of Interest (EOI) process. EOIs considered against selection criteria and appropriate nominees selected and advised. • Roles within the Working Group, including leadership positions, are decided. • Plan and carry out engagement activities to gauge community support for the memorial (ref. Stages 2 and 3). • Progression to subsequent stages will be determined by the results of Stages 2 and 3. 	<ul style="list-style-type: none"> • Council • Working Group • Working Group • Working Group
2	<p><u>Community Engagement – Memorial Objectives</u></p> <ul style="list-style-type: none"> • Staged community engagement activities to assess the desired characteristics of the memorial (purpose, how the meaning should be expressed and how the bushfires will be linked with the memorial). • Outcomes of each community engagement phase to be reported to the community for transparency. 	<ul style="list-style-type: none"> • Working Group • Council
3	<p><u>Community Engagement – Memorial Location</u></p> <ul style="list-style-type: none"> • Community engagement to select a suitable location for the memorial. 	<ul style="list-style-type: none"> • Working Group (with final determination by Council)
4	<p><u>Design Brief</u></p> <ul style="list-style-type: none"> • Prepare a design brief. • Develop a maintenance plan. 	<ul style="list-style-type: none"> • Working Group • Council
5	<p><u>Concept Design & Funding Solution</u></p> <ul style="list-style-type: none"> • Issue design brief for concept designs to be returned for assessment. • Engagement activity to gather community feedback regarding preferred design option and amendments. • Selection of successful concept design. 	<ul style="list-style-type: none"> • Council • Working Group

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Stage	Key Components	Responsible Party
	<ul style="list-style-type: none"> Identify funding source for the project. 	<ul style="list-style-type: none"> Working Group Council/Working Group
6	<u>Detailed Design</u>	<ul style="list-style-type: none"> Council
7	<u>Tender</u>	<ul style="list-style-type: none"> Council
8	<u>Delivery</u>	<ul style="list-style-type: none"> Council
9	<u>Opening Event & Handover</u> <ul style="list-style-type: none"> Official opening event facilitated by Working Group. Memorial handover to Asset Custodian/landowner. 	<ul style="list-style-type: none"> Working Group Council

Internal Consultations

Internal consultations related to the preparation of this report have been led by Council's Open Space & Recreation Planning team, with support from Community Connections (Community Recovery Team).

Community Connections have facilitated connections with key independent subject matter experts and representatives from the Australian Red Cross.

Key inputs from internal stakeholders that have contributed to this report include:

- Proposals for commemorative features should originate from the affected community or communities. Community-driven initiatives should be considered a primary factor in decision-making.
- Factors such as suitability for mourning, accessibility, noise levels and access restrictions must be assessed when determining a site (memorial location). Combining a memorial with other public amenities on the same site can be problematic.
- There are complexities associated with creating memorials, especially those related to disasters. These complexities include the diverse range of stakeholders involved, the emotional impact of commemorating significant events and the necessity for effective communication between the community and Council. These complexities should be navigated using best practice approaches to memorial delivery, to ensure unintended adverse impacts can be avoided.
- Inadequate community engagement during memorial planning can lead to community division by excluding voices, undermining trust and fostering a perception of exclusion. To mitigate these risks, prioritise inclusive and transparent engagement processes that actively involve community members at every stage of decision-making.

External Consultations

Consultation with external subject matter experts has informed the development of this report and the proposed memorial process. The Australian Red Cross and Steve Pascoe, an independent subject matter expert involved with the Strathewen Memorial, have participated in coordination meetings with Council staff and provided a wealth of valuable resources and input to the research process.

Additionally, outreach efforts undertaken by the Open Space & Recreation Planning team extended to 11 other councils across NSW and Victoria. Responses were received from:

- Alpine Shire Council.
- Cardinia Shire Council.
- East Gippsland Shire Council.
- Eurobodalla Shire Council.
- Murrindindi Shire Council.
- Queanbeyan-Palerang Regional Council.

While several councils primarily provided insights focused on project management of bushfire-related initiatives, Murrindindi Shire Council's feedback was particularly insightful. Their input emphasised the importance of community-driven memorial projects, aligning closely with the findings of the Open Space & Recreation Planning team's research. They highlighted the necessity of involving relevant staff in the engagement process, tailoring engagement strategies to suit the community's specific needs, maintaining transparency at all stages and addressing potential challenges such as staff turnover.

Furthermore, Murrindindi Shire Council offered a detailed project plan, contributing substantially to the proposed process outlined in this report. Their feedback, along with that of other councils, has greatly enriched the research by providing diverse perspectives and practical recommendations.

Community Consultations

September & November 2020 Engagement Activities

Following the 2019/20 bushfires, the Conjola Community Recovery Association (CCRA) was formed to aid in recovery efforts. Engaging TAKT Studio for Architecture, CCRA developed two plans:

1. *Draft Conjola Connected Communities Master Plan*: A plan aiming to enhance connectivity between Conjola Park, Lake Conjola and nearby areas like Fisherman's Paradise and Narrawallee. Modules include improved entrances, bikeways, park facilities and memorials.
2. *Draft Yooralla Bay Concept Plan*: A plan for Conjola Park and Hoylake Grove Reserve, featuring enhancements such as a memorial garden, community building, playground and basketball court.

Initial consultations ran from 2 August to 28 September 2020. Surveys and plans were distributed online, in mobile libraries and through mailouts and social media. A webinar was held, garnering 39 attendees. The community submitted:

- 65 survey responses for the Master Plan.
- 86 survey responses for the Concept Plan.
- 32 written submissions.
- Petition with 103 signatures.

Due to community feedback, a second round of consultations occurred from 30 October to 27 November 2020. Outreach efforts were intensified, including mailouts to over 700 residents and drop-in sessions. The outcome included:

- 31 survey responses for the Master Plan.
- 37 survey responses for the Concept Plan.

- 28 responses to a "Quick Poll".
- Eight additional written submissions.
- 46 attendees across three drop-in sessions.

Draft Conjola Connected Communities Master Plan Survey – Feedback Summary:

- Survey results show 62% approval of the Draft Master Plan, with 38% disapproval.

Draft Yooralla Bay Concept Plan Survey – Feedback Summary:

- 60% approval of the Draft Concept Plan, with top preferences being shared pathway, playground and memorial garden.
- Suggestions for memorial design and concerns about impact on surroundings highlighted:
 - Suggestions included integrating a memorial seat within the garden, ensuring it's unobtrusive and not tourist oriented.
 - Some found the proposed 'burnt trees' design inappropriate, suggesting a representation of renewal instead.
 - Concerns were raised about potential conflicts with a nearby half basketball court and obstruction to watercraft users if the memorial were in the water.

February 2023 Engagement Activity

A community event was held at Hoylake Grove Reserve on 25 February 2023, which served as a launch event for an engagement activity related to use of the CCRA donated funds. The engagement activity was designed around an online survey and an equivalent hardcopy questionnaire. Interested community members were able to speak to Council staff on the day and provide input and ideas on upgrades at Hoylake Grove Reserve and elsewhere in the Conjola area.

The engagement activity aimed to identify how the Conjola Park community would like to see the donated funds spent and establish a measure of support for the list of nine Priority Projects, identified in the Memorandum of Agreement (MoA) between Council and the CCRA. The engagement activity was active for four weeks, through to 26 March 2023. It was open to the public and targeted to residents of Conjola Park and Lake Conjola areas.

A written notification of the engagement activity was sent to residents within a 10km radius of Hoylake Grove Reserve. Notifications were also placed on the electronic community noticeboards at Lake Conjola and social media posts were published to the Conjola Community Association's Facebook page. Hard copies of the survey were made available for collection from the Lake Conjola Local Post Office, Council's Ulladulla Branch Office and the Nowra City Administration Centre.

Questions relating to a list of nine Priority Projects (defined in the MoA) formed the primary body of the survey. These projects are:

- Memorial Garden at Hoylake Grove Reserve.
- Accessible toilet at Hoylake Grove Reserve.
- New pathway from Yooralla Bay Boat Ramp (Valley Drive) to Cottee Close (via Hoylake Grove Reserve).
- Additional play equipment at Hoylake Grove Reserve playground.
- Water bubbler and interpretive signage at Hoylake Grove Reserve.
- Additional shelter with seating at Hoylake Grove Reserve.
- Halfcourt basketball court at Hoylake Grove Reserve.

- Exercise equipment at Hoylake Grove Reserve.
- Mural to pumping station at Hoylake Grove Reserve.

Respondents were asked to select their top three priority projects from the list provided.

59% of people stated that they agreed with the proposed nine initiatives. 41% disagreed with the list. This confirms that the majority of responders support the proposed initiatives. However, there is still a large cohort who do not support the list of initiatives.

From the list of nine proposed projects, the highest ranked projects were:

- Accessible toilet at Hoylake Grove Reserve (selected by 65%).
- Pathway from Valley Drive to Cottee Close (selected by 54%).
- Additional seating and shelter at Hoylake Grove Reserve (selected by 40%).

The least popular option was the addition of a mural to the Pumping Station, which was selected by 3% of responders.

The remaining initiatives had about a 23% selection rate.

Results indicate support for a memorial garden is relatively low (at 22%).

Proposed Engagement Activities

Table 2 outlines engagement to be undertaken if the proposed process is adopted. Further engagement planning by the Working Group will be necessary to understand the specific details about how this engagement will be undertaken.

Table 2: Summary of Engagement by Stage

Stage	Engagement Model (in accordance with Shoalhaven City Council’s Community Engagement Strategy)	Description
1	EMPOWER	An Expression of Interest process will occur to invite interested individuals to join the project Working Group. Through applications, community members will be selected to participate in the Working Group alongside representatives from Council and the CCA.
2	EMPOWER	This stage involves a structured engagement activity conducted in multiple phases using various methods outlined in the proposed process. The aim is to foster ongoing dialogue with the community to shape the vision for the memorial.
3	COLLABORATE	Community members will be invited to suggest locations for the memorial, followed by a process to identify preferred sites. The final selection will involve community input to ensure alignment with community preferences.
4	INFORM	Data gathered from community engagement activities will inform the development of the design brief, ensuring that it reflects the community's aspirations for the memorial. No formal engagement will be undertaken in this stage.

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5	CONSULT	Upon receiving concept designs, the community will have the opportunity to provide feedback and vote on their preferred design option.
6 - 8	INFORM	No direct community consultation will occur during these stages. The Working Group will represent community interests throughout the detailed design and delivery phases and keep the community informed on the progress.
9	CONSULT	During the memorial's opening event, an engagement activity will be launched to gather feedback on the process undertaken and measure satisfaction with the final outcomes, ensuring ongoing community involvement and evaluation of the project's success.

Policy Implications & Strategic Alignment

This report has been prepared within the context of the policy implications and strategic alignment mentioned below.

Community Strategic Plan

The Shoalhaven 2023 Community Strategic Plan identifies 11 Key Priorities, categorised into four themes:

1. *Resilient, Safe, Accessible & Inclusive Communities.*
2. *Sustainable, Liveable Environments.*
3. *Thriving local economies that meet community needs.*
4. *Effective, Responsible & Authentic Leadership.*

The proposed memorial process aligns with the following Key Priorities:

- 1.1 *Support inclusive, safe and connected communities.*
- 1.2 *Preserve, support and develop cultural and creative vitality across our communities.*
- 1.3 *Support community wellbeing through fostering active and healthy communities.*
- 2.2 *Manage growth and development with respect for environmental and community values.*
- 4.3 *Inform and engage with the community about the decisions that affect their lives.*

Community Wellbeing Strategy

Shoalhaven City Council's Community Wellbeing Strategy cites foundational values which are relevant to this process. These are:

- *Foundation 1: Vibrant communities where everyone can participate and connect.*

Financial Sustainability

In 2023, Council commenced a comprehensive financial sustainability assessment conducted by AEC to evaluate its financial performance and future outlook. The review revealed several critical findings, including that Council's expenditure has consistently exceeded revenue, leading to a net operating deficit over multiple financial years. Furthermore, reserves for unplanned events are insufficient and asset renewal investment falls below recommended levels. AEC recommended measures to increase revenue, decrease operating costs and enhance asset management to address these issues.

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Council's strategic approach to funding new projects is structured around the principle that adequate funding must be secured to both deliver and maintain these projects effectively. However, the ability to achieve this level of funding is unlikely to occur in the immediate future, due to the current circumstances.

Plaques & Memorials Policy

Shoalhaven City Council's Plaques and Memorials Policy states:

- *The request for [the memorial] should come from a Community Consultative Body, ensuring broad community support.*
- *The proposed [memorial's] design, layout, and location should align with Council's strategic and urban design planning for the chosen site.*
- *It [the memorial] must be respectful of and harmonious with its surroundings, preserving the aesthetic and environmental values of the public space.*
- *Adequate community consultation, including affected residents [and bereaved family and community members], should be demonstrated in the application.*
- *The costs associated with the design, construction, and installation of the memorial ... should be covered by the requesting organisation or individuals.*
- *The [memorial's] ongoing maintenance must be managed by the Community Consultative Body, and the Council will retain the authority to review and, if necessary, relocate or remove the garden in the future.*

To date, Council is yet to receive an application from the CCA for a memorial in the Conjola area, however there is a Council resolution to design a process in line with contemporary, best-practice approaches to establishing a commemorative feature (such as a memorial, memorial garden, or reflection bench) in the Conjola area, and in accordance with Council's Plaques and Memorials Policy.

Council staff will provide advice to the Working Group regarding the application of this policy throughout the proposed process.

Financial Implications

At present, the project has no funding allocated in the Delivery Program and Operational Plan (DPOP) for the 2023/24 FY and no requests have been made for funding in the subsequent 2024/25 FY. Without a defined project scope and mapped-out engagement plan, a cost estimate for the works cannot be provided at this time.

The project's origin lies in the community-led master plan, which was funded by the CCRA, meaning that in the past the CCRA has shown interest in this project. The majority of the donations from this fund have been allocated for a jetty replacement project at Hoylake Grove Reserve, in accordance with MIN23.673.

If it can be demonstrated that there is broad community support for a memorial outcome at Conjola Park, the CCRA Interim Executive and CCA may consider utilising the remaining funds from the donations that are yet to be allocated. Any such decision would require approval from the CCRA Interim Executive in adherence to the terms outlined in a MoA with Council.

The roles and functions of Council staff in Stages 1 through 4 of the proposed process outlined in this report, will be funded by ordinary staff salary allocations (Open Space & Recreation Planning team, Community Connections team, Media & Communications team).

The progression of Stages 5 through 9 would be subject to the identification of an acceptable funding solution, to be considered and agreed as part of Stage 5 of the proposed process

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outlined in this report, and will be the subject of future reports to Council in relation to this matter (including in the report foreshadowed in part 3b of the proposed recommendation).

Risk Implications

Recommended Option (1)

Financial

- Without allocated funds in the DPOP, the project's feasibility is limited. Exploring alternative funding sources or partnerships may be necessary to address this risk effectively.

Psychosocial

- The upcoming 5-year anniversary of the Black Summer bushfires poses an increased risk of psychosocial challenges for the affected communities. This milestone can trigger trauma-related symptoms, emotional distress and anxiety among community members. Proactive support and inclusive commemorative practices are crucial to mitigate these risks and foster healing and resilience.

Alternative Options (2 & 3)

Reputational

- If Council does not adopt the proposed process and directs staff to either stop work or endorse an alternative option (to be determined by Council), Council's reputation within the community may be adversely affected.
- Deviating from established best practices may erode trust and confidence in Council's decision-making abilities, informed by best available information.
- The community may view Council's actions as disregarding their preferences and input, potentially resulting in public scrutiny, criticism and a loss of credibility.
- Negative publicity stemming from this deviation could impact Council's ability to engage with stakeholders effectively in future projects, hindering community participation and cooperation.
- Furthermore, it may undermine Council's standing as a responsible and accountable governing body, affecting its relationships with key stakeholders and partners.

Psychosocial

- If the memorial process is not undertaken in line with best practice approaches, as outlined in this report, division may occur within the community. This can occur due to lack of inclusivity, transparency issues, ignoring diverse perspectives, disregarding community feedback, political interference, unequal representation and failure to address concerns.
- The upcoming 5-year anniversary of the bushfires poses an increased risk of psychosocial challenges for the affected community. This milestone can trigger trauma-related symptoms, emotional distress and anxiety among community members. Proactive support and inclusive commemorative practices are crucial to mitigate these risks and foster healing and resilience.

Research Findings

Best Practice Approach to Establishing a Memorial Outcome

The information presented in this attachment should be read in conjunction with the *Conjola Park – Best Practice Approach to Establishing a Memorial Outcome* report, presented to Council at Council's Ordinary Meeting, held on 20 May 2024.

Research conducted by Council's Open Space & Recreation Planning team on the establishment of memorials (drawing from various sources including academic articles, project proposals, expert consultations, and case studies) offers insights into best practices for ensuring appropriate and effective community involvement in processes associated with establishing a memorial following a natural disaster event.

The Open Space & Recreation Planning team has sought and received advice from subject matter experts, gathered through direct engagement and desktop analysis of relevant literature.

Key themes emerging from research undertaken to date, including through direct engagement with subject matter experts and desktop analysis of source material, is summarised below.

Subject Matter Experts

Steve Pascoe (providing advice to SCC staff) has over 30 years of emergency management experience, including volunteering with the Country Fire Authority and Victoria State Emergency Service. He became a community leader in Strathewen following the 2009 Black Saturday bushfires, establishing the Strathewen Community Renewal Association (SCRA). Additionally, he served as Deputy Chair of the SCRA and Chair of the Strathewen Memorial Working Group.

With a decade of experience in Local Government at Knox City Council, Steve worked as the Community Safety and Emergency Management Coordinator.

For the past 14 years, Steve has run his own disaster management consultancy, specialising in community-based disaster preparedness and recovery. His expertise extends to community-based emergency management and he co-founded Disaster Recovery Advisors and Mentors Australia to provide support to communities affected by disasters nationwide.

Kaley Morrissey (providing advice to SCC staff) has been a Recovery & Resilience Officer with the Australian Red Cross since the Black Summer Bushfires in 2019/20.

Kaley has been supporting impacted communities in their recovery and working to build preparedness for future disasters.

Part of Kaley's role entails working with governments, groups and agencies to understand the disaster recovery context and provide information and knowledge where applicable.

In addition to extensive Disaster Recovery Training, Kaley holds a Bachelor of Arts in Law & Sociology from the University of California and has a certification in Introduction to Recovery from Monash University.

Kaley has 25 years' experience working in not for profit organisations and community development.



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Andrea Forsyth (Community Recovery Officer, Shoalhaven City Council) was the Recovery Coordinator for the Black Summer Fires in the Snowy Monaro region and was then appointed as the Community Recovery Officer for Shoalhaven City Council in October 2020.

Andrea has worked extensively with communities affected in the Black Summer Fires, in particular communities in the south of the area, such as Conjola, during this time and understands the challenges faced by communities in recovery.

Andrea chairs the Shoalhaven Recovery Interagency Group who support the community in recovery and has a close working relationship with the Australian Red Cross.

Anne Leadbeater (source literature) has 25 years of experience in community and economic development, particularly in disaster recovery. She coordinated large-scale recovery efforts for the Kinglake Ranges after the 2009 Victorian bushfires, in which she was awarded with an Order of Australia Medal.

Anne has worked with disaster-affected communities across multiple states of Australia and New Zealand, offering expertise in strategic planning, policy development and community resilience.

Anne is considered an expert in the field of disaster recovery and has extensive experience consulting with Local, State and Federal Government.

Dr. Rob Gordon (source literature) is a clinical psychologist known for his work in trauma recovery within disaster-affected communities. Since the 1983 Ash Wednesday fires, he has assisted communities and emergency service workers in their recovery journeys.

Dr. Gordon's trauma-informed approach has influenced organisations like the Australian Red Cross and government agencies, transforming how they support traumatised communities. His expertise has been invaluable in various national and international disasters, where he earned recognition with an Order of Australia Medal.

Community-Led Recovery Efforts

Anne Leadbeater's case study research is focused on the pivotal role of community-led recovery efforts, as demonstrated by the Strathewen Community Recovery Association (SCRA) following the devastating 2009 Black Saturday bushfires in Victoria. Anne's study delves into the dynamics of community resilience and the profound impact of locally endorsed leadership in guiding recovery processes ^[1].

The community of Strathewen successfully navigated the challenges of rebuilding physical infrastructure whilst addressing the intricate psychosocial aspects of recovery.

In the wake of natural disasters, it is widely recognised that communities often face multifaceted challenges that extend beyond tangible losses. By prioritising the input and leadership of locally recognised figures, such as those within the SCRA, impacted communities like Strathewen were able to tailor their recovery journey to address their specific needs and goals ^[1].

The SCRA facilitated collaborative decision-making processes, underpinned by effective community engagement and grassroots initiatives, empowering residents to actively participate in shaping their own recovery. This approach fostered a sense of ownership and agency within the community and nurtured a collective spirit of resilience.



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Inclusive and Transparent Community Engagement

Meaningful community engagement is fundamental to building trust, fostering collaboration and ensuring the legitimacy of recovery efforts. Anne Leadbeater emphasises the importance of inclusive and transparent consultation processes, which allow diverse voices to be heard and decisions to reflect community values ^[1, 2].

Through open dialogue and shared decision-making, communities can cultivate a sense of ownership over their recovery journey, leading to more effective and sustainable outcomes.

Inclusive community engagement should encompass a range of activities, including community meetings, focus groups, surveys and one-on-one consultations. These initiatives aim to ensure that all members of the community have an opportunity to contribute their perspectives, needs and aspirations to the recovery process ^[1, 2].

By fostering transparency and accessibility, community engagement initiatives not only enhance the legitimacy of decision-making processes but also promote a sense of unity and cohesion within the community.

Empowering Community Decision Making

Empowering communities to make decisions on their recovery fosters a sense of agency and resilience. The Strathewen Bushfire Memorial exemplifies this approach and provides a case study example of a process that involved extensive community consultation and transparent decision-making ^[2].

By involving community members in all stages of the recovery process, individuals are empowered to shape their own future and rebuild their communities according to their unique strengths and values ^[3].

The Significance of Time in Recovery

Dr. Rob Gordon's insights into the distorted perception of time after traumatic events highlights the importance of anniversaries as milestones for reflection and healing ^[4]. Anniversaries provide communities with opportunities to honour the past, acknowledge progress and reaffirm their resilience in the face of adversity.

By recognising the rhythmic nature of life and the role of biographical memory, communities can navigate the challenges of recovery and find meaning in their shared experiences.

There is an opportunity to initiate project work coinciding with the upcoming 5-year anniversary of the Black Summer bushfires. This milestone holds significant relevance for community members, with potential to symbolise their collective experiences and resilience. Undertaking memorial initiatives during this period can create valuable avenues for support to the community as the recovery process continues.

Creating Meaningful Memorials

Creating meaningful memorials requires the successful implementation of a collaborative process that captures the essence of shared experiences and emotions within a community. Dr. Rob Gordon emphasises that memorials serve as touchstones for the past, ensuring the preservation of memories and honouring those who have passed away.

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Communities should be invited to come together to identify symbols and rituals that encapsulate the event being memorialised, fostering a sense of collective identity and connection to the past ^[5].

By involving stakeholders in the planning and design process, memorials have the potential to become powerful expressions of collective grief, resilience and healing, providing spaces for reflection and community cohesion.

Ultimately, meaningful memorials evolve over time, reflecting the changing needs and experiences of the community, while serving as lasting reminders of resilience in the face of adversity.

Government Support for Community-Led Initiative

Susan Nicholls emphasises the importance of government communication and transparency in the development of disaster memorials, advocating for extensive community consultation and collaboration.

Government agencies play a crucial role in supporting and facilitating community-led recovery efforts. By recognising and supporting community-led initiatives, governments can empower communities to articulate their needs and aspirations, fostering resilience and sustainable recovery. Effective government support involves providing resources, expertise and institutional backing to community-led initiatives, ensuring that recovery efforts are inclusive, transparent and responsive to local needs ^[6].

There are significant risks to community recovery if a memorial outcome is not delivered in a best practice manner. Inadequate communication and transparency may lead to distrust and dissatisfaction among community members. Insufficient community involvement in decision-making could lead to disengagement and less effective recovery efforts. Neglecting to support community-led initiatives may lead to inadequate consideration of diverse community needs, exacerbating divisions and impeding recovery.

Summary

Research findings underscore the importance of community involvement and empowerment in the establishment of memorials following natural disaster events. By adopting inclusive, transparent, and community-led approaches to memorial planning and development, Shoalhaven City Council can ensure that a memorial outcomes at Conjola Park has the potential to function as a meaningful space for remembrance, healing and resilience-building.

The proposed process outlines a detailed framework, based on best practice, drawing from insights obtained through the research outlined above.

Endnotes:

1. Leadbeater, A. 2013. *Community Leadership in Disaster Recovery: A Case Study*, Australian Emergency Management Institute.
2. Pascoe, S. 2011. *Strathewen Bushfire Memorial - Project Proposal*, Self-published.
3. Whitton, S. 2015. *Planning and Managing Disaster Memorials*, Winston Churchill Trust.
4. Gordon, R. 2020. *Anniversaries for Significant Events*, Australian Red Cross.
5. Gordon, R. 2009. *Notes on Disaster Memorials*, Self-published.
6. Nicholls, S. 2006. *Disaster Memorials as Government Communication*, Australian Emergency Management Institute.

CL24.149 Bay & Basin Leisure Centre - Outcome of Engagement Activity

HPERM Ref: D24/104649

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

Reason for Report

The purpose of this report is to provide an update to Council regarding the outcomes of a recent engagement activity concerning the Bay & Basin Leisure Centre redevelopment project, noting the project is currently on pause until Council's financial position improves.

Recommendation

That Council:

1. Accept the *Bay & Basin Leisure Centre – Outcome of Engagement Activity* report as an update regarding feedback received during public exhibition of concept plans for refurbishment of the Bay & Basin Leisure Centre.
2. Endorse the proposed minor changes to design (scope of works) as outlined in **Table 2: Recommended Amendments to Scope of Works** in the *Bay & Basin Leisure Centre – Outcome of Engagement Activity* report.

Options

1. Adopt the recommendations as proposed.

Implications: This project is paused until Council's financial position improves, in accordance with MIN24.141. The outcomes of the engagement activity will be recorded, to be referred to if the project is recommenced when Council's financial position improves.

2. Adopt a revised recommendation, removing Part 2 (of the proposed recommendation).

Implications: Providing an endorsement in this way, without making changes to the building design in line with feedback received during the exhibition period, may undermine confidence in the Council's ability to make decisions in line with community feedback and in accordance with the *Shoalhaven 2032 Community Strategic Plan* and *Shoalhaven City Council's Community Engagement Strategy 2022 – 2026*.

3. Adopt an alternative recommendation.

Implications: To be determined, depending on the contents of the amended motion. Council would need to provide direction to the CEO regarding any alternative recommendation.

Background

The Bay & Basin Leisure Centre is situated approximately 1.2km from the Vincentia Town Centre and has been a prominent community recreation facility in the Shoalhaven since its establishment in 2001. It has been determined that the facility needs refurbishments to

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ensure it continues to meet the changing needs of the Bay & Basin communities into the future.

According to 2021 census data, the median population age in Shoalhaven is 49, with a significant portion falling between 50 and 80 years. The refurbishment project therefore places a strong emphasis on equal access considerations, in accordance with Shoalhaven City Council's *Disability Inclusion Access Plan 2022-2026*. The Bay & Basin Leisure Centre is a regional aquatic facility, servicing the second-largest planning area in the Shoalhaven Local Government Area.

In 2016, consultants Group GSA were engaged to develop a master plan for the site. This plan positioned the precinct as a key community destination and sporting hub, integrated with a skatepark and Vincentia Sportsground.

The Shoalhaven City Council *Community Infrastructure Strategic Plan 2017-2036* outlines key recommendations related to this facility, including the relocation of netball courts, the construction of a regional-sized skate/scooter/BMX facility, improvements in subsoil drainage and ensuring service continuity during the construction phase (of a refurbishment project).

In February 2022, Council appointed Co-Op Studio as Principal Architect for the redevelopment of the Bay & Basin Leisure Centre (ref. MIN22.136).

A councillor briefing was held on 8 September 2022. The purpose of this briefing was to present 4 concept design options to the Council.

On 13 February 2023 (ref. MIN23.60), Council endorsed Option 4 as the preferred concept for further detailed design development. In accordance with MIN23.60, the concept plans for this option underwent public exhibition from 27 October to 26 November 2023. The outcomes of this engagement activity (herein 'November 2023 Engagement Activity') are the subject of this report and are detailed in the Community Consultations chapter below.

Funding Across Multiple Financial Years

In common with other large-scale and complex capital works projects, funding for the Bay & Basin Leisure Centre project is distributed across multiple financial years.

Up until 25 March 2024, funding to commence, progress, and complete the current phase of works (concept and detailed design) in accordance with previous Council decisions was being drawn from the previous financial year [DPOP 2022/23], current financial year [DPOP 2023/24], and future financial years [DPOP 2024/25 and Long-Term Financial Plan].

At the Ordinary Council Meeting held on 25 March 2024, the Council endorsed a motion to place planning and design work for the Bay & Basin Leisure Centre refurbishment project on pause until the Council's financial position improves (ref. MIN24.141).

Further information about project finances is provided in the Financial Implications chapter of this report.

Overview of Key Decision Points (project timeline)

- **2016 – Project Inception**
- **23 January 2018 – Report – MIN18.19**

Carried, That Council:

1. *Adopt the Draft Bay & Basin Master Plan, with minor wording changes to the report as outlined in the submission table.*
2. *During development of detailed design Council incorporate additional Learn to Swim/Therapy Pool.*
3. *Continue the licence with the Department of Education for the existing building at Sanctuary Point and staff liaise with the local community and user groups to determine its best use.*

- **30 January 2018 – Rescission – MIN18.35**

Carried, That Council rescind the following:

1. *Adopt the Draft Bay & Basin Master Plan, with minor wording changes to the report as outlined in the submission table.*
2. *During development of detailed design Council incorporate additional Learn to Swim/Therapy Pool.*
3. *Continue the licence with the Department of Education for the existing building at Sanctuary Point and staff liaise with the local community and user groups to determine its best use.*

- **30 January 2018 – NoM – MIN18.36**

Carried, That Council:

1. *Defer consideration of the Draft Bay & Basin Hub Master Plan until Council receives a report from the General Manager on other staging options excluding the District Library.*
2. *Prepare an application for a District Library at Sanctuary Point*

- **27 February 2018 – NoM – MIN18.114**

Carried, That Council:

1. *Adopt the Draft Bay & Basin Community Hub Master Plan*
2. *During development of detailed design Council incorporate additional Learn to Swim/Therapy Pool*
3. *Continue the licence with the Department of Education for the existing building at Sanctuary Point and staff liaise with local community and user groups to maintain the Sanctuary Point Library and develop it further in the current location or nearby should the department of Education require the land back.*

- **27 March 2018 – Rescission – MIN18.194**

Rescind the following:

1. *Adopt the Draft Bay & Basin Community Hub Master Plan*
2. *During development of detailed design Council incorporate additional Learn to Swim/Therapy Pool*
3. *Continue the licence with the Department of Education for the existing building at Sanctuary Point and staff liaise with local community and user groups to maintain the Sanctuary Point Library and develop it further in the current location or nearby should the department of Education require the land back.*

- **27 March 2018 – NoM – MIN18.195**

Carried, That Council:

1. *Construct a District Library at Sanctuary Point as a priority.*
2. *Redesign the Draft Bay & Basin Community Hub Master Plan without the library.*

- **21 February 2022 – Confidential Report – MIN22.147C**

Carried That:

1. *Council endorses the recommendation of the Tender Evaluation Panel and accepts the Tender from Architectural Design Services – Development Application, Construction Certificate, Tender and Construction Documentation for Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia known as the Bay and Basin Hub – from CO-OP Studio Pty Ltd for a total cost of \$1,114,870.00 (excluding GST).*
2. *The contract documents and any other associated documents be executed on behalf of the Council in accordance with Local Government (General) Regulation 2021 (section 165) by the CEO (Director City Lifestyles).*

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- **13 February 2023 – Report – MIN23.60**

Carried, That Council:

1. *Endorse Concept Design Option 4 for the redevelopment of the Bay & Basin Leisure Centre to be progressed to the detailed design phase.*
2. *Endorse the commencement of community engagement and consultation for this project.*

- **30 October 2023 – November 2023 Engagement Activity**

- **20 November 2023 – Report – MIN23.667**

Carried, That Council:

2. *Receive the Financial Sustainability Review November 2023 report prepared by AEC Group which informs the community of the financial position of council.*
3. *Adopts the following policy positions:*
 - a. *Council should budget for and maintain an unrestricted cash reserve of at least \$15 Million to enable management of unforeseen circumstances such as those experienced between 2019/2022, mainly natural disaster and global pandemic.*
 - b. *That no new or increased services or infrastructure be taken on without a full business case being in place, including full assessment of lifecycle costs of the service or asset.*
 - c. *Grant applications must focus on projects that have a full business case and lifecycle costs and have been supported by the community and council. Grant applications that have a negative impact on the financial position of Council must be approved by Council.*
 - d. *In the event of a capital project not having commenced at the end of a financial year, that the project's priority be reconsidered and Council (re)vote on its continuation or otherwise.*
 - e. *Commit to reducing any duplication and rationalisation of services delivered with a structural review once a new Chief Executive Officer commences. This will provide much needed continuity on a project that will require full focus over the coming years.*
9. *Engages with the community for no less than 28 days on the proposed Special Rate Variation (SRV) noting that if Council applies for an SRV, and if approved by IPART, this will be the maximum rate Council can levy. Where cost savings (as outlined in this report), or proceeds from any potential asset sales is identified, Council may choose to not levy the maximum approved rate increase in accordance with s511 of the Local Government Act.*

- **29 Jan 2024 – Report – MIN24.44**

Carried, That:

1. *Council not submit an application for a Special Rate Variation (SRV) to the Independent Pricing and Regulatory Tribunal (IPART) at this time.*
2. *Council continue the practice of workshops and briefings to:*
 - a. *Progress and monitor the outcomes of the report prepared by AEC titled Financial Sustainability Review and dated November 2023.*
 - b. *Determine and formalise ongoing budget parameters in line with principles of ongoing financial sustainability.*
 - c. *Apply financial efficiencies and savings in the organisation commencing immediately and ongoing over the next four years. A report is to be provided to the Council every quarter to outline efficiencies and savings. Savings Target of \$5 million per year. i.e. Motor fleet, Outdoor Staff precinct model back to basic.*

- d. Consider placing a staffing freeze on all recruitment positions except where the EMT determines whether the position is required or to be filled by internal recruitment to provide a career path for existing staff. There will be no redundancies.
 - e. Cap the capital budget in financial years 2023/24, 24/25 and 25/26 at \$120 million depending on available grant fundings.
 - f. Review Council's Commercial Undertakings and Services to a conservative return on capital of at least 10% or 5% on selected asset classes where there is clear additional social, or community benefit and this benefit is stated as a note in the financial statements.
 - g. Dispose of the under-performing or excess assets, commencing immediately.
 - h. Substantially reduce annual revotes/carry forwards unless approved by Council and should not represent more than \$10 million of the capital works/renewals budget for the previous year. Secured grant funding projects to take priority in any approved revotes/carry forwards. A Project Manager to design a project plan to significantly reduce the carry-overs of capital works/recurrent projects each year.
7. Capital projects to be placed on hold and identified into-redundant for future years once the financial position of the Council improves. Projects to be identified into-redundant include but may not be limited to:
- a. Consideration of the new Sanctuary Point Library facilities.
 - i. Following the workshops and briefings, an urgent meeting be held with Fiona Phillips MP, Liza Butler MP, available Councillors, staff to discuss the way forward including the scope and budget for the project.
 - b. Boongaree; Bay and Basin Leisure Centre Expansion; BMX/Pump track projects.
 - c. Focus on assets renewal and rehabilitation with transitioning the organisations priority to fixing and maintaining assets over next 3 to 4 years.
11. In conjunction with the executive staff, Council review the capital works program and give priority to asset renewal and rehabilitation.
- **25 March 2024 – CEO Report – MIN24.141**

Carried, That Council:

... endorse placing the Bay and Basin Leisure Centre refurbishment planning and design works (unfunded \$34.2 million) on pause until the Council's financial position improves.

Internal Consultations

Following an initial data analysis by the Open Space & Recreation Planning team, the results of the November 2023 Engagement Activity were referred to internal stakeholders for coordination and comment, including Shoalhaven Swim Sport Fitness, City Lifestyles, and the Building & Landscape Design team, City Services.

The feedback received from internal stakeholders in response to the key themes identified during the November 2023 Engagement Activity is outlined in **Table 1** and **Table 2**.

Community Consultations

November 2023 Engagement Activity

In accordance with MIN23.60, concept plans (for Option 4) were placed on public exhibition for four weeks from 27 October 2023 to 26 November 2023. During this time, an online survey was released to capture feedback in relation to the proposed plans.

The target audience for this engagement activity was users of existing facilities at the Bay & Basin Leisure Centre. The engagement activity was designed to allow centre users to provide feedback on how they use the current facilities and how they would like to use the

proposed facilities, to understand whether the proposed concept plans for the Bay & Basin Leisure Centre align with community expectations.

The engagement activity was designed as a ‘consult’ activity (also known as ‘community consultation’), in accordance with Shoalhaven City Council’s *Community Engagement Strategy 2022 – 2026*.

The November 2023 Engagement Activity was promoted via the following communications channels:

- **27 October 2023:** Get Involved page (‘Bay & Basin Leisure Centre Refurbishment’) landing information refreshed and republished;
- **27 October 2023:** Get Involved page News Feed item (‘Share your thoughts on the Bay & Basin Leisure Centre refurbishment’);
- **30 October 2023:** Email notification to Shoalhaven Sports Board (‘Bay & Basin Leisure Centre comms and engagement campaign Nov 2023’). Note: all members of the elected Council are members of the Board.
- **30 October 2023:** News Feed Item sent to Get Involved page subscribers (via email)
- **30 October 2023:** Bay & Basin Leisure Centre Facebook Page (link to survey)
- **13 November 2023:** Get Involved page News Feed item (‘Bay & Basin Drop-In Session’);
- **13 November 2023:** Media release (‘Bay & Basin Leisure Centre concept design information session’);
- **13 & 15 November:** Bay & Basin Leisure Centre Facebook Page (notification of pop-up session);
- **15 November 2023:** Email notification to Bay & Basin Leisure Centre members with invitation to attend pop-up information session and reminder to complete online survey.

338 respondents provided feedback through the online survey during the public exhibition period.

The survey consisted of quantitative questions relating to demographics, current facility usage and future facility usage. Further qualitative questions concluded the survey by providing respondents the opportunity to provide additional detailed feedback.

A pop-up event was held at the Bay & Basin Leisure Centre during the public exhibition period, where staff engaged with an estimated 60 interested participants. This event allowed members of the public to engage with the project by providing in-person feedback directly to the Principal Architect and Council staff.

The total engagements for the November 2023 Engagement Activity is therefore:

- 338 (survey responses) +60 (in-person contacts) = 398

Further information about the November 2023 Engagement Activity, and subsequent public updates, is available on the **Bay & Basin Leisure Centre Refurbishment** Get Involved page, at:

<https://getinvolved.shoalhaven.nsw.gov.au/bay-and-basin-leisure-centre-redevelopment>

Quantitative Results

Demographics: 96.4% of the online survey participants identify as Shoalhaven residents. Within this, 83.1% reside in the Bay & Basin Area, with Vincentia (30.5%) and Sanctuary Point (20.4%) being prominent suburbs. These results confirm at least half of survey respondents reside in the Vincentia and Sanctuary Point areas.

39.9% of survey respondents are aged between 35 to 49 years of age. This reflects the general age breakdown of the Bay & Basin area, according to recent census data. The age distribution data also indicates a higher participation rate from younger individuals, which is not typically the case for engagement activities undertaken by Shoalhaven City Council.

Current Usage:

Q7. How often do you currently use the facilities at the Bay & Basin Leisure Centre?

- Multiple times a week – 148 (43.8%)
- About once a week – 51 (15.1%)
- A couple of times per month – 43 (12.7%)
- About once per month – 35 (10.4%)
- Almost never – 31 (9.2%)
- Daily – 19 (5.6%)
- Never – 11 (3.3%)

Q8. Please tell us which facilities you currently use (select all that apply).

- Lap pool – 218
- Café – 149
- Gym – 127
- Learn to swim pool – 117
- Waterslide – 114
- Fitness classes – 77
- Fitness room – 58
- None – 36
- Spin bikes/classes – 26
- Creche – 26

This data indicates that a majority of respondents are regular users of the current Bay & Basin Leisure Centre facilities.

Survey data confirms the Bay & Basin Leisure Centre currently sees frequent use, with 43.8% of respondents utilising the facilities multiple times a week.

The lap pool is the most popular facility, chosen by 218 respondents, followed by the café (149 users) and the gym (127 users).

While some facilities enjoy high usage, there are also areas with lower engagement, suggesting opportunities for targeted improvements or promotions to enhance overall utilisation.

Future Usage:

Q9. How often do you plan to use the new facilities at the Bay & Basin Leisure Centre once the refurbishment is completed?

- Multiple times a week – 206 (60.9%)
- Daily – 45 (13.3%)
- About once a week – 36 (10.7%)
- A couple of times per month – 23 (6.8%)

- Almost never – 13 (3.8%)
- About once per month – 11 (3.3%)
- Never – 4 (1.2%)

Q10. How likely is it that you will utilise the new gym facilities?

- Yes, definitely – 131 (38.8%)
- Very likely/probably – 108 (32.0%)
- Unlikely/probably not – 57 (16.9%)
- Never – 31 (9.2%)
- Don't know – 11 (3.3%)

Q11. How likely is it that you will utilise the new learn to swim facilities?

- Yes, definitely – 106 (31.4%)
- Very likely/probably – 58 (17.2%)
- Unlikely/probably not – 82 (24.3%)
- Never – 83 (24.6%)
- Don't know – 9 (2.7%)

Q12. How likely is it that you will utilise the new waterslide?

- Yes, definitely – 122 (36.1%)
- Very likely/probably – 81 (24.0%)
- Unlikely/probably not – 71 (21.0%)
- Never – 80 (17.8%)
- Don't know – 4 (1.2%)

Q13. How likely is it that you will utilise the new community meeting rooms?

- Yes, definitely – 22 (6.5%)
- Very likely/probably – 86 (25.4%)
- Unlikely/probably not – 151 (44.7%)
- Never – 64 (18.9%)
- Don't know – 15 (4.4%)

Q14. How likely is it that you will utilise accessible design features, such as disabled parking spaces, the lift and pool ramps?

- Yes, definitely – 47 (13.9%)
- Very likely/probably – 48 (14.2%)
- Unlikely/probably not – 143 (42.3%)
- Never – 92 (27.2%)
- Don't know – 8 (2.4%)

Q15. How likely is it that you will utilise the upgraded sportsground amenities?

- Yes, definitely – 120 (35.5%)
- Very likely/probably – 97 (28.7%)

- Unlikely/probably not – 76 (22.5%)
- Never – 36 (10.7%)
- Don't know – 9 (2.7%)

Q16. How likely is it that you will utilise the new multipurpose netball courts?

- Yes, definitely – 63 (18.6%)
- Very likely/probably – 61 (18.0%)
- Unlikely/probably not – 111 (32.8%)
- Never – 96 (29.0%)
- Don't know – 5 (1.5%)

Q17. How likely is it that you will utilise the new skatepark?

- Yes, definitely – 103 (30.5%)
- Very likely/probably – 65 (19.2%)
- Unlikely/probably not – 75 (22.2%)
- Never – 92 (27.2%)
- Don't know – 3 (0.9%)

The survey data indicates a high level of anticipated future usage for the Bay & Basin Leisure Centre following its refurbishment. A majority, 60.9%, plan to use the new facilities multiple times a week, while 13.3% intend to use them daily.

The proposed gym facilities received substantial support, with 38.8% of respondents expressing a definite interest and a total of 70.8% indicating either definite or probable utilisation. This suggests a strong demand for fitness amenities within the community, highlighting the significance of incorporating well-equipped workout spaces in the refurbishment plans. The waterslide and sportsground amenities also achieved a similarly high level of support.

Community meeting rooms show lower projected usage, with only 6.5% indicating a definite intention to utilise these facilities.

The proposed netball courts received mixed interest from survey respondents, with a notable portion expressing uncertainty or no interest in using these facilities.

Qualitative Results

The qualitative survey results, in conjunction with in-person feedback received during the pop-up event, confirm there is an array of key themes and community concerns. Further information about key themes is presented below.

Q20. Based on the concept design drawing presented here, what would you like to see changed?

Key Themes:

- Desire for a 50m Pool – 43 Responses
- Development of Multipurpose Courts – 41 Responses
- Additional Facilities (Multipurpose rooms, spa and sauna) – 36 Responses
- Improvements to Parking and Accessibility – 15 Responses
- Expanded Family Friendly Change Facilities – 14 Responses

Q21. Is there anything else you would like to share with us about the existing facilities or the proposal refurbishment plans?

Key Themes:

- Support for Improved Fitness Facilities – 16 Responses
- Additional Facilities (Multipurpose rooms, spa and sauna) – 15 Responses
- Support for Sportsground Upgrades – 12 Responses
- Support for Skatepark – 12 Responses
- Desire for a 50m Pool – 11 Responses
- Improvements to Parking and Accessibility – 9 Responses

Several respondents emphasised the need for a 50m pool, expressing that it would benefit competitive swimming, school carnivals and swim squads.

In-person and survey responses highlighted the need for more family-friendly amenities, such as additional and larger family change rooms.

Respondents also expressed interest in sauna and spa facilities, health and wellbeing rooms and improved amenities.

Some suggested creating multipurpose rooms that cater to a variety of activities, ensuring a holistic approach to health and fitness.

Parking issues and the need for more accessible options, including disabled parking and drop-off areas, were frequently raised at both the pop-up event and through the survey responses.

Data also indicates that there is a desire for more diverse multi-use sports facilities at the Bay & Basin Leisure Centre such as a multi-purpose indoor arena with basketball courts, netball courts, volleyball courts and a skatepark.

Summary of Key Themes and Proposed Amendments

Key Themes with officer (internal stakeholder) responses are summarised in **Table 1** below.

Table 2 provides an overview of proposed amendments to the scope of works for the Bay & Basin Leisure Centre refurbishment project, based on community submissions and feedback received from internal stakeholders. These items would be considered as the project progresses into the detailed design to development application submissions stage at such time when Council’s financial position improves and the project can be reactivated.

Disclaimer: This project is currently paused until Council’s financial position improves (ref. MIN24.141). The amendments to concept plans (as outlined in Table 2) will not be made until Council confirms a future funding allocation to allow the project to proceed.

Table 1. Staff response in relation to key themes arising from community feedback

No.	Key Theme arising from community Feedback	Staff Response	Amendment proposed (Y/N)
1	Extend (expand) family change facilities to accommodate an entire family with benches, pram parking and appropriate circulation.	<ul style="list-style-type: none"> • Supported in-principle for further investigation. • Investigate additional amenities in the foyer/café area as current amenity provision may not be adequate to service increased user base. 	Y (see Table 2 for further info)
2	Implement parking restrictions to address	<ul style="list-style-type: none"> • Staff and contractors utilise approximately 30- 	N

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No.	Key Theme arising from community Feedback	Staff Response	Amendment proposed (Y/N)
	limited available car parking spaces (particularly during school days).	<p>35 spaces.</p> <ul style="list-style-type: none"> • Parking infrastructure should be developed prior to recreation infrastructure, which increases demand on already limited parking. • Investigate options to bring forward parking into stage 2 (from stage 3). 	
3	Implement additional accessible parking spaces and connecting pathways to the Leisure Centres.	<ul style="list-style-type: none"> • Supported in-principle. 	Y (see Table 2 for further info)
4	Implement spa and sauna facilities.	<ul style="list-style-type: none"> • There is an existing spa that will be retained through the refurbishment. • The inclusion of a sauna is not supported due to risks associated with hygiene and anti-social/inappropriate behaviour. 	N
5	Expand multipurpose rooms to cater for various activities and investigate potential users of these rooms.	<ul style="list-style-type: none"> • Repurpose program, community and consult rooms to service a variety of uses. • Local businesses and community groups to be engaged to assess use. Rooms can also be advertised as a space for children's birthday parties and other similar events. • Rooms may require a name change to alter public's perception of what the rooms can be utilised for. • Ensure the room name does not assume a particular use. 	Y (see Table 2 for further info)
6	Investigate the feasibility of altering the proposed netball court space to be integrated into an indoor sports facility to service a range of sports.	<ul style="list-style-type: none"> • No strategic need has been identified for an indoor sports facility, with reference to Community Infrastructure Strategic Plan (CISP) and the Shoalhaven Indoor Sports Centre. • An indoor sporting complex is considered cost prohibitive and outside of the scope of the redevelopment project. • Investigate the conversion of 2 existing tennis courts at Erowal Bay Tennis Courts to service alternate sports. 	N
7	Investigate the implementation of a 50-metre pool.	<ul style="list-style-type: none"> • Council has resolved to incorporate additional Learn to Swim/therapy pool but not to include a 50m pool within the scope of works for this project. • No strategic need has been identified for a 50-metre pool in the CISP, particularly with reference to the proposed development of Northern SCaRP to cater for larger, regional swimming events. 	N

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No.	Key Theme arising from community Feedback	Staff Response	Amendment proposed (Y/N)
		<ul style="list-style-type: none"> Constructing a 50-metre pool is considered cost prohibitive (noting associated ongoing operational and maintenance costs) and outside of the scope of works for the Bay & Basin Leisure Centre redevelopment project. There is an existing availability of outdoor 50-metre pools in the Shoalhaven. 	
8	Implement netting to stop sporting equipment entering the dense scrub and bushland.	<ul style="list-style-type: none"> Supported in-principle (for implementation at appropriate stage of project). Investigate fencing costs similar to fences at Ulladulla Sports Park. 	Y (see Table 2 for further info)
9	Investigate opportunities for green spaces.	<ul style="list-style-type: none"> Supported in-principle. 	Y (see Table 2 for further info)
10	Investigate opportunities for indigenous art.	<ul style="list-style-type: none"> Supported in-principle. 	Y (see Table 2 for further info)

Table 2: Recommended Amendments to Scope of Works

No. (from Table 1)	Proposed Amendment	Description
1	Extend Family Change Facilities	<ul style="list-style-type: none"> Investigate the expansion of the family change facilities currently shown in the concept plans to accommodate more users. Facilities to include benches, pram parking spaces and enough room for family use. Investigate additional amenities to service the foyer/café area.
3	Improvements to Parking and Accessibility	<ul style="list-style-type: none"> Investigate options to revise sequencing for the delivery of additional parking by prioritising the delivery of parking infrastructure prior to and in conjunction with refurbishments works. Parking layout to be altered to provide additional DDA compliant parking spaces. Implement DDA compliant pathways to improve pedestrian access from the carpark to Leisure Centre.
5	Clarify Purpose of Proposed Meeting Rooms (multipurpose rooms)	<ul style="list-style-type: none"> Consider renaming/repurposing proposed meeting rooms identified in the concept plan to reflect flexibility of use (as multipurpose rooms). Investigate potential users of these rooms.
8	Implement Fencing/Netting to Sportsgrounds	<ul style="list-style-type: none"> Investigate costs for implementation of this infrastructure. Review similar areas of fencing/netting in the Shoalhaven.

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9	Implement Additional Green Spaces	<ul style="list-style-type: none"> Investigate further planting opportunities throughout the site.
10	Implement Indigenous Art Themes	<ul style="list-style-type: none"> Investigate opportunities for commissioning and implementation.

Policy Implications and Strategic Alignment

The concept plans for the Bay & Basin Leisure Centre refurbishment have been developed in accordance with the *Shoalhaven 2023 Community Strategic Plan*, *Shoalhaven City Council Community Wellbeing Strategy 2022*, and *Community Infrastructure Strategic Plan 2017-2036*.

Community Strategic Plan

The *Shoalhaven 2023 Community Strategic Plan* identifies 11 key priorities, categorised into four themes:

1. *Resilient, Safe, Accessible & Inclusive Communities*
2. *Sustainable, Liveable Environments*
3. *Thriving local economies that meet community needs*
4. *Effective, Responsible & Authentic Leadership*

The Bay & Basin Leisure Centre refurbishment project aligns with the following Key Priorities:

- 1.1: *Support inclusive, safe and connected communities*
- 1.2: *Preserve, support and develop cultural and creative vitality across our communities;*
- 1.3: *Support community wellbeing through fostering active and healthy communities*
- 4.3: *Inform and engage with the community about the decisions that affect their lives*

Community Wellbeing Strategy

Shoalhaven City Council’s *Community Wellbeing Strategy* cites foundational values which are relevant to this project. These are:

- *Foundation 1: Vibrant communities where everyone can participate and connect*
- *Foundation 4: Healthy and active communities*

Financial Implications

A sum of \$952,423 was carried forward from the 2022/23 FY capital works program. Additionally, an allocation of \$900,000 for the project was approved for the 2023/24 FY by Council on 26 June 2023 (ref. Line 245, p. 129). This provided a total allocation of \$1,852,000 for design and investigation work, which included meeting contractual obligations.

In alignment with the recent AEC Financial Sustainability Review, \$900,000 was subsequently deferred by the Council to the 2024/25 FY (through a resolution made on 11 December 2023, ref. Part 3 of MIN23.731).

Part 3 of MIN23.731 reads:

That Council:

3. *Adopt the budget adjustments as outlined in the September 2023 Quarterly Budget Report Document.*

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Expenditure to Date

Table 4 below outlines the project expenditure to date, organised by financial year.

Table 4: Project Expenditure by Financial Year

Financial Year	Expenditure (\$)
2019/2020 & prior	144,693.80
2020/2021	1,334.00
2021/2022	79,451.61
2022/2023	203,125.89
2023/2024	29,379.90
Total funds expended to date	457,985.20

Financial Sustainability

In 2023, Council commenced a comprehensive financial sustainability assessment conducted by AEC to evaluate its financial performance and future outlook. The review revealed several critical findings, including that Council's expenditure has consistently exceeded revenue, leading to a net operating deficit over multiple financial years. Furthermore, reserves for unplanned events are insufficient, and asset renewal investment falls below recommended levels. AEC recommended measures to increase revenue, decrease operating costs, and enhance asset management to address these issues.

As part of aligning with the broader financial strategy, the Bay & Basin Leisure Centre Refurbishment Project has been placed on pause as of January 2024, in accordance with MIN24.44. Council subsequently reaffirmed its position relating to the pause at the Ordinary Council Meeting held on 25 March 2024, ref MIN24.141.

Risk Implications

Risks associated with actions taken to give effect to the Council's decision to pause planning and design work for Bay & Basin Leisure Centre Refurbishment project (ref. MIN24.141) were reported to the Audit, Risk & Improvement Committee (ARIC) meeting held on 13 May 2024.

There are no further risk implications associated with the contents of this report.

CL24.150 Request for Plaques and Memorials

HPERM Ref: D24/112416

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

Attachments: 1. Detailed Information - Requests for Plaques and Memorials - April 2024 (councillors information folder) [⇒](#)
2. Plaques and Memorials Policy [↓](#)

Reason for Report

The purpose of this report is to seek Council's approval for the installation of one memorial seat with memorial plaque in Bawley Point and two memorial plaques to be installed within the public domain in Burrill Lake and Currarong, in accordance with Council's Plaques and Memorials Policy.

Recommendation

That Council, as per the Plaques and Memorials Policy:

1. Approve the request for a memorial seat and installation of memorial plaque in Bawley Point Reserve, Bawley Point.
2. Approve the request for a memorial plaque on the existing seat in Lions Park, Burrill Lake.
3. Approve the request for a second plaque on the family's existing memorial seat in Rock Pool Reserve, Currarong.
4. Advise the applicants of Council's determination of the requests.

Options

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

Background

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

Council has received one request for a memorial seat and plaque and two requests for plaque installations on existing seats. These are summarised in Table 1 below. Additional details of the individual requests is provided in Attachment 1.

Table 1 – Summary of Requests for Plaques

	Infrastructure Request	Preferred Location	Consistent With Policy
1	Memorial seat and plaque	Bawley Point Reserve, Bawley Point	Yes
2	Memorial plaque on existing seat	Lions Park, Burrill Lake	Yes
3	Second memorial plaque on family's existing seat	Rock Pool Reserve, Currarong	Yes

Internal Consultations

The three requests were referred to the Asset Custodian for comment with no objections received.

External Consultations

The Burrill Lake Lions Park Care Group have been consulted on the installation of a memorial plaque on an existing seat in Lions Park, Burrill Lake, who were supportive of the plaque installation. There are no active park care groups at either the Bawley Point Reserve, Bawley Point or Rock Pool Reserve, Currarong.

It is not a requirement of the policy for staff to advise or consult with community consultative bodies on requests for plaques and memorials. Requests for Memorial Gardens on Council managed public reserves are required to be submitted by a community consultative body in accordance with clauses 3.4 and 4.3 of the policy.

Policy Implications

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

Each application is consistent with the Plaques and Memorials Policy, and is therefore recommended to be supported by Council. Where applications have been made for 'townships', Council staff have negotiated with the applicant to determine a specific location, detailed in Attachment 1.

Financial Implications

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

For memorial seats with plaques, applicants will be charged for the memorial seat, plaque, concrete slab and all labour for installation. The amount applicants are charged, are based on average costs for installations across the Shoalhaven and are based on a full cost recovery model.

For memorial plaque installations only, applicants will be charged for the memorial plaque and all labour for installation. The amount applicants are charged, is based on average costs for installations across the Shoalhaven (including Council staff time) and will be full cost recovery.

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

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Plaques and Memorials Policy

Adoption Date:	27/10/2020
Amendment Date:	28/11/2022
Minute Number:	MIN20.768, MIN22.906
Review Date:	01/12/2024
Directorate:	City Lifestyles
Record Number:	POL22/57

Plaques and Memorials Policy

1. Purpose

The Policy provides a clear and equitable framework for the management of new and existing plaques and memorials, including the assessment of community requests and the installation and ongoing maintenance of plaques and memorials.

2. Statement

The Policy intent is to:

- a. Support recognition of significant historical events and persons or organisations closely associated with the leadership, cultural and social development of the city.
- b. Protect the intended purpose, environmental, and aesthetic appearance of public open space.
- c. Ensure that recognition through plaques and memorials occurs only for current and past residents of the Shoalhaven.
- d. Manage risks in relation to plaques and memorials.
- e. Ensure future operational maintenance and expenses are accommodated.

There are existing plaques or memorials in the Shoalhaven that predate this Policy. The presence of an existing plaque or memorial should not be taken as a precedent for the approval of any future plaques or memorials.

2.1 Scope of Policy

The Policy applies to all plaques and memorials situated on Council owned or managed land including stand-alone or mounted infrastructure and memorial gardens.

The Policy does not apply to cemeteries and crematoriums, official commemorative plaques installed on Council buildings or other infrastructure, or signage including interpretive (educational), directional or regulatory signs.

2.2 Background

Public open space is a significant part of the Shoalhaven's social and cultural heritage, contributing highly valued recreational, environmental, and aesthetic spaces for people who live, work, and visit the local government area. Plaques and memorials provide recognition and can contribute to an understanding of events or individuals closely associated with the history or communities of the Shoalhaven.

Decisions regarding plaques and memorials will consider the balance between the desire to appropriately commemorate events or individuals and the ongoing enjoyment of visually uncluttered public spaces.

Plaques and Memorials Policy

2.3 Definitions

For this Policy, the following definitions apply:

2.3.1. Plaque

A flat tablet of metal, stone, engraved pavers (footpath) or other material which may include text and/or images that commemorate a person or historical information relevant to a particular location. The plaque may be fixed to an object, building or hard ground surface located within public open space.

2.3.2. Memorial

An object (e.g., obelisk) established to commemorate a person, group, or event. In the context of this Policy, memorial may not include a tree, but may include a memorial garden if approved for a major public open space.

2.3.3. Public Open Space

Is all public land (owned or managed by Council) that is open or accessible to the community.

This includes:

- a. Parks and reserves, bushland reserves, public hall/community centre gardens, showgrounds, and sportsgrounds
- b. Reserve furniture within public space (such as benches and picnic tables)
- c. Any other infrastructure within public space (such as picnic shelters, barbeques, playgrounds, fences, and paths)
- d. Activity centre locations, including footpaths, median strips, public squares, malls, and laneways

3. Provisions

3.1 Guidelines

3.1.1. To protect the intended purpose and aesthetic appearance of public spaces, Council does not generally encourage installation of plaques and memorials on land owned or managed by Council.

3.1.2. Plaques and memorials will only be considered where they are consistent with Council's strategic and urban design planning for the proposed location. The proposal must be consistent with relevant legislation, Council strategies and plans, the land's public purpose, and must not result in a change of use of the land.

3.1.3. The siting or appearance of a plaque or memorial must not negatively impact the aesthetic, social, cultural, or environmental uses or values of public space. It should be respectful of and in harmony with its surroundings.

3.1.4. Plaques and memorials will meet all relevant planning and building requirements. They will be designed and sited in a way that does not damage the supporting structure or natural environment or create a public risk.

Plaques and Memorials Policy

3.1.5. Plaques and memorials will be constructed in a manner that requires minimal ongoing maintenance and must be resistant to vandalism. Plaques attached to infrastructure must be durable and should have a life equivalent to the asset to which they are attached.

3.1.6. All costs associated with the design, construction and installation of plaques or memorials are to be paid by the person making the request for the plaque or memorial.

3.1.7. Once approved, installation of any plaque or memorial must be undertaken by Council (at the applicant's cost). Installed plaques and memorials will become the property of Shoalhaven City Council and will be entered into Council's Asset Register.

3.1.8. Maintenance of plaques and memorials must be undertaken by Council.

3.1.9. Council does not guarantee to retain plaques and memorials in perpetuity. A plaque or memorial will be retained in place for as long as practicable, with the following exceptions:

- a. the area in which the item is sited is to be redeveloped
- b. ongoing maintenance costs are prohibitive
- c. in the case of a plaque, the asset to which it is attached has reached the end of its useful life
- d. the condition of the plaque or memorial is poor
- e. the plaque or memorial was not approved by Council

3.1.10. If a plaque or memorial is removed for any of the reasons above, Council will not guarantee replacement of the plaque or memorial, however replacement plaques or memorials of similar form may be considered. All reasonable efforts will be made to identify and advise relevant stakeholders (including family members).

3.1.11. Non-compliant / unauthorised plaques and memorials will be removed by Council as soon as practicable. Where possible, Council will attempt contact with the next of kin/family to return the non-compliant/unauthorised plaque or memorial.

3.2 Criteria for New Plaques and Memorials

3.2.1. Eligible plaques and memorials may commemorate:

- a. Individuals who have made a substantial contribution to the leadership, cultural, environmental, and social aspects of the City's development or shared community history. Importantly, the contribution of the individual must have been exceptional and extend beyond what might be expected through paid employment or voluntary contribution to the community. Individuals must be current or past residents of the Shoalhaven.
- b. A Shoalhaven group or association which has made a substantial and outstanding contribution to the Shoalhaven community
- c. A significant historical or cultural event which has a deep meaning for the broader Shoalhaven community or is of national or state significance

Plaques and Memorials Policy

- d. Significant donations for public space infrastructure (e.g., barbecues, picnic shelters etc.)
- e. Funding contributions by external agencies, such as the State or Federal Government. The layout and wording of the plaque will be in accordance with the funding agreement.
- f. A plaque or memorial for the opening of a new or refurbished Council building or facility. Where this is initiated by Council a Report to Council is not required.

3.2.2. The subject of a requested plaque or memorial must have a clear association with and strong relevance to the location proposed for the plaque or memorial and must not be already commemorated elsewhere in the city.

3.2.3. Plaques and memorials commemorating deceased persons will not generally be considered until the person has been deceased for at least one year to allow for appropriate development of historical perspective. Approval will be sought from a deceased person's next of kin or appropriate relative/s where practicable. In exceptional circumstances Council may approve plaques or memorials commemorating significant living persons at Council's discretion.

3.2.4. Memorial Gardens must be requested by Community Consultative Bodies.

3.3 Criteria for Plaques for the Memorial Obelisk at the Ulladulla Civic Centre

Council will consider requests for new plaques at the Frontline Services Memorial Obelisk at the Ulladulla Civic Centre for frontline services personnel who lost their lives from August 2018 onwards. This approval process must be used by those who wish to nominate a name for inclusion of a plaque on the obelisk. Requests will be considered for:

3.3.1. Frontline services personnel paid or volunteer, who have died whilst protecting the community during disasters / emergencies.

3.3.2. Including but not limited to the Rural Fire Service (RFS), Pilots during fire water bombing, Police, State Emergency Services (SES), Ambulance, Marine Rescue, and Surf Lifesaving NSW.

3.3.3. Those from the Shoalhaven Local Government Area (LGA) who have gone to other communities to assist during disasters / emergencies.

3.3.4. Those from outside the Shoalhaven LGA who have come into the above area to assist with disasters / emergencies.

3.3.5. Names will only be considered for inclusion from those frontline services personnel who lost their lives from August 2018.

3.4 Criteria for Memorial Gardens

Applications will be considered on request from Community Consultative Bodies to establish memorial gardens.

Plaques and Memorials Policy

4. Implementation

Placement of plaques or memorials in public open space requires prior written approval from Council.

4.1 New Plaques and Memorials

4.1.1. Applications for new plaques and memorials must be in writing and must demonstrate compliance with the Policy. Applications should include all relevant details including proposed text or images as well as the preferred location for the plaque or memorial.

4.1.2. Initial request must be forwarded by email to council@shoalhaven.nsw.gov.au

4.1.3. Initial review of the application will be made by Council Officers in accordance with the Policy and in liaison with the applicant.

4.1.4. The proposed design and layout, wording and location shall be submitted to the relevant Asset Custodian for Department Manager's approval.

4.1.5. Approval for the design and layout, wording and location of any proposed plaque or memorial rests with the Manager, Community Planning and Projects Department.

4.1.6. A Council resolution will be required to approve the installation of a plaque or memorial.

4.1.7. Once approved, the design, manufacture and installation will be coordinated by Shoalhaven City Council and all costs will be borne by the applicant. In some instances, and at its sole discretion, Council may contribute toward the cost of the manufacture and/or installation.

4.1.8. Any request for the placement of a plaque or memorial within public space that is managed but not owned by Council will initially be assessed by Council. If eligible under the Policy, the request will be referred to the landowner for approval.

4.1.9. Council may consult, collaborate, and seek approvals as required from other organisations and authorities.

4.2 New Plaques for the Memorial Obelisk at the Ulladulla Civic Centre

New plaques will be considered in accordance with the Memorial Obelisk – Ulladulla Civic Centre – New Plaques Procedure (PRD20/171):

4.2.1. Written requests should be forwarded by email to council@shoalhaven.nsw.gov.au with LEMO in the subject heading.

4.2.2. Council's Local Emergency Management Officer (LEMO) will present requests to the Local Emergency Management Committee for discussion and approval.

4.2.3. Library Services Manager will organise purchase and installation of the plaque.

4.3 Requests for Memorial Gardens

Applications will be considered from Community Consultative Bodies to establish memorial gardens.

4.3.1. Initial request must be sent by a Community Consultative Body representative via email to council@shoalhaven.nsw.gov.au and attach Minutes including the organisation's resolution

4.3.2. Applicants must demonstrate compliance with this Policy and include all relevant details including:

Plaques and Memorials Policy

- a. proposed text or images
- b. design and site plan
- c. preferred location for the memorial garden
- d. demonstrated community consultation (including affected residents)

4.3.3. Initial review of the application will be made by Council Officers in accordance with the criteria in this Policy

4.3.4. Any request for a memorial garden within a public open space area that is managed by but not owned by Council will initially be assessed by Council referring to this Policy. If assessed by Council as conforming to this Policy, the request will be referred to the landowner for final approval. Approval from other responsible authorities may be required if a plaque or memorial is proposed on land controlled by legislation.

4.3.5. The proposed design and layout, wording and location shall be submitted to the relevant Asset Custodian for Department Manager's approval.

4.3.6. Approval for the design and layout, wording and location of any proposed plaque or memorial rests with the Manager, Community Planning and Projects Department.

4.3.7. A Council resolution will be required to approve the installation of the memorial garden.

4.3.8. Once approved, the detail design, manufacture and installation will be coordinated by Council's Community Planning and Projects Department.

4.3.9. The Community Consultative Body will be required to manage all requests for the placement of a plaque or memorial within the memorial garden.

4.4 Related Documents

Community Infrastructure Strategic Plan

Community Consultative Body Policy

Community Strategic Plan

Memorial Obelisk – Ulladulla Civic Centre – New Plaques Procedure PRD20/171

5. Review

This Policy statement will be reviewed:

- Within 12 months of the date of the election of a new Council, or
- Every four years, or
- As directed by Council

CL24.151 Shorebird Park – Shoalhaven Heads – Informal Renaming of Reserve ‘Rex Worrell Shorebird Park’

HPERM Ref: D24/141594

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

Attachments: 1. Letters of Support (under separate cover) [⇨](#)
2. Proposed Signage Design [↓](#)

Reason for Report

The purpose of this report is to provide Council with:

1. Notification that the family of the late Rex Worrell, of Shoalhaven Heads, have requested permission to have a local park named in commemoration of their father’s exceptional community service. The family were prompted by National Parks and Wildlife Service Officers to make this request with Shoalhaven City Council;
2. Background information about the Worrell family’s request and about Rex Worrell’s 25+ years of community service;
3. An opportunity to provide support for the installation of a sign at Shorebird Park, Shoalhaven Heads (which is formally a segment of Gumley Reserve), to informally change the park name to *Rex Worrell Shorebird Park*. Production of the sign will be funded by the Worrell family.

Recommendation

That Council:

1. Endorse the *Shorebird Park – Shoalhaven Heads – informal renaming of reserve ‘Rex Worrell Shorebird Park’* report in relation to the Worrell family’s request to commemorate their father’s community service by renaming the site known as Shorebird Park, Shoalhaven Heads, as ‘Rex Worrell Shorebird Park’.
2. Acknowledge the Worrell family’s request to memorialise Rex Worrell enjoys widespread endorsement from prominent local stakeholders and fund the signage.
3. Direct the CEO (Director - City Lifestyles) to:
 - a. Undertake the installation of a sign at Shorebird Park, Shoalhaven Heads (formally a segment of Gumley Reserve), to informally change the park name to *Rex Worrell Shorebird Park*.
 - b. Note that all costs associated with sign production and installation will be funded by the Worrell family (at no cost to Council).
4. Note that the project is not identified in Council’s Delivery Program Operational Plan & Budget 2023/24, nor in the draft Resourcing Strategy exhibited in December 2023 as part of Council’s Financial Sustainability Review, and subsequently has no capital works funding allocated for design or construction.

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Options

1. Accept the recommendations as proposed.

Implications: Council staff will undertake a procurement process to produce and install the sign (illustrated in Attachment 2) at Shorebird Park, Shoalhaven Heads, to commemorate the conservation volunteer work of Rex Worrell which is being funded by the Worrell family. The proposed sign will be installed in an appropriate location near a series of existing shorebird conservation educational signs and artworks, which were installed during a collaborative process between local stakeholders, including Rex Worrell.

2. Adopt an alternative recommendation, identifying an alternative site.

Implications: Installing the sign in a different location within the reserve will isolate the sign from the context of the educational signage and artworks about shorebirds, which are already in place in Shorebird Park and are directly related to Rex Worrell's volunteer conservation activities, and may no longer align with Council's Plaques and Memorials Policy (as outlined in the Policy Implications and Strategic Alignment chapter of this report).

3. Reject the recommendations as proposed and adopt an alternative recommendation.

Implications: Further implications to be determined, depending on the contents of the amended motion. Please refer to reputational risks of not proceeding with Option 1 outlined at the end of this report under the heading *Risk Implications*.

Background

The late Rex Worrell was a resident of Shoalhaven Heads who undertook conservation volunteering within his local community. Mr Worrell died on 21 August 2021, and National Parks and Wildlife Service (NPWS) officers suggested to Mr Worrell's family that it would be appropriate to request that Council rename Shorebird Park, an ephemeral sand dune within Gumley Reserve, in Shoalhaven Heads after Mr Worrell. Council officers have been contacted by the Worrell family in relation to this request, and officers have liaised directly with Mr Worrell's descendants.

Rex Worrell's Conservation Volunteering Activity

Mr Worrell became interested in the welfare of local shorebirds and migratory birds while walking on the beach south of Shoalhaven Heads. Mr Worrell and his wife had moved to Shoalhaven Heads in 1982 when he retired, and he was advised to walk regularly for his health. Mr Worrell commenced solo bird watching volunteering activities on his own initiative, and when the NPWS South Coast Shorebird Recovery Program began in the late 1990s, he joined the team. The Shoalhaven River estuary, linked with Lake Wollumboola, is the most significant migratory shorebird site on the South Coast of NSW.

Rex Worrell's achievements include:

- Daily patrols of shorebird nest sites during nesting season:
 - Mr Worrell learnt to construct small wire fences which were electrified to deter fox, raven and dog predation of eggs, fledglings and adult birds.
 - Mr Worrell wore clothes of consistent colour every day so the birds would learn to know and trust him. On one occasion, an egg had rolled out from a nest, and he was able to gently place the egg back in the nest, under the adult bird.

- Over the years, bird counts showed increases; for example Pied Oystercatcher numbers rose from 2 birds in 2006 to 44 in 2022, demonstrating the effectiveness of his efforts.
- Regular patrols of migratory and shorebird habitat year-round, in all weather, recording bird numbers, species, welfare, and to note sightings of banded birds. He kept meticulous diaries of records which were shared with scientists and NPWS.
- Liaison with NPWS and Council officers, including teaching new staff members and volunteers how to look after shorebirds and mentoring young people with an interest in studying, working and volunteering in the field of wildlife conservation.
- Participation in bird counts and data compilation with NPWS.
- Community education presentations to local clubs, schools and visitors from around NSW who travelled specifically to visit Shoalhaven Heads and to learn from Rex.
- Community liaison, participating in project planning and grant application processes with local stakeholders such as NPWS Rangers and South Coast Shorebird Recovery members, Council, local Aboriginal people, Shoalhaven Heads Public School, and Shoalhaven Heads Community Consultative Body.
- Awards for the Shorebird Park education area were received from Landcare, Keep Australia Beautiful and National Trust (Heritage Awards), to the multiple local stakeholders involved, which included Mr Worrell's contributions.
- Grants funded the design and installation of signage and artwork in the informally known Shorebird Park, Shoalhaven Heads. This area informally became known as a 'Migratory Bird Airport' to emphasise how birds have flown from breeding ground in the Northern Hemisphere, and that they need safe areas in the Shoalhaven to rest and feed while they recover from their long flight. Mr Worrell contributed to organising community initiatives:
 - Four artworks have been installed including a sculpture of the critically endangered *far eastern curlew*, which enjoys local habitat; two mosaics and one painting featuring shorebirds; see **Figures 1 and 2**.
 - Eleven interpretive signs were designed with Mr Worrell's participation to teach people about shorebird and migratory birds and have been installed in Shorebird Park and nearby Riverside Park. Another interpretive sign features Coolangatta Mountain (Cullunghutti) and highlights the importance of the mountain to local Aboriginal people **Figures 3 and 4**.
 - Volunteer planting days, planting endemic trees and understory plants along the edge of the river and Shorebird Park; see **Figures 5 and 6**.



Figure 1: Two mosaics of shorebirds and the 'migratory bird airport' - Shorebird Park



Figure 2: Sculpture of Far Eastern Curlews - Shorebird Park



Figure 3: Painting produced by school students - Shorebird Park



Figure 4: Interpretive sign designed by Rex Worrell showing shorebirds and migratory birds using long, narrow beaks to forage for estuarine invertebrates - Shorebird Park



Figure 5: Rex Worrell in white shirt and blue shorts, showing visitors the 'migratory bird airport' mosaic at Shorebird Park. Note the lack of plants in the background, with Cullunghutti Mountain visible.



Figure 6: 2024 photo showing the same site – evidence of plant growth along the River foreshore.

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- Mr Worrell received an OAM in 2012 for service to conservation and environment through the South Coast Shorebird Recovery Program.
- Mr Worrell was featured in published works such as:
 - At least five newspaper articles about his volunteering and on television news;
 - A children's book, *The Birds, the Sea and Me*, by Anna Jarrett, illustrated by Julie Sydenham;
 - A local history book *Snapshots of a Village: An Illustrated History of Shoalhaven Heads, once Jerry Bailey*, researched/ compiled by Christine Talbot;
 - A magazine article: *Shoalhaven Heads – Reflection of a day's outing*, by Alan Spearpoint.
 - Mr Worrell's research featured at the 2005 Australasian Shorebird Conference, New Zealand: *Craven P et al. Sharing the shoreline: shorebird population monitoring & habitat management at the Shoalhaven River Estuary, South Coast, NSW, Australia*.
- Mr Worrell spent time at Shorebird Park regularly. He had the key to the cleaning cupboard in the Council amenities block, and he cleaned the signs and artworks regularly.
 - Mr Worrell spoke with park users, having friendly, respectful conversations to educate people about conserving shorebird numbers, and passing on his passion for conservation **Figure 5**. He was known to locals as 'the bird man'.
 - He politely explained to people the reason why dogs are prohibited in the area and made suggestions about alternate areas to enjoy walking with dogs.
 - Mr Worrell was still walking 4km daily at age 92 years, to undertake his volunteering tasks. His commitment to maintaining the amenity and education area in Shorebird Park was lifelong.

Stakeholder Support for the renaming request: Rex Worrell Shorebird Park

Letters of support (attached) were received from:

- Jerrinja Local Aboriginal Land Council; Alfred Wellington CEO.
- Michael Phelan, Manager, NPWS, Shoalhaven Area South Coast Branch.
- Jodie Dunn, South Coast Shorebird Recovery Coordinator, NPWS 2006-2021.
- Pat Hall, Retired NPWS officer and Valda Corrigan, NPWS Ranger, South Coast Region.
- Shoalhaven Heads Community Forum (CCB), Robyn Flack, Secretary; 38 Members. voted unanimously to support the name *Rex Worrell Shorebird Park*, 3/8/2022.
- South Coast Shorebird Recovery Program, Sally Leonard, and other volunteers.
- Anna Jarratt, author of "The Birds, The Sea, and Me".
- Peter Dalmazzo, Environmental Consultant.
- Sally Leonard, Volunteer NPWS South Coast Shorebird Recovery Program.

Subject Site: Shorebird Park, Shoalhaven Heads

Shorebird Park is situated on the northern foreshore of the Shoalhaven River, near the inlet. This land has no formal Lot number, as it is classed as an ephemeral sand bar. Shorebird Park is an informal name only and is not registered as an official place name with the Geographical Names Board of New South Wales. No official name can be registered for an ephemeral sand bar. The name 'Shorebird Park' is used colloquially by residents and stakeholders such as Council and NPWS. Council officers have consulted with the Worrell

Family about this unusual situation. The Worrell family are happy to informally rename the park simply by erecting a sign at the site containing the name *Rex Worrell Shorebird Park*, with no further action to be taken.

There are no formal land parcels to the east, south or west of Shorebird Park; the ephemeral sand bar forms the northern edge of the Shoalhaven River’s inlet from the Pacific Ocean; see Figure 7.

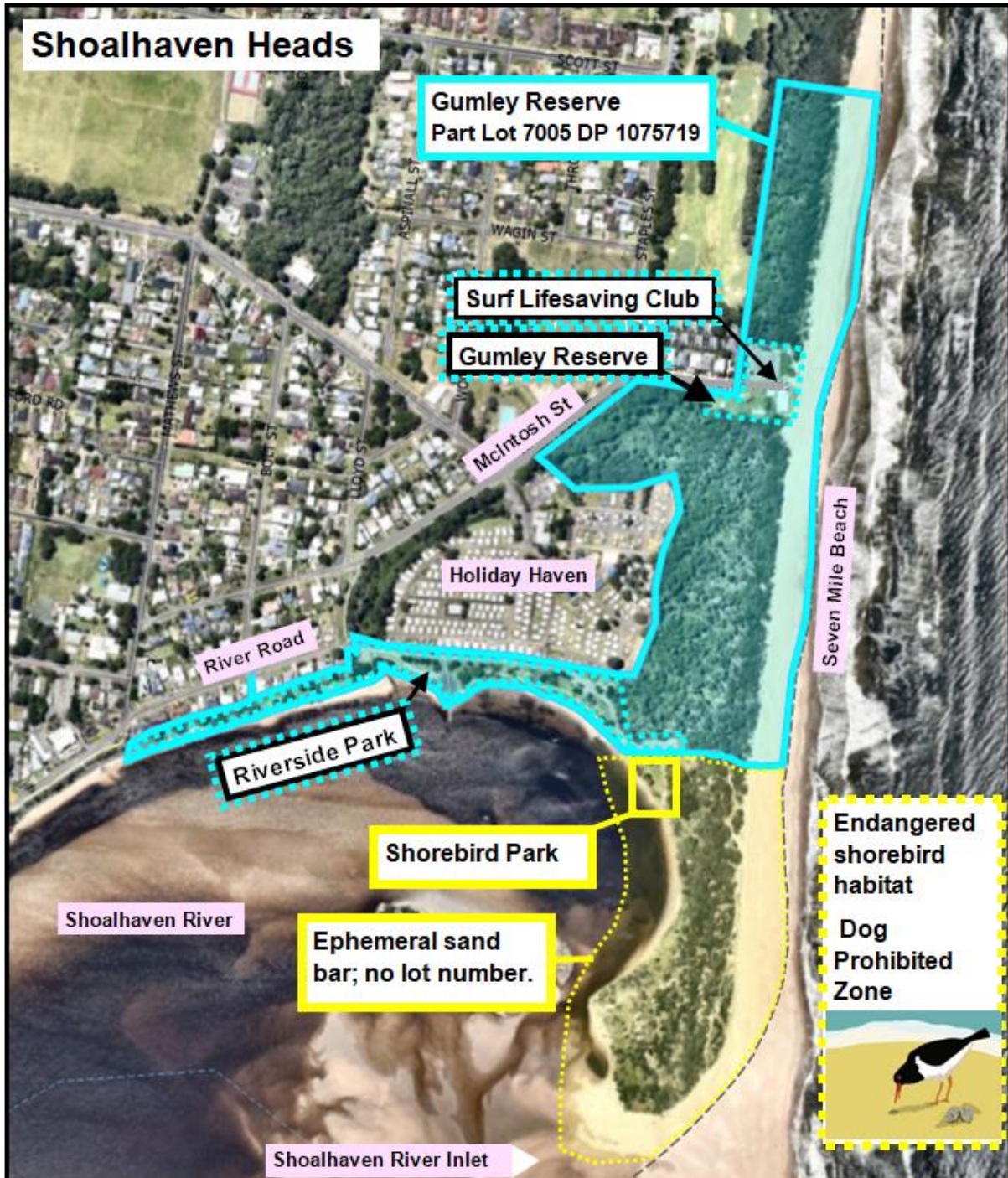


Figure 7: Gumley Reserve and Shorebird Park, Shoalhaven Heads

The closest land parcel to the north of Shorebird Park is a complex land parcel which has two names:

- The western portion of this land parcel is a narrow, long public park along the northern Shoalhaven River foreshore near the Holiday Haven Tourist Park. This

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public park is informally named Riverside Park. Both Riverside Park and Shorebird Park are accessed via River Road.

- The eastern portion of this land parcel is a dune covered in a sand forest ecosystem along the foreshore of Seven Mile Beach. One small section of cleared land within this parcel, and accessed from McIntosh Street, is a public park and also houses the Shoalhaven Heads Surf Lifesaving Club. This public park is named Gumley Reserve.

Gumley Reserve is within Crown Lands parcel – Part Lot 7005 DP 1075719, and is formally registered with the Geographical Names Board. This land is under Council’s management and has district park status.

Gumley Reserve has been named after Robert “Gummo” Gumley 1955 – 1997, who was a local surfer and paraglider. He was a foundation member of the Shoalhaven Heads Board-riding Club.

Shorebird Park is located adjacent to Gumley Reserve and is considered an ephemeral sand dune.

In practice, Shorebird Park is a triangular-shaped Council-operated Park. It consists of a grassed area, an accessible path ending in an accessible wheelchair pad from which views of the Shoalhaven River can be enjoyed, and surrounding bushland, as seen in **Figure 4**.

Council assets within Shorebird Park (ref. **Figures 1 – 4, and Figure 8**) include:

- An amenities block including an accessible bathroom, and an outdoor shower.
- Pathways, a manicured grass, three park benches and a garbage bin.
- Regulatory signage, including Dogs Prohibited signs.
- Nine interpretive signs about shorebirds/ migratory birds (Two more interpretive signs have been installed in Riverside Park to the west).
- Four artworks including one sculpture, two mosaics and a painting, featuring shorebirds and migratory birds.



Figure 8: Features within Shorebird Park, Shoalhaven Heads

Proposed Sign

A sign has been designed in accordance with Shoalhaven City Council's *Open Space Signage Guidelines*. It is a bushwalk track sign, containing a map, a silhouette watermark image of Rex Worrell with a *pied oystercatcher*, and information about Rex. This image is based on a photo which has strong sentimental value for the Worrell family as seen in **Figures 9 and 10**.

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Figure 9: Rex Worrell building a fence to protect nest from foxes and dogs, supervised by a pied oystercatcher who knew him well



Figure 10: Proposed sign design for Rex Worrell Shorebird Park (ref. Attachment 2)

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Internal Consultations

The Rex Worrell Shorebird Park signage assessment has been led by the City Lifestyles directorate, by officers from the Open Space and Recreation Planning team. Stakeholders consulted include:

- The Asset Custodian, Northern District Engineer.
- Environmental Services, Lead of Land Management.

Internal consultation conducted in relation to the matter has given consideration to the following:

- The sentiment expressed by the sign in commemorating Rex Worrell's exceptional conservation volunteering is appropriate in-principle, is suitable to be installed at the chosen location, and that the draft sign design and content is suitable.
- Community-driven initiatives should be considered a primary factor in decision-making.
- Commemoration of an exceptional conservation volunteer meets community wellbeing criteria.

Both the Northern District Engineer and the Lead of Land Management have endorsed the chosen site, the sign's content, and the sentiment expressed by the proposal as being acceptable and appropriate.

External Consultations

The Worrell family have undertaken consultation with relevant community stakeholders to seek letters of support, to inform this request. Nine letters of support have been provided to

by the Worrell family in support of their proposal, which is considered to meet the *Plaques and Memorials Policy* requirements for a community request of this nature.

Policy Implications and Strategic Alignment

Requests received by Council for commemorative signs must comply with Council's Plaques and Memorials Policy. While Council does not generally encourage the installation of plaques on land owned or managed by Council, as noted in the Plaques and Memorials Policy clause 3.1.1, this request does meet the following eligibility criteria:

3.2.1 Eligible plaques and memorials may commemorate:

- a. Individuals who have made a substantial contribution to the leadership, cultural, environmental, and social aspects of the City's development or shared community history. Importantly, the contribution of the individual must have been exceptional and extend beyond what might be expected through paid employment or voluntary contribution to the community. Individuals must be current or past residents of the Shoalhaven.....*

3.2.2 The subject of a requested plaque or memorial must have a clear association with and strong relevance to the location proposed for the plaque or memorial and must not be already commemorated elsewhere in the city.

3.2.3 Plaques and memorials commemorating deceased persons will not generally be considered until the person has been deceased for at least one year to allow for appropriate development of historical perspective.

This request is considered to be consistent with the strategic priorities outlined below.

Community Strategic Plan

The *Shoalhaven 2023 Community Strategic Plan* identifies 11 key priorities, categorised into four themes:

- 1. Resilient, Safe, Accessible & Inclusive Communities.*
- 2. Sustainable, Liveable Environments.*
- 3. Thriving local economies that meet community needs.*
- 4. Effective, Responsible & Authentic Leadership.*

The Rex Worrell Shorebird Park signage proposal aligns with the following Key Priorities:

1.2: Preserve, support and develop cultural and creative vitality across our communities; progress indicator: Measure people's feeling of connection to their community.

1.3: Support community wellbeing through fostering active and healthy communities; Outcome: Improved access to opportunities for lifelong learning....

2.3: Protect the natural environment and enhance sustainability; Outcome: Community involvement in environmental enhancement programs is increased.

3.2: Deliver safe, vibrant & attractive public spaces; Outcome: Increased participation in the civic and cultural life of the City.

4.3: Inform and engage with the community about the decisions that affect their lives; Outcome: Increased awareness of the key issues impacting our community.

Community Wellbeing Strategy

Shoalhaven City Council's *Community Wellbeing Strategy* cites foundational values which are relevant to this project:

- *Foundation 1: Vibrant communities where everyone can participate and connect.*

- *Foundation 2: Lifelong learning and helping each other.*
- *Foundation 6: Sustainable natural and built environments.*

The *Community Wellbeing Strategy* further recognises:

...community wellbeing is a shared responsibility that requires all community stakeholders to work collaboratively to achieve shared goals and aspirations for wellbeing.

(p. 11, *Community Wellbeing Strategy*)

....and valuing the important contribution that people in our community make to community wellbeing.

(p. 15, *Community Wellbeing Strategy*)

....when people come together... they feel community pride and develop community identity. This contributes to a vibrant community life that supports individual wellbeing and resilience.....For the community to come together, they need inclusive community gathering spaces....

(p23, *Community Wellbeing Strategy*)

People thrive when they feel empowered to create change....

(p27, *Community Wellbeing Strategy*)

Disability Inclusion Action Plan

Shoalhaven City Council's *Disability Inclusion Action Plan 2022-2026* cites two goals which are relevant to this project:

1. *Create positive attitudes and behaviours within community.*
2. *Create accessible and liveable communities.*

The map on the Rex Worrell Shorebird Park sign highlights an accessible path to an accessible viewing platform to enjoy the Shoalhaven River vista. The accessible viewing platform contains a mosaic which educates people about shorebird and migratory bird behaviour.

The Rex Worrell Shorebird Park signage request aligns with Council's *Community Strategic Plan, Community Wellbeing Strategy* and *Disability Inclusion Action Plan*.

Financial Implications

Finance and Asset Depreciation

The Rex Worrell Shorebird Park signage request is not identified in Council's *Delivery Program Operation Plan & Budget 2023/24* and subsequently has no funding allocated for design or construction.

Sign production and installation costs are to be paid for by the Worrell family. Time expended on desk top investigations, site visits and stakeholder liaison to date has been funded through the Recreation Projects, Planning and Delivery staffing budget.

Risk Implications

Financial Risk: This proposal is to be privately funded by the Worrell family (at no cost to Council), so risks associated with financial implications are considered negligible.

The Worrell family have been informed that *"Council does not guarantee to retain plaques....in perpetuity.... [but] will be retained in place as long as practicable, [subject to listed exceptions]."*

Shoalhaven City Council 'Plaques and Memorials Policy' section 3.1.9, page 4

The sign is to be constructed of high quality, durable materials in accordance with Council's *Plaques and Memorials Policy Section 3.1.5* and will be located in a space where the risk of damage is low and where all existing signage and artworks remain in excellent condition despite years of public display.

Reputational Risk: Failure to act on community support for the proposal may result in a lack of confidence in Council processes and a loss of community trust in Council's capacity to deliver outcomes in line with community feedback.

Rex Worrell Shorebird Park



Welcome to Rex Worrell Shorebird Park, within Gumley Reserve, Shoalhaven Heads. Rex Worrell volunteered for over 25 years and established a protected habitat so shorebirds could breed, and migratory birds could rest from long flights. He taught the local community and visitors about the birds and their need for protection from disturbance. Bird numbers are growing locally - please tread lightly if walking south in this unique area.

In Memory of Rex Worrell OAM
1.4.1929 - 21.8.2021



CL24.152 Membership Appointment for Inclusion and Access Advisory Committee

HPERM Ref: D24/139430

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

Attachments: 1. Membership Application Form - Redacted (councillors information folder) [↔](#)
2. Additional Information - Redacted (councillors information folder) [↔](#)

Reason for Report

The purpose of this report is to seek endorsement from Council to appoint a new member to the Inclusion and Access Advisory Committee (IAAC), following an Expression of Interest (EOI) received by Council to fill a vacant position on the committee.

Recommendation

That Council:

1. Appoint Amanda Smith as a voting member of the IAAC in accordance with the IAAC Terms of Reference (ToR) as a 'family, friend and/or carer of a person living with disability'.
2. Send a notification letter to the successful applicant.
3. Note that the EOI will remain open until the final vacant position is filled.

Options

1. Adopt the recommendations as written.
Implications: Appointing the above member who will fill one membership vacancy, with one vacancy remaining.
2. Provide an alternative recommendation.
Implications: This will depend upon the nature of the recommendation

Background

Council received an EOI for membership on the IAAC from Amanda Smith on 27 February 2024. Additional information was sought from the applicant to clarify eligibility for the membership. Following confirmation of eligibility, an assessment panel was convened on 26 March 2024 that consisted of a Council staff member (Community Capacity Builder), a Councillor (in the absence of a nominated Chairperson) and one community member. The panel assessed the application against identified criteria and recommends that Council appoint the applicant as a voting member who would bring the following to the committee:

- Experience as the parent of a child that lives with disability.
- Experience from working with disability services for over 10 years.
- National Disability Insurance Scheme (NDIS) experience.
- Understands the issues experienced by people living with disability pertaining to social isolation and mental health.

External Consultations

The EOI has been open since 20 April 2023 and advertised in local newspapers, via social media platforms and distributed to relevant Community Connections networks.

With one remaining vacant position to fill for membership of the IAAC, the EOI process will remain open until the final position is filled, conditional on adoption of recommendations in this report.

Policy Implications

The recommendation is in accordance with the IAAC ToR adopted by Council on 13 March 2023.

CL24.152

CL24.153 Payment of Shoalhaven Water Dividend 2022-2023 Financial Year Results

HPERM Ref: D24/109877

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

The adoption of this report will enable Council's General Fund to receive a dividend from its Water and Sewer Funds' operating surplus. The dividend, which was declared in 2022-23 financial year will be paid in 2022-2023 in accordance with the State Government's Regulatory and Assurance framework. The calculated dividend from the surplus including tax equivalents for the Water Fund is \$166,995 and the Sewer Fund is \$1,748,868.

Recommendation

That Council:

1. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$166,995) will be paid from the Water Fund as declared in 2022-23.
2. Has effective, evidence-based strategic planning in place under the Regulatory and Assurance Framework for Local Water Utilities, July 2022 and the dividend (\$1,748,868) will be paid from the Sewer Fund as declared in 2022-23

Options

1. Adopt the Recommendation

Implications: The dividends declared will be payable to the General Fund.

2. Council may choose not to pay the full dividend from the Sewer Fund.

Implications: Any unpaid amount of the proposed dividend would remain in the sewer fund reserve. The current budget for General Fund Revenue (2024-2025) may require adjustment (be reduced) to reflect any component of unpaid dividend.

Background

Council has previously resolved to adopt the *Best Practice Management of Water Supply and Sewerage Guidelines (2007)* (Best Practice) as its guiding document for the management of the Shoalhaven Water business of Council. Since its adoption, Shoalhaven Water has consistently achieved substantial compliance with the requirements of Best Practice, therefore enabling dividends to be paid to General Fund when operational surpluses are achieved by the Water and/or Sewer Funds.

In July 2022, a new Regulatory and Assurance Framework for Water Utilities was introduced by the NSW Department of Planning and Environment for all NSW Local Water utilities. Shoalhaven Water staff have worked with the Department's staff to confirm the transition process between the previous Best Practice Guidelines and the new Regulatory and Assurance Framework regarding the process for Council to declare the payment of dividends from the Water and Sewer Funds.

The Department has confirmed that Council’s Local Water Utility (Shoalhaven Water) has Effective strategic planning in place for the purpose of paying a dividend under s409 of the Local Government Act 1993. The Department publishes on their website the results of their assessment of each Local Water Utility; this can be viewed at: <https://water.dpie.nsw.gov.au/local-water-utilities/water-utility-strategic-planning>

The image below indicates the published results.

Strategic Planning Assurance Results

The dashboard below provides strategic planning assurance results for participating local water utilities as well as informs on utilities that have opted not to participate. For participating utilities, the dashboard includes the strategic planning assurance results, comments, the date of the last assessment and the next action the local water utility is due to perform.

Strategic Planning Assurance Results

Council: (All) Strategic Planning status: Effective strategic pl... Date of latest assessment: (All) Next Action Date: (Multiple v... Last Refreshed : May 8, 2024

(All)
 Effective strategic planning in place
 Not participating

LWU	Strategic Planning status	Status comments	Date of latest assessment
Clarence Valley Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Eurobodalla Shire Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	1/07/2023
Miswellbrook Shire Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Nambucca Valley Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Port Macquarie-Hastings Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Riverina Water County Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Rous County Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Shoalhaven City Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	1/07/2023
Singleton Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed
Wingecarribee Shire Council	Effective strategic planning in place	Deemed to have strategic planning in place vba.	Deemed

CL24.153

The changes to the Regulatory Framework now guide Council as a local water utility in the operation of our water and sewerage business, specifically the new framework identifies 12 key strategic outcomes. Shoalhaven Water staff were strong advocates for change and therefore support this “outcomes based” approach to strategic planning as it gives more flexibility for a Water Utility to determine planning methodologies best suited to them. The old Best Practice approach was very prescriptive and did not necessarily suit all Utilities (or indeed support innovative approaches to planning).

Staff have commenced the planning and development of a new Strategic Business Plan to deliver the outcomes of this new regulatory framework, and will Council’s Delivery Program/Operational Plan.

Community Engagement

In accordance with Section 409 (7b) of the Local Government Act 1993, the Council must indicate in an open meeting that the Guidelines have been complied with, prior to paying the dividend. This Report serves that purpose and following Council’s adoption of the Report, Council will submit a “Statement of Compliance” and “Statement of Dividend Payment” to the Department of Planning and Environment to finalise this matter, prior to payment to the General Fund before the end of this financial year.

Financial Implications

The Guidelines for payments of dividends to Council from either the water or sewer funds must meet the following eligibility:

- Dividend for Tax Equivalents (All Local Water Utilities (LWU's) must pay this dividend). This is calculated at \$3 per assessment.
- Dividend from Surplus (only payable if the annual capital expenditure does not exceed 3% of the current replacement cost)

Confirmation of Eligibility

Fund	Dividend for Tax Equivalents	Capital Expenditure (Capex) (2022/2023)	3% of Current Replacement Cost (2022-23)
Water	\$166,995	\$20.700M	\$37.238M
Sewer	\$158,988	\$29.421M	\$30.805M

The dividend payable from each fund is the lower of the following three calculations:

1. 50% of the fund surplus (before dividends)
2. Number of Assessments x \$30, less the dividend for tax equivalents.
3. Cumulative surplus before dividends for the three years to June 2023, less the cumulative dividends for the two years to June 2022.

Based on the above 3 calculations the dividend payable for the Water Fund is option 1 - 50% of the fund surplus and this equates to \$Nil. The dividend payable from the Sewer Fund is option 2 - number of assessments multiplied by \$30 per assessment and this equates to \$1,589,880.

Summary of the Calculated Total Dividend

Fund	Tax Equivalent	Surplus Dividend	Total Dividend
Water	\$166,995		\$166,995
Sewer	\$158,988	\$1,589,880	\$1,748,868
Total	\$325,983	\$1,589,880	\$1,915,863

The calculated dividends are \$98,863 higher than the budgeted amount and relevant budget adjustments have been recommended in the March Quarterly Budget Review. The table below compares actual dividends with 2023/24 adopted budget:

Fund	2022/23 Adopted Budget (inc. tax equivalents)	Actual Calculation (Inc. tax equivalents)	Variance
Water	\$163,000	\$166,995	\$3,995
Sewer	\$1,654,000	\$1,748,868	\$94,868
Total:	\$1,817,000	\$1,915,863	\$98,863

CL24.153

CL24.154 Tenders - South Nowra Surcharge Main - New SPS20 & Overflow Structures

HPERM Ref: D24/155701

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

To inform Council of the tender process for the South Nowra Surcharge Main - New SPS20 & Overflow Structures project.

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

Recommendation

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

Options

1. Accept the recommendation

Implications: Consider a 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.

Details

Project Description

Shoalhaven Water completed an options assessment to originally assess the odour control system associated with the South Nowra Surcharge Main (SNSM) following several odour complaints. In this assessment, it was found that major upgrades were required, relating to the surcharge main itself and the sewer pumping stations feeding into the main.

Whilst the pipeline works (Work Packages 1, 3, and 4) have now commenced with works being undertaken by the internal Shoalhaven Water Major Construction Team, the remaining work packages 2 & 5 (Work Package 2 - Sewer Pump Station 20 (SPS 20) and Work Package 5 - Emergency Overflow Structures) are required to be constructed by external suppliers.

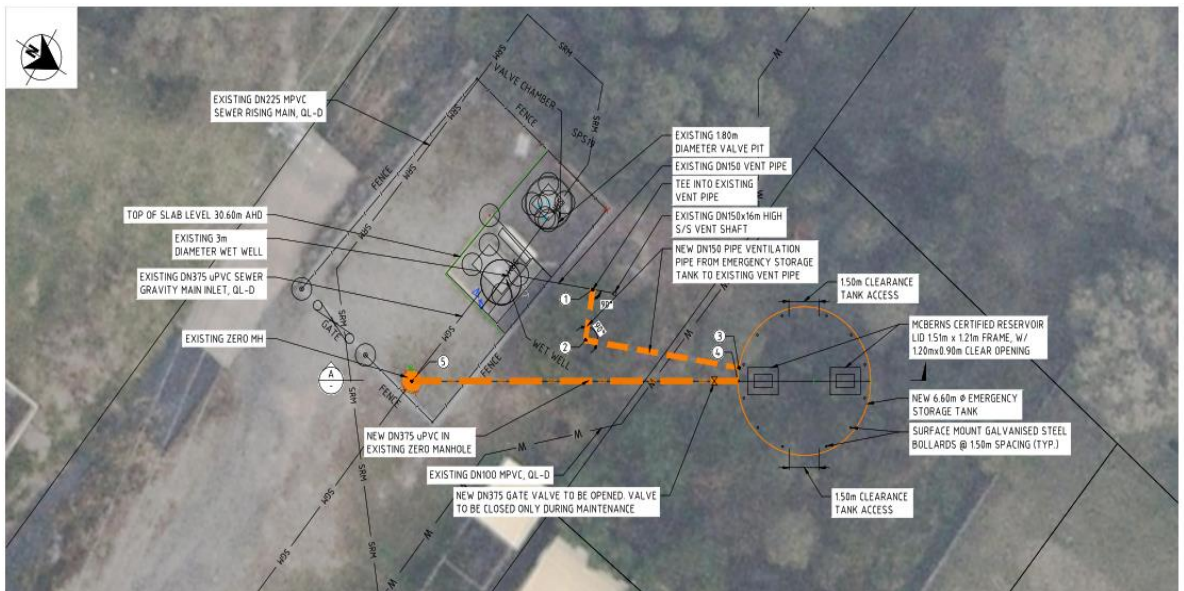
The objective of this engagement is to deliver Work Package 2, SPS 20 (Separable Portion 1) and Work Package 5 Emergency Overflow Structures storages (Separable Portion 2) at SPS 19, SPS 22 & SPS 24. Specific work locations are as follows:

1. New SPS 20 at Greenwell Point Road, South Nowra

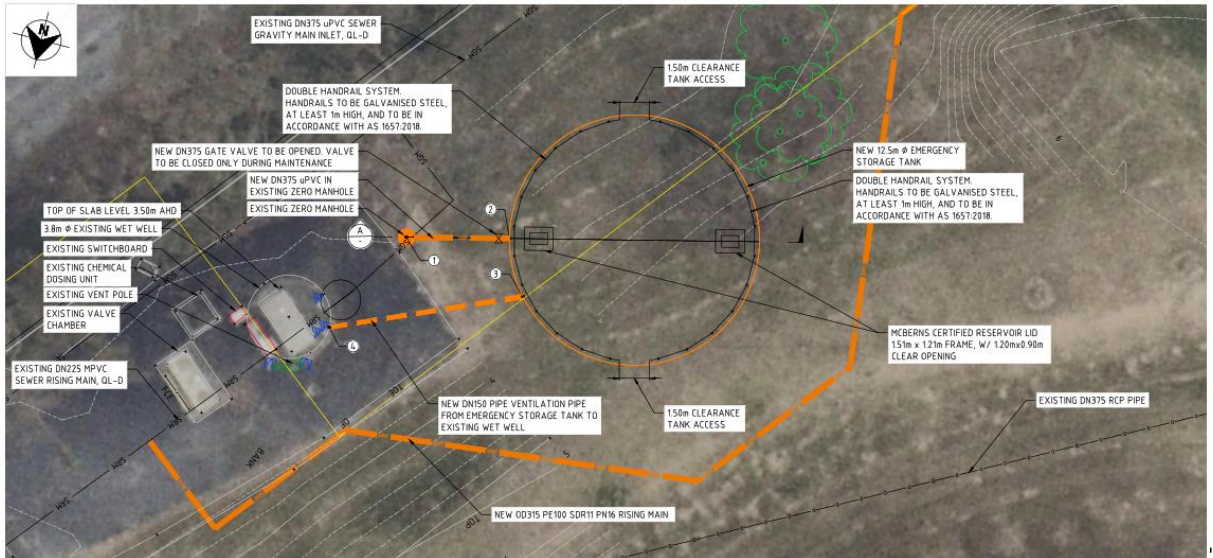


UL24.154

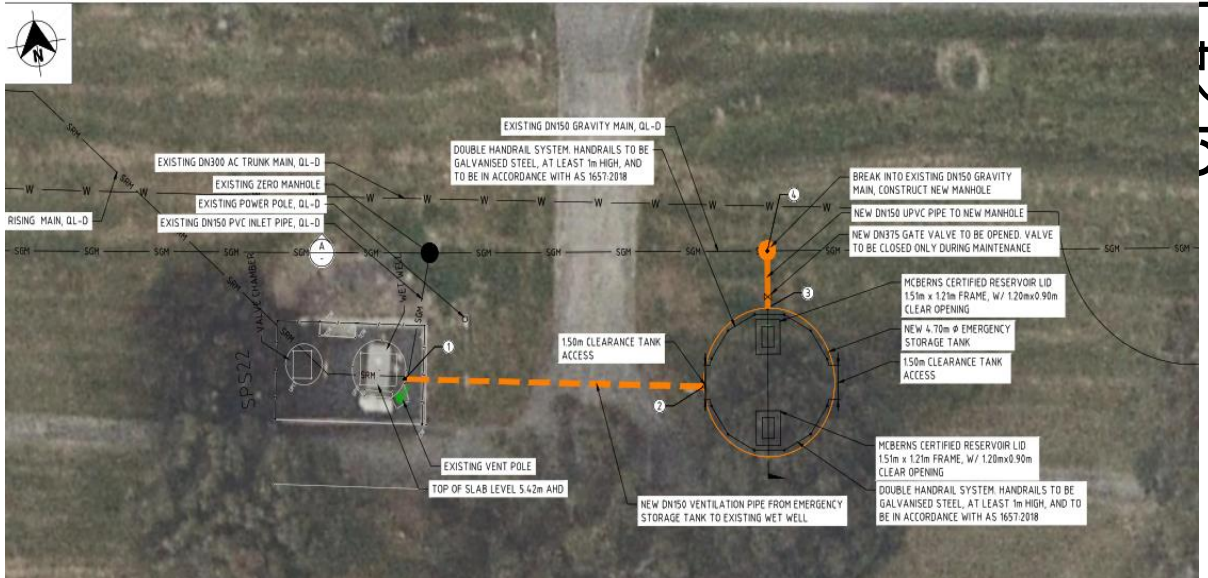
2. New emergency storage at SPS 19 Browns Road, Nowra



3. New emergency storage at SPS 22 Greenwell Point Rd, Nowra



4. New emergency storage at SPS 24 Warrigal Street, Nowra



Tendering

Council called tenders for the South Nowra Surcharge Main New SPS 20 & Overflow Structures project on 13 February 2024 which closed at 10:00 am 2 April 2024. Six (6) tenders were received at the time of closing, with nil tenders received after the deadline. Tenders were received from the following:

Tenderer	Location
Ironbuilt Infrastructure Pty Ltd	Unanderra NSW 2526
CBK Constructions Pty Ltd	Gerringong NSW 2534
Killard Infrastructure Pty Ltd	Auburn NSW 2144
Precision Civil Infrastructure Pty Ltd	Springwood NSW 2777
Quay Civil Pty Ltd	North Ryde NSW 2113
Utilstra Pty Ltd	Fyshwick ACT 2604

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

Community Engagement:

The Review of Environmental Factors (REF) for the South Nowra Surcharge Main Major Upgrades project underwent a public exhibition period from 24 November to 24 December 2021. Additionally, an addendum REF was placed on public exhibition from 7 June to 28 June 2022. During this time, interested parties could access the REF at Council's Administration Centres or via the Documents on Public Exhibition webpage on Council's website.

Staff specifically invited residents living in close proximity to the proposed works via mail to make a written submission about the proposed activity. However, no submissions were received from the community.

Community and stakeholder engagement prior to, and during construction is proposed. A dedicated project webpage has been established under Council's 'Major Projects & Works' Portal:

<https://www.shoalhaven.nsw.gov.au/Projects-Engagement/Major-Projects-Works/South-Nowra-Surcharge-Main-Major-Upgrades>.

Policy Implications

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

Financial Implications:

Sufficient funds have been allocated in the South Nowra Surcharge Main project budget for FY23/24, FY24/25 and FY25/26. 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.

CL24.155 Rescission Motion - CL24.132 - Councillor Expenses and Facilities Policy for Public Exhibition

HPERM Ref: D24/186094

Submitted by: Clr Patricia White
Clr John Wells
Clr Paul Ell

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL24.132 Councillor Expenses and Facilities Policy for Public Exhibition of the Council Meeting held on Monday 6 May 2024.

Background

The following resolution was adopted at the Ordinary Meeting held 6 May 2024 (MIN24.239).

That Council:

1. *Amend the draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy") which was provided as [Attachment 1 to Council Report CL24.98](#) to amend the Model Policy definition of 'Official Business' by allowing the following as official business:
 - a. *Meetings and functions of Council Committees and Boards*
 - b. *Government events in the Shoalhaven*
 - c. *Meetings and functions of Community Consultative Bodies (CCB's), Community groups and Business Chambers*
 - d. *Responding to ratepayers' enquiries*
 - e. *Australia Day and Anzac Day Ceremonies**
2. *In accordance with Section 253 of the Local Government Act 1993, publicly exhibit the attached draft Councillor Expenses and Facilities Policy (Formerly known as "Council Members – Payment of Expenses and Provision of Facilities Policy").*
3. *A report be provided to Council on any submissions received. Should no adverse submissions be received the amended Policy be adopted at the close of the submission period.*

CL24.155

CL24.156 Notice of Motion - CL24.132 - Councillor Expenses and Facilities Policy for Public Exhibition

HPERM Ref: D24/186134

Submitted by: Cllr Patricia White
Cllr John Wells
Cllr Paul Ell

Purpose / Summary

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

Recommendation

That Council re-endorse the existing Council Members – Payment of Expenses and Provision of Facilities Policy in its current format without amendment.

Note by the CEO

This Notice of Motion will be dealt with if the preceding Rescission Motion is carried.

CL24.156

CL24.157 Notice of Motion - Adjusting Timing of Infrastructure Levies

HPERM Ref: D24/186140

Submitted by: Clr John Kotlash
Clr John Wells
Clr Paul Ell

This Notice of Motion has been resubmitted under clause 17.6 of the Code of Meeting Practice.

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Purpose / Summary

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

Recommendation

That the CEO give consideration to and report upon the possibility and implications of incentivising more significant forms of residential development (e.g. appropriate apartment/unit developments and residential subdivisions) by adjusting the timing of part or all of infrastructure levies (e.g. Sec 7.11 & Sec 64) to occupation certificate or similar stage of development.

Background

From July 2024, NSW & other States and Territories will enter into a National Housing Accord, an agreement to facilitate the completing of 1.2m homes nationwide between 2024 - July 2029.

NSW target for year 1 of the accord is 75,000 residences, a target Premier Minns has already stated is unachievable. If communities are sensing that the housing crisis is getting worse rather than better, they are right. For example, in NSW, housing completions for the quarter September 2023 collapsed by 3-4000 homes per quarter LESS than the previous three quarters, and 30,000 short of the National Accord Target for our state (ABS building activity, NSW 8752.0). The housing pipeline is blocked and across-government reforms and support is needed to meet the supply target. The supply freefall has been growing for some years – the approvals of multi-unit and stand-alone dwellings in NSW is recorded as follows:

Year to December	Total Dwelling Approvals
2016	74,778
2017	72,534
2018	66,423
2019	52,123
2020	50,864
2021	63,052
2022	54,004
2023	44,456

Source ABS Building Approvals 2024.

CL24.157

Urban Task Force Australia, in its 24/25 pre-budget submission, puts forward a series of recommendations to boost supply of housing including greater intervention by State planning in housing development, greater resourcing for TfNSW for road infrastructure and creation of housing funds. It also recommends changing the headworks/infrastructure payment timelines to ease the squeeze on cash flow and finance availability to the housing delivery pathway. This would mean changing/amending part or all of developer contributions from construction certificate stage to a later point on the delivery timeline.

It is known that a number of building developers in the Shoalhaven have projects which risk abandonment, owing to them being invoiced for headworks at construction certificate stage. It is noted that financial institutions will not grant loans for such costs/charges.

One prominent local architectural firm has indicated it has almost a dozen townhouse apartment developments, comprising approximately 140 units, which are at the “at risk point” of the construction pathway arising from “upfront” demands for payment of head works charges in full.

The recommendation requests staff advice on this issue and consideration of options, if any, to assist industry with the cash flow problem described above to unlock essential housing supply.

Note by the CEO

Following the receipt of the rescission motion being lodged at the Ordinary Meeting 6 May 2024 it was determined that the rescission notice was invalid.

This was due to the fact the motion was LOST (and not CARRIED) and the following clause in the Code of Meeting Practice:

17.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Therefore this matter will instead be dealt with by way of Notice of Motion under clause 17.6 as follows:

17.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) Councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

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.