

Ordinary Meeting

Meeting Date: Monday, 22 July, 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.

Shoalhaven City Council live streams its Ordinary Council Meetings and Extra Ordinary Meetings. These can be viewed at the following link

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

Statement of Ethical Obligations

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

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

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 24 June 2024
6. **Declaration of Interests**
7. **Presentation of Petitions**

8. Mayoral MinuteMayoral Minute

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

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Reports

- CCL24.20 Tenders - Design and Construction (D&C) - Murrays Bridge Replacement Murrays Road - Conjola

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.

- CCL24.21 Tender Evaluation - Cleaning of Public Amenities (Toilets)

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.

MM24.23 Mayoral Minute - Condolence Motion - Passing of Aboriginal Elder Uncle James Frederick Bimbo Stewart

HPERM Ref: D24/234759

Recommendation

That Shoalhaven City Council notes the passing of Uncle James Frederick Bimbo Stewart, acknowledge his significant contribution to the community and extend our condolences to his family.

Details

Uncle James Frederick Stewart or Uncle Bimbo as he was affectionately known was a proud yet very humble Koori Yuin man formerly of Nowra and the far South Coast.

He spent his early life growing up with his family and extended family at Bodalla on the South Coast living in an Aboriginal cultural environment off country and hunting and fishing. In later years, he generously shared his wisdom and guidance with family and the broader community. Despite his quiet manner, Uncle Bimbo made a significant impact as he shared himself with everyone who needed guidance and mentoring.

At the age of 70, he was a significant and respected Elder in the Community. He shared his stories with everyone he encountered, and his achievements were remarkable for someone relatively young. Notably, he received the Elder of the Year award at the Local Government Regional NAIDOC Awards 2021, an honour that reflects his dedicated service to the community.

Uncle Bimbo had many talents which he shared with community, a renowned dive teacher, a coach for touch football teams and a reliable source of community support. Whether driving the bus, sharing a yarn, or assisting cultural groups he left an indelible mark.

His passing will be deeply felt by all, as Uncle Bimbo was known for always being there for his community.

On behalf of Shoalhaven City Council Councillors and staff, I extend my condolences to his wife Jacqui and their children and grandchildren, his brothers Henry and John, the community and all who knew him.

MM24.23

MM24.24 Mayoral Minute - Condolence Motion - Guy Warren

HPERM Ref: D24/248367

Recommendation

That Shoalhaven City Council notes the passing of Guy Warren, acknowledge the significant contribution he made to the Arts and extend our condolences to his family.

Details

Guy Warren was a true gem of the arts community and recently passed away at the age of 103.

Richard Morecroft described Guy as *"One of Australia's true elder states people of the visual arts. Painter Guy Warren, has a particular connection with the Shoalhaven region, having often painted the Shoalhaven River and surrounding environments. In recent years he had a major retrospective of his work at the Shoalhaven Regional Gallery. Guy was loved and respected throughout the art world for his contribution as a teacher, raconteur and inspiring painter. He will be mourned by artists and the nations broader creative community."*

Through the retrospective many younger artists got to meet and chat with Guy, it was truly inspirational to watch such a generous and graceful man in action.

I am grateful to have had the privilege to have met and conversed with him on several occasions.

Guy never stopped painting, even though landscape was the most important thing to him, he entered the Archbald in 1985 painting his friend Bert Flugelman, later he was a finalist with a self-portrait.

On behalf of Shoalhaven City Council CEO, Councillors and Staff we extend our sincere condolences to his daughter Joanne, son Paul and all of the Warren family.

MM24.24

MM24.25 Mayoral Minute - Condolence Motion - Roy Weatherhead

HPERM Ref: D24/248388

Recommendation

That Council notes the passing of Mr Roy Weatherhead and acknowledge the significant contribution he made to the Arts.

Details

It is with great sadness that we acknowledge the passing of Mr Roy Weatherhead, local art collector and philanthropist who together with his partner the late Mr Jim Birkett bequeathed hundreds of works to the City Art Collection in 2020.

Mr Weatherhead's passing has saddened the Arts community, and particularly the Shoalhaven Regional Gallery team who worked closely with both in curating their Collection.

Council together with the Arts community are incredibly grateful for their generous contribution, the Birkett Weatherhead Collection, which Roy and Jim considered was critically important to ensuring local artists and the community were able to engage with visual arts by seeing the world through the eyes of artists.

The Collection includes works created by Jim Birkett, Warwick Keen, Margaret Woodward, Isabel Davies and Graham Blondel.

Together Roy and Jim have left a lasting legacy, many in our community have and will continue to benefit from their dedication to art education and support of artists. Their collection, gathered over two lifetimes, will bring joy and fulfillment to current and future generations,

In Roy's passing the Shoalhaven has lost a great champion of the Arts.

MM24.25

CL24.198 Report of the Natural Area Volunteers Group - 19 June 2024

HPERM Ref: D24/276333

NA24.2 Bushcare Program Update

HPERM Ref:
D24/154563

Recommendation

That the Natural Area Volunteers Group:

1. Receive this update on the Bushcare Program for information;
2. Resubmit the previous recommendation (MIN23.432) to Council in relation to an additional position for Bushcare (funding):
3. *Council fill the Central District Bushcare Officer role as soon as possible to maintain function, morale, supervisory responsibilities particularly from a Work, Health and Safety legislative obligation perspective (as volunteers are defined as workers under the Work, Health and Safety Act 2011) and equity across the Bushcare districts and if necessary, that funding be sourced at a future quarterly budget review.*
4. Request that Council staff utilise media and Communications platforms to develop a recurring media campaign to encourage bushcare volunteers.

Note by the CEO:

It is noted that the Committee has sought to recommend to the Council the recruitment of an Officer to a Central District Bushcare Officer role. Given the Council resolved on 29 January 2024 (MIN24.44) to effectively place a staffing freeze on all recruitment positions, it is considered that the recommendation is outside the scope of the Committee and not an appropriate matter to be considered or resolved by the Council at this time.

It is suggested that an alternate recommendation which does not seek to act in a manner contrary to other direction of Council is as follows.

Recommendation

That Council:

1. ***Receive this update on the Bushcare Program for information.***
2. ***Note that the vacant positions of District Bushcare Officer (North and South) will be assessed for recruitment as part of Council's operational processes.***
3. ***Utilise media and Communications platforms to develop a recurring media campaign to encourage bushcare volunteers.***

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CL24.199 2024/2025 Community Donations

HPERM Ref: D24/212674

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

Attachments: 1. Informal Minutes - Community Donations Panel 6 June 2024 [↓](#)

Reason for Report

This report seeks Council's approval for funding to the successful applicants as determined by the Community Donations Assessment Panel.

Recommendation

That Council

- Note the information in the report outlining the process followed for the 2024/2025 Community Donations Program, including the applications received.
- Approve the funding of the 2024/2025 Community Donations recommended by the Community Donations Panel, totalling \$139,850.00 to the following community organisations and community groups in the Shoalhaven:

Organisation	Donation For:	Amount Recommended
Bravehearts Foundation Limited	Bravehearts Ditto's Keep Safe Adventure Personal Safety Program	\$4,000.00
Five Villages Community Garden	Five Villages Community Garden	\$2,000.00
Growing Together South Coast Inc	Food for Thought	\$6,300.00
Milton Ulladulla String Orchestra (MUSO)	Milton Ulladulla String Orchestra (MUSO)	\$3,000.00
Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$19,000.00
Mission Australia - Southern Shoalhaven Youth Services	Youth Beat Outreach Project	\$2,000.00
Shoalhaven Youth Orchestra Inc.	Shoalhaven Youth Orchestra	\$16,000.00
The Ulladulla & Districts Community Resource Centre	Up and Go Service	\$5,000.00
Walking Football NSW	Introduction and Development of Walking Football/Soccer for Seniors, People with Disabilities or Socially withdrawn or Isolated	\$1,000.00

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Callala Bay Community Association Inc	Breakfast by the Bay- Community Australia Day Event	\$800.00
Rotary Club of Milton Ulladulla	Ulladulla Blessing of the Fleet Festival	\$10,000.00
Sanctuary Point Community Pride Inc	2025 Neighbour Day	\$500.00
Shoalcoast Community Legal Centre	Shoalhaven Koori Touch Football Competition	\$1,000.00
Shoalhaven Food Network	Autumn Celebration of Food	\$7,500.00
The Lions Club of Bomaderry Nowra Inc	Bomaderry Nowra Lions Annual Carols in the Park	\$5,000.00
Berry Branch of the CWA	Berry Branch CWA Rates	\$2,500.00
Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00
Manyana & Districts CPSA	Manyana & Districts CPSA	\$1,188.00
Mollymook Bridge Club Inc.	Subsidised Rental, Rates & Use of Council Facilities	\$2,160.00
Music Shoalhaven Inc	Music Shoalhaven Classical Concert Series	\$1,500.00
Shoalhaven City Concert Band	Weekly Hire of Rehearsal Venue and Concert/Workshop Venues	\$2,896.00
Shoalhaven Historical Society	Nowra Museum - Rent Subsidy	\$1,318.00
Shoalhaven Pistol Club	Annual Rates Subsidy	\$525.00
Sussex Inlet Foundation for Community Development Inc	Sussex Inlet Foundation for Community Development Rent Support	\$12,000.00
Tomerong School of Arts Inc.	Tomerong School of Arts Inc.	\$3,660.00
Treading Lightly Inc.	Rental Subsidy for Community Hub for NFPs and Groups	\$25,800.00
Wandandian Progress Association	Wandandian Progress Grant	\$1,250.00

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

Options

1. As recommended.

Implications: The donations will be paid to the community organisations and groups as listed within the recommendation. This will result in funds of \$139,850.00 being

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expended from the Community Donations funds, leaving an available balance of \$40,150.00 in the Donations budget for 2024/2025. .

2. That Council approve the funding as recommended by the Community Donations Panel totalling \$139,850.00 as well as any additional funding being awarded to those Community organisations or groups as decided by Council.

Implications: The available balance of \$40,150.00 will be reduced by any additional donation amounts decided by Council.

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

Implications: This would delay the determination and distribution of funds until a later time.

Background

In accordance with the resolution of the Council of 25 March 2024 (MIN24.150) the community donations budget for 2024/2025 is \$180,000. At that time the Council also resolved that the Community Donations Policy would be amended so that applications for funding for fireworks will be ineligible under the program.

The process undertaken in accordance with the policy for the 2024/2025 Financial Year Community Donations Program has been as follows:

1. Correspondence to past donation recipients, both successful and unsuccessful to advise them of the application period opening and closing dates – (2 April to 3 May 2024).
2. Advertising and promotion of the Community Donations Program via Council website.
3. Applications closed on 3 May 2024.
4. A meeting of the Community Donations Assessment Panel was held on 6 June 2024 to assess the applications received. The minutes of the Community Donations Assessment Panel meeting can be found at **Attachment 1**.

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

The Community Donations Assessment Panel met on Thursday, 6 June 2024. The panel considered all 46 applications received totalling \$327,585.00 of requested funds and recommended that:

- That of the 46 applications received, 27 be provided funding in full or part.
- That 19 applications do not receive funding on the basis that they are ineligible under the policy criteria, did not provide sufficient information for assessment, or were not considered appropriate to fund.
 - This represents \$144,000.00 in applications. These are shown in table 2 of Attachment 1.

The total amount of funding recommended to be paid for the 2024/2025 Financial Year by the Community Donations Assessment Panel is \$139,850.00.

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This leaves an available balance of \$40,150.00 for 2024/2025 Financial Year.

This balance is available for further consideration by Council.

On the 11 June 2024, the Governance Team received a Sponsorship Request from Shoalhaven Workplace Learning seeking sponsorship for the Shoalhaven Excellence in Vocational Education & Training Awards – 2024.

The Donations Policy states the CEO (Director, City Performance), has delegated authority to approve any out of policy requests for donations of up to \$1,000 in exceptional circumstances/requests which align with Council's strategic objectives and do not require a resolution.

The Director City Performance approved to sponsor this event for the amount of \$700 (Gold Package). Further to the budget balance noted above, this would now be an available balance of \$39,450.00 for 2024/2025 Financial Year.

Community Engagement

Past recipients of "Allocated" and "Unallocated" donations were contacted via email to advise of the opening of the Community Donations Program and were encouraged to review the eligibility criteria to apply for a 2024 / 2025 donation in line with the [Community Donation Policy](#)

Advertising was undertaken via the website and notifications to past recipients and others that expressed interest over the year were provided via email throughout April to May. The Customer Experience Team were also made aware in case of any calls were received in relation to seeking funding that could be referred to the process.

Information, eligibility criteria and online application forms were made available via Council's website. The application period was open for a month from 2 April to 3 May 2024.

It is worth noting that the applications received has decreased from 58 applications last year (2023 / 2024) to 46 this year (2024 / 2025) and of the 46 applications, 15 are new applicants that had applied for a donation.

Financial Implications

The donations budget for the 2024/2025 Financial Year is \$180,000.00. The Community Donations Assessment Panel recommends funding of \$139,850.00.

If Council resolves to approve the recommendation as outlined in the report this would leave an available balance of \$40,150.00 in the Donations Budget for urgent events or items that arise through the remainder of the financial year – noting that Council has the opportunity to review remaining budget as part of each quarterly budget review.

MINUTES OF THE COMMUNITY DONATIONS PANEL MEETING

Meeting Date: Thursday 6 June 2024
Location: Jervis Bay Meeting Room
Time: 2:00pm

The following staff were present:

Sara McMahon – Manager Business Assurance & Risk
Brooke Aldous – Governance Coordinator
Peter Swanson – Lead – Land Management (Left meeting 2:17pm)
Michael Paine – Manager Community Connections
Lisa Brown – Business & Events Coordinator
Karen Patterson - Manager - Arts, Culture & Entertainment
Benjamin Fischer – Minute taker

Apologies / Leave of Absence

Nil

Applications Received

There were 46 applications received through the application period which was from 2 April to 3 May 2024.

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

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

Community Donations Budget

The donations budget for 2024/2025 is \$180,000, noting that the Community Donations Policy was updated to reflect that fireworks applications will be ineligible for funding under the program. (MIN24.150)

Funding Recommendations

The total funds requested through the application process was \$327,585.00.

A summary of the applications is attached to the Minutes as **table 1** which provides the following information:

- Donation category;
- Applicant Details
- Event / Project / Activity for which the Applicant is seeking funds
- Amount Requested
- Feedback from the assigned Panel Members regarding the application
- Amount Recommended to be Paid as a Community Donation for the 2022/2023 financial year as determined by the Community Donations Assessment Panel.

The total funds requested through the application process was \$327,585.00.

The total amount of funding recommended to be paid for the 2024/2025 Financial Year by the Community Donations Assessment Panel is \$139,850.00. This leaves an available balance of \$40,150.00 for 2024/2025 Financial Year. This balance is available for further consideration by Council.

Ineligible Applications and Applications not recommended for Funding.

The Community Donations Panel has determined \$144,000.00 in applications were deemed ineligible or did not recommend funding. These are shown in **table 2**.

CATEGORY	PROJECT / EVENT SUBSIDY NAME	ORGANISATION NAME	AMOUNT REQUESTED	FEEDBACK FROM PANEL	RECOMMENDED AMOUNT
Community & Culture	Bravehearts Ditto's Keep Safe Adventure Personal Safety Program	Bravehearts Foundation Limited	\$5,000.00	The panel agreed that the program is a great initiative for the Shoalhaven, but noted that the financial information provided was insufficient to fully assess the organisation's capacity to undertake this program. The Panel commented that future applications will need further details, and recommended partial funding of \$4000.	\$4,000.00
Community & Culture	Five Villages Community Garden	Five Villages Community Garden	\$2,000.00	It was agreed that though the application lacked detail, and a lot of the funding will be going towards consumables, that there is a high level of participation for a small community and therefore benefits Manyana community. The panel recommended the full amount.	\$2,000.00
Community & Culture	Food for Thought	Growing Together South Coast Inc	\$9,660.00	The panel agreed that it is a valuable program, as it helps people through seasons of grief and loss, but noted that it only provides benefit to a minimum of 20 people and therefore recommended partial funding of \$6300.	\$6,300.00
Community & Culture	Milton Ulladulla String Orchestra (MUSO)	Milton Ulladulla String Orchestra (MUSO)	\$3,000.00	The panel agreed that this was a strong application and that the applicant clearly displayed their plan for the funds if received. The full amount was recommended.	\$3,000.00
Community & Culture	Milton Ulladulla Youth Driver Education	Milton Ulladulla Youth Driver Education	\$19,000.00	The panel agreed that this is an invaluable service, as one of the greatest causes of motor vehicle accidents is inexperienced young drivers and recommended the full amount.	\$19,000.00
Community & Culture	Youth Beat Outreach Project	Mission Australia - Southern Shoalhaven Youth Services	\$2,000.00	The panel agreed to recommend funding the full amount, with the following comment: future applications need to provide further information about Shoalhaven programs and interactions, including more detailed budget and the number of people they service.	\$2,000.00
Community & Culture	Shoalhaven Youth Orchestra	Shoalhaven Youth Orchestra Inc.	\$16,000.00	The panel agreed, given the reach of the program in Shoalhaven schools and the value of program for young children in the Shoalhaven, to recommend the full amount.	\$16,000.00
Community & Culture	Up and Go Service	The Ulladulla & Districts Community Resource Centre	\$5,000.00	The panel agreed that the service provides a worthwhile benefit to the Shoalhaven, but made the following comment: to ensure future applications are more detailed as it was noted follow-up was required in this instance. The full amount was recommended.	\$5,000.00
Community & Culture	Introduction and Development of Walking Football/Soccer for Seniors, People with Disabilities or Socially withdrawn or Isolated	Walking Football NSW	\$1,500.00	The panel agreed to partially fund this project, noting that Walking Football NSW will need to confirm in future applications that funds will only be used in the Shoalhaven LGA.	\$1,000.00

Local Events	Breakfast by the Bay-Community Australia Day Event	Callala Bay Community Association Inc	\$1,400.00	The panel noted that \$465.20 was unspent from the previous year as per the acquittal submitted by the Callala Bay Community Association, and that the Callala RFS appear to do fundraising towards this event, and although they are not 'on-donating' to another organisation in their application, they are 'reimbursing' the Callala RFS who fundraise for the event. The panel further noted that the impact to the broader community scored relatively low and therefore the panel recommended \$800.	\$800.00
Local Events	Ulladulla Blessing of the Fleet Festival	Rotary Club of Milton Ulladulla	\$30,000.00	"The panel found this application difficult to recommend due to the significant funds held by the organisation that would demonstrate this could be self-funded and it is clear that a profit is being made on this event, which would deem the application ineligible. The grant request included \$9000 for fireworks - which are ineligible. It is also noted that they have received a grant of \$12,000 from Bendigo Bank for this event. However, the panel also acknowledged this is a great community event with a long-standing history in Ulladulla and therefore, due to the limited events in Ward 3 that reach and benefit the community so widely, the panel recommended \$10,000."	\$10,000.00
Local Events	2025 Neighbour Day	Sanctuary Point Community Pride Inc	\$500.00	The panel found this application difficult to recommend due to the significant funds held by the organisation that would demonstrate this could be self-funded, although the panel noted that this was a small amount that was requested that would bring significant benefits to this community. The panel recommended to fund.	\$500.00
Local Events	Shoalhaven Koori Touch Football Competition	Shoalcoast Community Legal Centre	\$1,000.00	The panel agreed that this was a strong application, and noted that Shoalcoast Community Legal Centre are using their surplus of funds to help community with Legal issues relating to family/domestic violence cases which was provided as an additional financial information to the application. The full amount was recommended	\$1,000.00
Local Events	Shoalhaven Food Network - Autumn Celebration of Food	Shoalhaven Food Network	\$7,500.00	The panel agreed that this was a strong application, noting particularly that the training program has excellent alignment with the Community Wellbeing Strategy, with benefits to the whole region and a broad community focus. The panel recommend the full amount.	\$7,500.00
Local Events	Bomaderry Nowra Lions and Shoalhaven City Council Annual Carols in the Park	The Lions Club of Bomaderry Nowra Inc	\$20,000.00	The panel found this application difficult to recommend due to the significant funds held by the organisation that could demonstrate this could be self-funded, which would deem the application ineligible. However, the panel also acknowledged this is a great community event with a long-standing history in Nowra and therefore, due to the limited events in Nowra that	\$5,000.00

				reach and benefit the community so widely, the panel recommended \$5000	
Rates & Rental Subsidy	Berry Branch CWA Rates	Berry Branch of the CWA	\$2,500.00	The panel agreed that the application was well rounded and robust and provided sufficient information to recommend the full amount requested.	\$2,500.00
Rates & Rental Subsidy	Friends of Callala Seniors Group	Friends of Callala Seniors Group	\$1,953.00	The panel agreed that this application was very well supported by the Callala community and brings a worthwhile benefit to the community. The panel, also noted the group has minimal funds remaining and therefore recommended the full amount.	\$1,953.00
Rates & Rental Subsidy	Manyana & Districts CPSA	Manyana & Districts CPSA	\$1,188.00	The panel agreed that this application was very well supported by the Manyana community and brings a worthwhile benefit to the community. The panel, also noted the group has minimal funds remaining, recommended the full amount.	\$1,188.00
Rates & Rental Subsidy	Subsidised Rental, Rates & Use of Council Facilities	Mollymook Bridge Club Inc.	\$2,160.00	The panel agreed to recommend for full funding, noting the minimal funds remaining and the benefits this brings to the community and its members.	\$2,160.00
Rates & Rental Subsidy	Music Shoalhaven classical concert series	Music Shoalhaven Inc	\$3,000.00	The panel agreed to partially fund this application, noting Music Shoalhaven Inc has sufficient funds within their bank account and due to the fact they charge entry fees and estimate a further \$10k to be raised this financial year.	\$1,500.00
Rates & Rental Subsidy	Weekly Hire of Rehearsal Venue and Concert/Workshop Venues	Shoalhaven City Concert Band	\$2,896.00	The panel agreed to recommended for full amount, noting that they do not charge for performances, minimal funds remain in their account and the benefits the Concert Band brings to the community.	\$2,896.00
Rates & Rental Subsidy	Nowra Museum - Rent Subsidy	Shoalhaven Historical Society	\$1,318.00	The panel agreed to recommended for full amount, noting that this is a volunteer based museum, that it brings a benefit to the community and minimal funds held by the organisation.	\$1,318.00
Rates & Rental Subsidy	Annual rates subsidy	Shoalhaven Pistol Club	\$1,050.00	The panel recommended partial funding of \$525, noting that although the club operated at a loss last year, it holds significant funds.	\$525.00
Rates & Rental Subsidy	Sussex Inlet Foundation for Community Development Rent Support	Sussex Inlet Foundation for Community Development Inc	\$12,000.00	The panel agreed that this organisation brings a clear benefit to the Shoalhaven, and noting that they are operating at a loss, recommended the full amount of funding.	\$12,000.00
Rates & Rental Subsidy	Tomerong School of Arts Inc.	Tomerong School of Arts Inc.	\$3,660.00	The panel agreed that the Tomerong School of Arts Inc brings value to the Shoalhaven community, and although they have existing funds, the information provided demonstrates the need for the donation. The panel therefore recommend the full amount. The panel further commented that it would be expected that if the Tomerong School of Arts Inc applies the following financial year, the balance would have significantly decreased as outlined in the explanatory notes on the application.	\$3,660.00

Rates & Rental Subsidy	Rental Subsidy for Community Hub for NFPs and Groups	Treading Lightly Inc.	\$25,800.00	The panel agreed that although Treading Lightly Inc has existing funds in the bank, the additional financial information provided demonstrates the need for the donation. Full funding is recommended.	\$25,800.00
Rates & Rental Subsidy	Wandandian Progress Grant	Wandandian Progress Association	\$2,500.00	The panel agreed to recommend partial funding of \$1,250, noting that although the Association holds sufficient funds, it operates on a tight budget.	\$1,250.00

CATEGORY	PROJECT / EVENT SUBSIDY NAME	ORGANISATION NAME	AMOUNT REQUESTED	FEEDBACK FROM PANEL
Community & Culture	Canteen Supervisor Wage Subsidy	Berry Public School Parents and Citizens Association	\$8,000.00	The panel noted that application lacked detail, that the project provides a limited benefit to the Shoalhaven Community, and that a supervisor wage should be funded by the school itself. No donation was recommended.
Community & Culture	City of Shoalhaven Eisteddfod Competition	City of Shoalhaven Eisteddfod Inc	\$12,000.00	The panel noted that insufficient information was provided about the event, i.e. the competition categories, numbers of participants and audience appealed too, and that the application fails to demonstrate value to community, as the number of participants is not specified. It was further noted that \$21k is budgeted for prizes. The panel therefore recommended no donation.
Community & Culture	Greenwell Point Community Memorial Gardens further development	Greenwell Point Union Church Inc	\$8,000.00	The panel deemed this application ineligible, as it seeks funding for seats and shed, which is capital funding.
Community & Culture	Milton Ulladulla District Soup Kitchen van fitout	Milton Ulladulla District Soup Kitchen Inc.	\$25,000.00	The panel deemed this application ineligible, as it seeks capital funding for a van-fitout.
Community & Culture	Replace obsolete desktop computers	Milton Ulladulla Family History Society	\$2,700.00	The panel deemed this application ineligible, as it seeks capital funding to replace obsolete desktop computers
Community & Culture	Shoalhaven Emergency Services Community Awards (SESCA)	Rotary Clubs of Berry, Milton-Ulladulla and Nowra	\$5,000.00	The panel noted that the application states that funds expected to be raised will be donated to charity, the Children's Variety Club, which although is a well worth cause, makes the application ineligible
Community & Culture	Renewal of Sporting Equipment	Shoalhaven Clay Target Club	\$7,750.00	The panel deemed this application ineligible, as it seeks capital funding for the purchase of equipment (clay traps).
Community & Culture	2024/2025 Council Grant	Tabourie Lake Museum	\$6,000.00	The panel deemed this application ineligible, as it seeks capital funding for air conditioning, signs and cabinet alterations.
Environment	Husbandry and monitoring of rewilded Eastern Quolls at Booderee Botanic Gardens	Booderee Botanic Garden	\$25,000.00	The Panel agreed that this application lacked sufficient information about how the project will facilitate community involvement or provide benefit to the Shoalhaven community. A breakdown of itemised costs in the budget was not available to enable the Panel to make an informed decision. Therefore no funding was recommended.
Local Events	Shoalhaven First Nations Film Festival	Shoalhaven Walking Together Alliance Inc	\$2,700.00	The panel determined this application as ineligible, as the event is able to be self-funded through ticket sales, and noted that the funds will benefit individuals by funding scholarships. Although this is a great initiative the panel agreed no donation was recommended.
Local Events	NATIONAL MOTORING HERITAGE DISPLAY DAY 2025	SHOALHAVEN HISTORIC VEHICLE CLUB INC	\$2,000.00	The panel agreed that the application identifies a large profit made by the Club and agreed no donation was recommended.
Local Events	Australia Day Celebrations	Ulladulla Milton Lions Club	\$16,188.00	The panel agreed that while this is a well-attended annual community event, based on submitted balance sheet, the event

				can be self-funded through the organisation, making the event ineligible for funding. The panel noted the intention to provide cash prizes to individuals. No donation was recommended.
Rates & Rental Subsidy	Reimbursement of Council Rates & Water Rates	Cambewarra School of Arts Inc.	\$3,000.00	The panel noted that the Cambewarra School of Arts Inc. currently has sufficient funds in the bank, and that the additional money provided last year was used towards power and electrical supply without Council approval. Therefore, no funding was recommended.
Rates & Rental Subsidy	Assistance with rental expenses for commercial premises 7/168 Jacobs Drive Sussex Inlet	CTC Sussex Inlet Incorporated	\$9,240.00	The panel noted that the CTC Sussex Inlet Inc. currently has extensive funds available and determined this application ineligible as it was able to be self-funded. Therefore, no funding was recommended.
Rates & Rental Subsidy	Support to Yearly Cover Cost of Hall Hire	Culburra Beach Orient Point RSL Sub-Branch	\$1,000.00	The panel noted that the CTC Sussex Inlet Inc. currently has sufficient funds available in the bank and determined this application ineligible as it was able to be self-funded. Therefore, no funding was recommended.
Rates & Rental Subsidy	Subsidised rental, rates and use of Council facilities for Marine Rescue Jervis Bay	Marine Rescue NSW - Jervis Bay Unit	\$548.00	The panel agreed that although it is a minimal amount sought for a worthy cause, it is not recommend to fund based on the amount of support already provided from Council. The Panel referenced the resolution in 2018 which set the annual rent to \$490 plus GST, with annual CPI increases (SA18.86 - D18/82557) which has continued since then.
Rates & Rental Subsidy	Donation of Rates for Milton District CWA of NSW Reference#50484660	Milton District Branch of CWA of New South Wales	\$2,300.00	The panel agreed the Milton CWA brings great value to the Shoalhaven community, but noting that additional funds will be donated on, and therefore it was deemed ineligible and the panel did not recommend for funding.
Rates & Rental Subsidy	Rent subsidy for Sanctuary Point Centre for children and family services	Noah's Inclusion Services	\$5,517.00	It was agreed by the panel that though this is a great organisation that provides a worthwhile benefit to the Shoalhaven community, the panel deemed the application ineligible due to the extensive finances held by the organisation and their ability to self-fund.
Rates & Rental Subsidy	Sussex Inlet RSL sub-Branch Memorial Hall Rates & Charges Subsidy 2024-25	Sussex Inlet RSL Sub-Branch	\$2,057.00	The panel noted that the Sussex Inlet RSL Sub Branch currently holds extensive funds and determined this application ineligible as it was able to be self-funded. Therefore, no funding was recommended.

CL24.200 Ongoing Register of Pecuniary Interest Returns - June 2024

HPERM Ref: D24/252432

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 June to 30 June 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 June to 30 June 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	Bryan Netzler	03/06/2024	14/06/2024
City Development	Shrey Chanchad	17/06/2024	24/06/2024
City Development	Bruce Young	03/06/2024	24/06/2024

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*.

CL24.200

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.

CL24.200

CL24.201 LGNSW Annual Conference - 17-19 November 2024 - Motions Briefing

HPERM Ref: D24/261796

Department: Business Assurance & Risk

Approver: Kerrie Hamilton, Director City Performance

Reason for Report

This report is being submitted to the Ordinary Meeting in relation to the 2024 LGNSW Annual Conference to be held at Tamworth Regional Entertainment and Conference Centre from Sunday 17 to Tuesday 19 November 2024.

Recommendation

That:

1. Council confirms two of the voting delegates at the 2024 LGNSW Annual Conference to be held from 17 to 19 November 2024 will be the then Mayor and the Deputy Mayor (determined after the upcoming September Election).
2. Council notes that the remaining three (3) Councillors to be voting delegates will be determined by the newly elected Council at its first meeting of Council in October 2024.
3. That a Councillor Briefing be held in early August 2024 for the Council to formulate motions for submission to the conference.

Options

1. As recommended.

Implications: A briefing will be held for Councillors to consider and discuss possible motions for submission for the Conference. Any motions which are proposed will be provided to the Council for endorsement by resolution before submission. Voting delegates will later be confirmed after the election of the new council.

2. Council may seek to canvas motions from Councillors via a mechanism other than a Councillor Briefing.

Implications: Options for Motions will be gathered via email or other mechanism and included in a report to the Council for endorsement by resolution before submission. Voting delegates will later be confirmed after the election of the new council.

Background

The [2024 LGNSW Annual Conference](#) is the main policy-making event for the NSW Local Government sector and provides an opportunity to share ideas, seek inspiration, and help determine policy directions for the coming year.

At the Annual Conference, Delegates will vote on motions which LGNSW actions on behalf of the sector as part of its advocacy program. It is a key event for Local Government where Councillors from across the state come together to share ideas and debate issues that shape the way the sector functions and is governed.

CL24.201

For Council to participate fully in the conference, it is recommended the Council register attendees, nominate voting delegates, and submit motions for debate within the timeframes specified in this paper.

Motions

LGNSW has called for the submission of motions. Councils are encouraged to formulate motions submitted in terms of the current policy statements. Proposed motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions.

Further information on submitting motions is available at [Motions | Local Government NSW | Annual Conference \(lgnswconference.org.au\)](https://lgnswconference.org.au)

Submission of motions will open on Wednesday, 17 July 2024. LGNSW encourages the submission of motion by Thursday 15 August 2024. The latest date motions can be submitted for inclusion in the Conference Business Paper is Sunday 20 October 2024. All motions must be adopted by Council before submission.

A Councillor Briefing will be held in early August to formulate the motions to be submitted by Shoalhaven City Council.

Registration to attend the Conference

The DRAFT program and registration information for the three-day Annual Conference from Sunday 17 to Tuesday 19 November 2024 are at:

https://lgnsw.org.au/common/Uploaded%20files/AnnualConference/2024/Draft_2024_Annual_Conference_Program.pdf

Costs associated with the conference are unknown at this time, registration closes on Wednesday 23 October 2024, a report seeking nominations for voting members in addition to the then Mayor and Deputy Mayor will be submitted to an Ordinary Meeting in October 2024.

The 2024/25 Council budget contains provision for all Councillors to attend the conference should they wish to do so.

Voting Delegates

Voting delegates must be registered to attend the Conference and be registered as a voting delegate.

Confirmation has been received from LGNSW that Council will have five (5) voting entitlements at the Conference to vote on motions.

Council is required to advise LGNSW of the names of its nominated voting delegates for the Conference by Wednesday 6 November 2024.

Voting delegates may not appoint a proxy to attend or vote at formal business sessions on their behalf.

It is proposed that Council will nominate the then Mayor and Deputy Mayor plus three (3) Councillors to attend as voting delegates to ensure full representation by the Council.

CL24.202 Sale of Council Employment Land (AATP, Flinders & Woollamia)

HPERM Ref: D24/252882

Department: Strategic Property

Approver: Coralie McCarthy, Acting Director - City Futures

Attachments: 1. Valuations (Confidential - under separate cover)

Reason for Report

To seek Council resolution for the sale of Council's Employment land, including Stage 5 Albatross Aviation Technology Park (AATP), Flinders Stage 11 Industrial Estate and Stage 5a Woollamia Industrial Estate.

Recommendation

That Council:

1. Sell the 14 proposed lots within Stage 5 Albatross Aviation Technology Park (AATP) Yerriyong (Lot 22 DP 1194689) through a competitive EOI tender for not less than an independent market valuation.
2. Sell Lot 16 DP 1094151 Bunda Street Yerriyong through a competitive EOI tender for not less than an independent market valuation and rescind previous resolutions in relation to the Lot to the extent that they have not been enacted.
3. Sell the three proposed lots within the Flinders Stage 11 Industrial Estate South Nowra (Lot 117 DP 1122371) by auction or private treaty for not less than a market evaluation.
4. Sell the six proposed lots within the Stage 5a Woollamia Industrial Estate Huskisson (Part Lot 171 DP 1277719) by Auction or Private treaty for not less than a market evaluation.
5. Allocate the net proceeds of the sales to Council's Industrial Land Reserve, noting that this reserve is internally restricted, and a resolution of Council would be required to move funds from this reserve.
6. Authorises the CEO (or delegate) to negotiate the final sale price for the land considered within this report.

Options

1. That Council resolves to sell its employment land, including Stage 5 Albatross Aviation Technology Park (AATP), Stage 5a Woollamia Industrial Estate, and Flinders Stage 11 Industrial Estate via a competitive EOI, private treaty or auction. **This is the preferred option.**

Implications: Council can release further industrial land which will increase the economic development and prosperity of the local community.

2. That Council does not sell all or part of its employment land portfolio.

Implications: The budgeted cash income from the sales will need to be allocated from other sales or revenue streams.

CL24.202

Background

It should be noted that the sale of employment land forms part of Council's broader economic development strategy, whereas the Land Sales program responds to Council's ongoing financial sustainability. This report focuses on Council's employment land development and sales.

Council has been involved in developing employment land for several decades. To date, these developments have been in the northern parts of Bomaderry, North Nowra, South Nowra, Huskisson and Yerrilyong (Albatross) and over 200 lots have been subdivided, sold and developed to create employment generating businesses. The purpose of developing employment land is to combine the delivery of industrial land with other areas of economic development which will encourage and grow investment, jobs, and business opportunities within the Shoalhaven.

At its meeting of 28 February 2017 (MIN17.119), Council resolved to sell its employment land at Yerrilyong (AATP), Huskisson and South Nowra (Flinders) industrial estates. At the time, the resolution approved the sale for the previous land releases. These sales have now been completed and a further report and resolution is required to gain delegation for the sale of next land releases.

This report considers the sale of the next upcoming releases, including Stage 5 Albatross Aviation Technology Park (AATP), Stage 5a Woollamia Industrial Estate, and Flinders Stage 11 Industrial Estate:

Stage 5 Albatross Aviation Technology Park (AATP)

Council at its meeting of 26 September 2022 (MIN22.657), resolved to undertake construction of Stage 5 of its AATP land at Yerrilyong. Since this time Council has largely completed the roads and taxiways, and is currently finalising the associated firefighting infrastructure. Registration of the land is projected to occur towards the end of 2024 or early 2025.



Image 1 – Stage 5 AATP and Lot 16 Bundra Street

CL24.202

Lot	Area m2
501	18,364
502	2,343
503	2,297
504	3,206
505	4,381
506	4,492
507	7,773
508	6,086
509	3,532
510	3,199
511	3,200
512	3,200
513	3,200
514	3,150
Lot 16 Bunda Street	6,476

Area Schedule 1 – Stage 5 AATP and Lot 16 Bunda Street

This report seeks to rescind the previous resolution of 28 February 2017 (MIN17.119) which resolves to sell Lot 16 Bunda Street in accordance with the confidential attachment noting the valuation price. This report seeks to rescind this former resolution noting that land values have changed.

Flinders Stage 11 Industrial Estate

Council has recently put to market Stage 10 of its Flinders Estate with all the land sales being finalised on 27 June 2024. Currently Council's project managers are preparing to go to tender for the civil works of Stage 11 Estate. Registration is projected for the beginning of Q2 2025.

It is noted that this report seeks a new resolution from the former 28 February 2017 (MIN17.119) as the lot and DP has since changed and new valuations will be provided to set the reserve price. Council has already exchanged contracts on proposed Lot 1 in line with the 28 February 2017 (MIN17.119).

CL24.202



Image 2 – Stage 11 Flinders Industrial Estate

Lot	Area m2
1	9,432
2	9,432
3	9,432
4	13,159

Area Schedule 2 – Stage 11 Flinders Industrial Estate

Stage 5a Woollamia Industrial Estate

The subdivision works at Stage 5a have largely been completed and Council is working to finalise some outstanding requirements to achieve a subdivision certificate. Registration of the land is projected to occur around Q1 2025.

CL24.202



Image 3 – Stage 5a Woollamia Industrial Estate

Lot	Area m2
D	3,721.4
E	2,919.1
F	2,715.9
G	3,297.6
H	2,155.5
I	3,053.1

Schedule 3 – Stage 5a Woollamia Industrial Estate

Internal Consultations

Council's finance and economic development teams have been consulted in the preparation of land being proposed for sale in this report and support the proposed sale's methodology. Council's procurement team has been consulted and supported the preparation of the probity advisor and Real Estate Panel tender.

Sales Methodology

At its meeting of 25 March 2024 (MIN24.17C), Council considered some of the previous restrictions over its employment land. This included a buy-back provision (to dissuade purchasers from land banking) and restrictions as to the use of the land. To enact these provisions would have required Council to allocate funds to repurchase land and costs associated with any legal challenge of Council's right to repurchase the land. As such, Council has decided not to continue with these provisions and resolved at that meeting:

CL24.202

That any future employment land is sold without any restriction as to use or compulsion to complete building works within a specified timeframe, and future employment land is sold for not less than an independent market valuation.

This allows Council to sell via a competitive EOI, private treaty or auction to ensure that Council receives the highest sale price possible. With regards to the land sales at AATP it is proposed that a competitive EOI be undertaken as part of the sales process to ensure that appropriate defence, aviation and technologies industries are secured for this estate.

Financial Implications

Confidential **Attachment 1** provides valuation information for the proposed sales across the Stage 5 Albatross Aviation Technology Park (AATP), Flinders Stage 11 Industrial Estate and Stage 5a Woollamia Industrial Estate. It is proposed that these properties will be sold over FY25 and FY26 financial years.

It is recommended that Council allocate the net proceeds of the employment land sales to Council's Industrial Land Reserve, which is internally restricted. It should be noted that a Council resolution is required to move money from the Industrial Land Reserve to ensure transparency.

This reserve is used to fund infrastructure work required to bring the above-mentioned lots to market, including costs associated with land sales including the civil, subdivision works, conveyancing, marketing and agent's costs.

It is identified that a future review of Council's remaining employment land holdings (outside of the land identified in this report) and a business case analysis of options to develop, sell englobo or hold any remaining employment land holdings is required for future stages. Outcomes of this review would be subject to a future report to Council.

Risk Implications

Council has engaged a probity advisor to support the process of developing a real estate agent tender and the ongoing land sales through provision of a probity plan. This provides a third party who is at arms' length from Council to ensure that best governance practices are followed. In this regard, O'Connor Marsden & Associates Pty Limited (OCM) have been appointed to support Council through these processes.

In consultation with Council's Procurement team it has been recommended that, to mitigate the risk of land sales and engagement of any real estate agent, a panel of agents should be created. This ensures that the terms of the agents' commissions and fees have been appropriately considered through an open tender process, allowing any agent to initially apply for consideration.

While the threshold for a Tender Panel is typically engagements greater than \$225,000 (incl GST), due to the risk and potentially perceived conflict of interest, following this process will provide a higher level of governance and confidence from the community.

Recommended fund allocation in this report has been made in consultation with the Chief Financial Officer (CFO). Should Council allocate funds to an alternate source, and not the Industrial Land Reserve, there would not be funding available to bring the blocks to market, and this would directly impact the ability to sell the abovementioned land. Any remaining funds in the reserve, and their future use, will be subject to future Council resolution.

CL24.203 Termination of ratepayer advance agreements 24-38 Basin View Parade, Basin View

HPERM Ref: D24/155222

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

The reason for this report is to seek Council approval to withdraw from the Ratepayer Advance Agreement for the construction of kerb and gutter adjacent to 24 – 38 Basin View Parade, Basin View.

Recommendation

That Council:

1. Rescind the previous motion (MIN21.550) to enter into agreements with the owners of 24 – 38 Basin View Parade, Basin View for the construction of kerb and gutter.
2. Terminate any agreements that have previously been made under MIN21.550 and refund any payments and advances received, with interest.

Options

1. Adopt the recommendations as written.

Implications:

- This will allow enable Council to refund fees and advances already collected.
- This will not prohibit separate future agreements from being reached, or works proceeding under private arrangements with appropriate council approvals.

2. Proceed with all works.

Implications:

- This will require additional \$72,000 capital funding which is not currently allocated.
- Ratepayers who have already contributed may feel unfairly treated when it is realised their neighbours are obtaining a benefit without contributing.

3. Proceed with works only for owners who have agreed and paid.

Implications:

- This will require additional \$72,000 capital funding which is not currently allocated.
- This is not in accordance with the Ratepayers Financing Policy – Kerb and Gutter Construction Policy which requires two or more adjoining properties for a proposal to be eligible.
- This will be inefficient to construct and is likely to have an adverse effect on street drainage generally with specific adverse effects on neighbouring properties with unimproved kerbs.

CL24.203

Background

Council resolved via MIN21.550 that Council enter into a Ratepayers Advance Agreement, executed under the Common Seal of Council with the owners of 24 – 38 Basin View Parade, Basin View.

Under this agreement, each of the seven owners would pay approximately \$6,500 up front, including a \$2,000 fee and a \$4,500 loan towards the capital cost of constructing kerb and gutter adjacent to their properties. Under this agreement Council committed to repay the loan component to the property owner within five years with 5% interest. A total repayment of approximately \$5,500 each circa 2026. The payments associated with each individual property varied slightly based on quantity of kerb.

The ratepayer contributions are set out in Council's fees and charges and are currently \$142.45 per metre plus a loan amount of \$441.25 per metre, totalling \$583.70. The current estimated cost to council to complete this type of work varies from \$800 to \$1,200 per m depending on the magnitude of work and site conditions. The difference, is required to be funded by Council.

The capital budget currently allocated to this initiative is \$28,129 and is insufficient to complete the works. Current estimates to complete all works are approximately \$100,000.

To date, not all of the property owners have signed documents to formalise their individual agreements and there is no observable prospect of this occurring. Some have disputed the cost allocation and others have not signed the agreement and/or paid any money to Council. No two neighbouring properties have both signed the required agreement and paid the advance.

There is no appreciable difference in costs between option two and three due to the inefficiencies associated with constructing smaller segments of kerb and increased costs associated with protecting and reinstating adjoining driveways, verges and reshaping required to achieve effective drainage between the small sections of kerb.

Community Consultations

Impacted property owners have been notified that the scheme cannot progress and of the intent to cancel the initiative, pending council approval. They have also been provided an opportunity to clarify their position with regard to agreement and payment.

Recent feedback received has been disappointment at how long it has taken to achieve little. One owner continues to wish to negotiate a lower fee for their frontage. In general prompt resolution and refund is desired.

Policy Implications

As discussed in option 3, the Ratepayers Financing Policy – Kerb and Gutter Construction policy requires two or more adjoining properties for a proposal to be eligible.

Financial Implications

This is estimated to require refund of a total of \$36,394.92 plus and additional \$4.43 interest per day from 26 April 2024.

Council has already accrued interest expense of \$1,849.82 up to 30 June 2023. Therefore, the expense to council for financial year 2024 will be \$2,223.14 plus \$4.43 per day from 26 April 2024.

CL24.203

CL24.204 Easement to Drain Sewer over Council Land - Lot 117 DP 1122371, Albatross Road, South Nowra

HPERM Ref: D24/214182

Department: Technical Services

Approver: Carey McIntyre, Director - City Services

Attachments: 1. Plan of Proposed Easement to Drain Sewage [↓](#)

Reason for Report

This reason for this report is to provide Council with an opportunity to consider the creation of an Easement to Drain Sewage over Council land, Lot 117 DP 1122371, Albatross Road, South Nowra. The Easement to Drain Sewage is to benefit Lot 116 DP 1122371, 17 Norfolk Ave South Nowra.

Recommendation

That Council:

1. Grant an Easement to Drain Sewage of approximately 64m² that will:
 - a. Burden Council land known as Lot 117 DP 1122371, Albatross Road, South Nowra as shown in Attachment 1.
 - b. Require the landowner of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra to pay compensation to Shoalhaven City Council in the amount of \$5,200.00 (plus GST if applicable) for the grant of Easement to Drain Sewage.
 - c. Require the landowner of Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra, to fund all costs associated with the creation and registration of the Easement to Drain Sewage.
2. Delegate authority to the Chief Executive Officer to adjust compensation in accordance with the area of the easement determined by the final registered plan.
3. Authorise the Chief Executive Officer to sign any documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended

Implications: The creation of the Easement to Drain Sewage is required to facilitate development of 17 Norfolk Ave, South Nowra.

2. Not adopt the recommendation

Implications: The landowner will not be able to complete the conditional consent conditions contained with the Sewer Servicing and Sewer Rising Main Design Approval granted as part of RA21/1001 and the development will not be able to be completed.

CL24.204

Background

On 6 October 2022, Development Consent (RA21/1001) was granted for the construction of a 47-unit industrial development, take away food and drink premises, access driveways, signage and landscaping at 17 Norfolk Ave, South Nowra.

Figure 1 shows 17 Norfolk Ave, South Nowra (lot in yellow below) abutting Council owned operational lot 117 DP 1122371 (shown in blue).

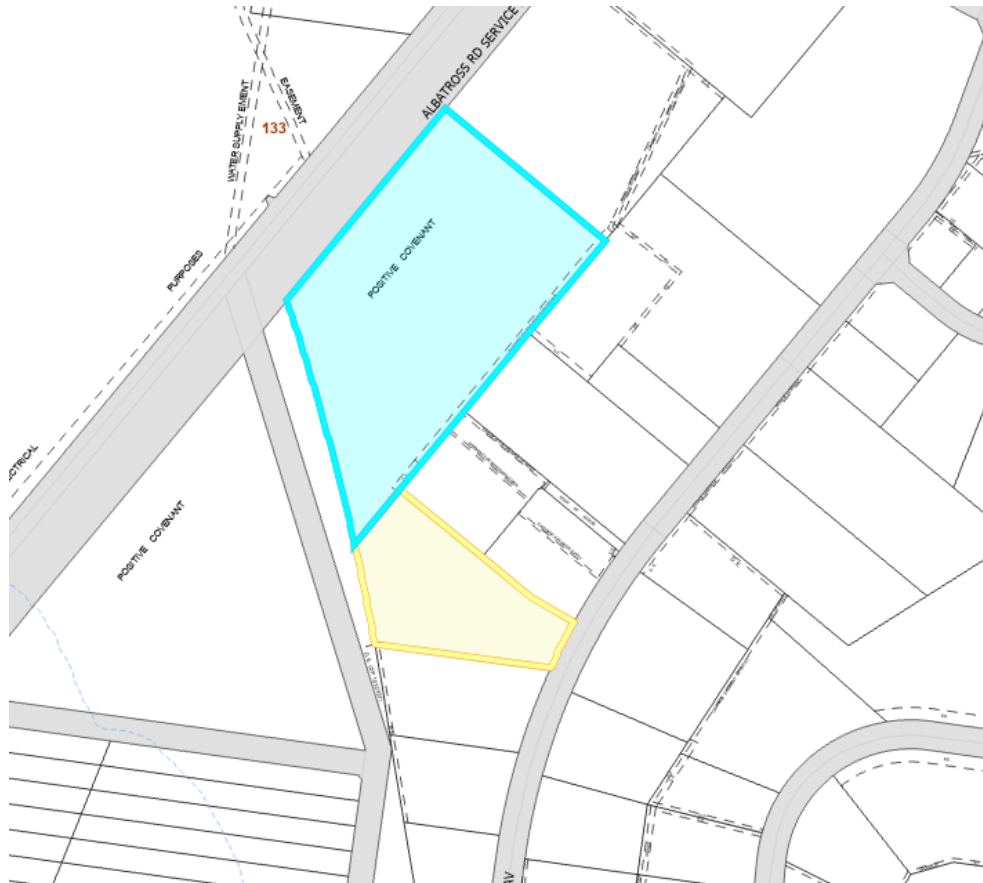


Figure 1

RA21/1001 contained several deferred commencement conditions including the creation of an Easement to Drain Water and the creation of an Asset Protection Zone (APZ) on Council's adjoining operational lot. These deferred commencement conditions have been fulfilled in accordance with Council Minute MIN23.233. The Easement to Drain Sewage over Lot 117 DP 1122371 was not part of the original request for the Easement to Drain Water and the APZ, as the final sewer design was unknown at the time.

Council provided Sewer Servicing and Sewer Rising Main Design Approval for RA21/1001 on 8 March 2024. One of the conditions within that consent is that an easement is to be taken out for sewerage purposes in Lot 117 DP 1122371. JRL 1 Pty Ltd, as owner of 17 Norfolk Ave, South Nowra (Lot 116 DP 1122371) now requires that an Easement to Drain Sewage be created over Council's adjoining operational lot being Lot 117 DP 1122371.

The Easement to Drain Sewage will be located within the newly created Easement to Drain Water as shown in Attachment 1 – Plan of Proposed Easement to Drain Sewage. Essentially this proposal will not create any additional adverse impact on Council owned Lot 117 DP 1122371 as both easements are within the same alignment.

An independent valuation report, completed by Walsh and Monaghan dated 10 January 2023, assessed that compensation for the Easement to Drain Sewage is \$5,200.00 (ex

CL24.204

GST). JRL 1 Pty Ltd have agreed to the compensation amount and to pay for Council's reasonable legal, valuation and other costs associated with this land transaction.

Internal Consultations

Internal consultation occurred in February 2023. The Asset Custodian was again contacted in April 2024. The Asset Custodian's comments remain unchanged being that "Given that the easement will be at the rear boundary of the subdivided lots at Lot 117 DP 1122371 and only 3.5m in width, this will not adversely impact any future developments."

Financial Implications

Council will receive compensation of \$5,200 (plus GST) for the Easements to Drain Sewage. Compensation will be allocated to 102840 – Industrial Land Flinders.

Risk Implications

The creation of the Easement to Drain Sewage is necessary to facilitate development approved by RA21/1001 over Lot 116 DP 1122371, 17 Norfolk Ave, South Nowra.

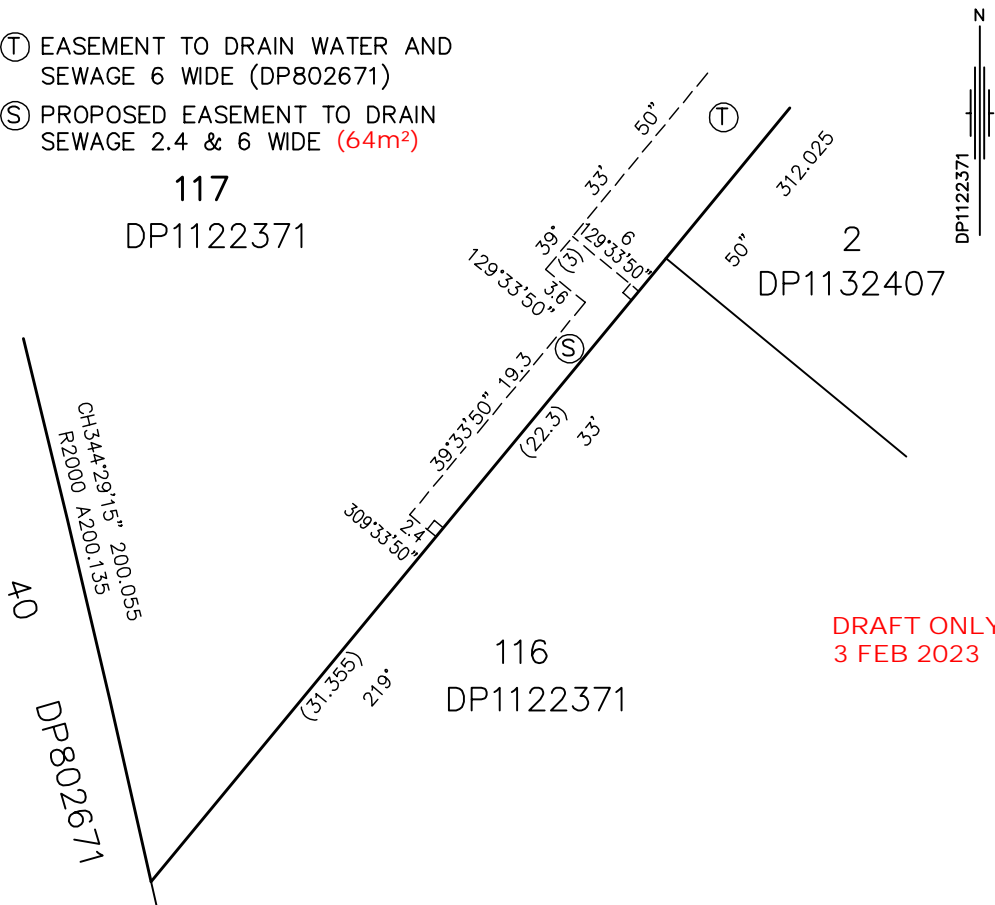
CL24.204

ANNEXURE A

PLAN OF PROPOSED EASEMENT TO DRAIN SEWAGE 2.4 & 6 WIDE
OVER LOT 117 DP1122371 AT SOUTH NOWRA
LGA: SHOALHAVEN PARISH: NOWRA COUNTY: ST VINCENT

REDUCTION RATIO 1:400

- ① EASEMENT TO DRAIN WATER AND SEWAGE 6 WIDE (DP802671)
- ⑤ PROPOSED EASEMENT TO DRAIN SEWAGE 2.4 & 6 WIDE (64m²)



SIGNATURES:

SIMON H APPERLEY
SURVEYOR REGISTERED UNDER THE SURVEYING
AND SPATIAL INFORMATION ACT, 2002
DATE: 3 FEBRUARY 2023
SURVEYORS REF: 103946/16
LRS REF: 20M(Comp)

CL24.205 Tenders - Design and Construction (D&C) - Murrays Bridge Replacement Murrays Road - Conjola

HPERM Ref: D24/250843

Department: Works & Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

The reason for this report is to inform Council of the tender process for Design and Construction (D&C) Murrays Bridge Replacement Murrays Road - Conjola.

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

Council is seeking to engage a contractor to undertake the design and construction of the new Murrays Bridge on Murrays Rd (CH 1.635) in Conjola.

Tendering

Council called tenders for the (D&C) Murrays Bridge Replacement Murrays Road - Conjola on 9 April 2024 which closed at 10:00 am on 24 May 2024. Seven tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Bridgeworks (Aust.) Pty Ltd	Surry Hills NSW 2019

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Tenderer	Location
Fortec Australia Pty Ltd	Weatherill Park NSW 2164
Fulton Hogan Industries Pty Ltd	Dapto NSW 2530
Jirgens Civil Pty Ltd	South Nowra NSW 2541
Saunder Civilbuild Pty Ltd	Charlestown NSW 2290
SMC Marine Pty Ltd	Rozelle NSW 2039
Waeger Constructions Pty Ltd	Rutherford NSW 2320

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:

Sufficient funds have been allocated in the (D&C) Murrays Bridge Replacement Murrays Road - Conjola budget for 2024/25. 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.

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CL24.206 Tender Evaluation - Cleaning of Public Amenities (Toilets)

HPERM Ref: D24/257053

Department: Building Services

Approver: Carey McIntyre, Director - City Services

Reason for Report

To inform Council of the tender process for Cleaning of Public Amenities (Toilets).

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 makes 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 provision of public amenity cleaning has been successfully performed under contract for the past two years. Shoalhaven City Council last advertised the tender in 2021; whereby a contract was awarded for a two-year period, including an optional one-year extension. The original term of the existing contract expires in late July, with Building Services electing not to exercise the one-year option, but instead conduct a new tender process.

The new tender process advertised for the provision of public amenities cleaning for a period of two years, commencing in August 2024, with an optional one-year extension (determined by Shoalhaven City Council). The tender consists of the cleaning of Councils nominated public amenities that are currently managed by the Building Services Department (95 in total).

Tendering

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Council called tenders for Cleaning of Public Amenities (Toilets) on 1 May 2024 which closed at 10:00am on 23 May 2024. Nine tenders were received at the time of closing.

A list of the nine tenderers is detailed in Table 1.

Table 1. List of Tenders

Tenderer	Location
Solo Services Group	Macquarie Park, NSW, 2113
Guardian Property Services	Gladesville, NSW, 2111
Advance National Services	Yatala, QLD, 4207
Versatile Property Services	Sydney, NSW, 2000
AD Facilities Services	Lidcombe, NSW, 2141
Storm International	Yennora, NSW, 2161
Brightfield Group Services	Tuggerah, NSW, 2259
Cipher Solution	South Hurstville, NSW, 2221
Northern Contract Cleaning	Balmain, NSW, 2041

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

Community Engagement:

Nil

Policy Implications

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

Financial Implications:

Details relating to the 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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CL24.207 DA24/1326 - 4 Beinda Street BOMADERRY**DA. No:** DA24/1326**HPERM Ref:** D24/269667**Department:** Development Services**Approver:** James Ruprai, Director - City Development

Attachments:

1. Assessment Report (under separate cover) [⇒](#)
2. DRAFT Conditions of Consent (under separate cover) [⇒](#)
3. External Plans (under separate cover) [⇒](#)

Description of Development: Demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces

Owner: A Hadley**Applicant:** Landcom**Notification Dates:** 22 May 2024 – 21 June 2024**No. of Submissions:** 2 x objections**Purpose / Reason for consideration by Council**

The application is for regionally significant development under section 8A of State Environmental Planning Policy (Planning Systems) 2021 and must be determined by the Regional Planning Panel.

This report is submitted to Council to advise of the Staff recommendation to the Regional Planning Panel

Recommendation

That:

1. Council receive and note the report DA2024/1326 – 4 Beinda Street BOMADERRY
2. Council supports the staff recommendation to the Southern Regional Planning Panel to approve DA2024/1326 for demolition of existing structures, lot consolidation and construction of two (2) x residential flat buildings comprising 60 build-to-rent apartments and 70 car parking spaces having consideration to section 4.15 of the *Environmental Planning and Assessment Act 1979*.
3. The resolution made by Council be submitted to the Regional Planning Panel prior to their consideration and determination of DA2024/1326.

Options

1. Support the staff recommendation to the Regional Planning Panel (RPP) for approval of the application and advise the RPP accordingly.

Implications: The recommendation would be provided to the RPP for their information as part of their consideration of the regional application.

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2. Make an alternative resolution and make a separate submission to the RPP.

Implications: The alternative resolution would be provided to the RPP for their information as part of their consideration of the regional application.

Location Map



Figure 1: Location Map – Locality

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Figure 2: Location Map – Subject Site

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Background

Why this DA is being reported to the Regional Planning Panel

This development application is being reported to the Regional Planning Panel for the following reasons:

- a) The Development Application is a Crown development application meaning it is a development application made by or on behalf of the Crown; the application has been made by Landcom which is a public authority within the meaning of s294 of the *Environmental Planning and Assessment Regulation 2021*.
- b) The proposal has an estimated development cost \$32,626,718.30.
- c) The Development Application is considered to be a regionally significant development under Part 2.4 (listed under Schedule 6) of *State Environmental Planning Policy (Planning Systems) 2021* (SEPP) as it is development carried out by or on behalf of the Crown that has an estimated development cost of more than \$5 million.

The determination by a Panel adds a layer of transparency to the assessment process. These assessment and management measures are intended to deal with any potential conflicts of interest.

Proposed Development

The development application is for a build-to-rent development comprising 60 apartments which will be used for rental accommodation for a period of at least 15 years. The development also includes an affordable rental housing component of 20% of units which will be used as affordable rental housing for a minimum of 15 years. Both these rental and affordable rental housing requirements will be enforced through imposition of conditions of consent.

The proposal includes:

- Demolition of two existing dwellings and associated structures.
- Preliminary site earthworks and vegetation removal.
- Construction of two predominantly three storey (with four storey western facade) Build to Rent Residential Flat Buildings accommodating:
 - 60 apartments comprising:
 - 8 x studio apartments
 - 17 x 1 bed apartments;
 - 9 x 2 bedroom apartments;
 - 14 x two-storey terrace-style 2 bedroom apartments;
 - 2 x 3 bedroom apartments.
 - Ground level entrance and lobby areas for both buildings.
 - Ground level communal room for residents.
 - Ground level open air enclosed under croft parking for each building incorporating a total of 70 vehicle parking spaces.
 - Motorbike parking incorporating 1 space.
 - Bicycle parking for a total of 46 bicycles.
 - Waste storage room in the under-croft ground level area.
 - Landscaping works including external areas and a landscaped level 1 internal terrace areas for residents on each building.
- Consolidation of the existing allotments Lot 1, 2, 3, 4, 5, 6 and 7 DP 25566 and Lot 1 DP 329959 to create a single allotment.
- Construction of kerb and gutter along the Beinda Street frontage of the site.
- Construction of a pedestrian footpath along the Beinda Street frontage of the site.

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Figure 3: 3D image view of development from Beinda Street (north elevation)



Figure 4: 3D image view of development from Beinda Street (north and west elevations)



Figure 5: 3D image view of development from Bolong Road (south and east elevations)

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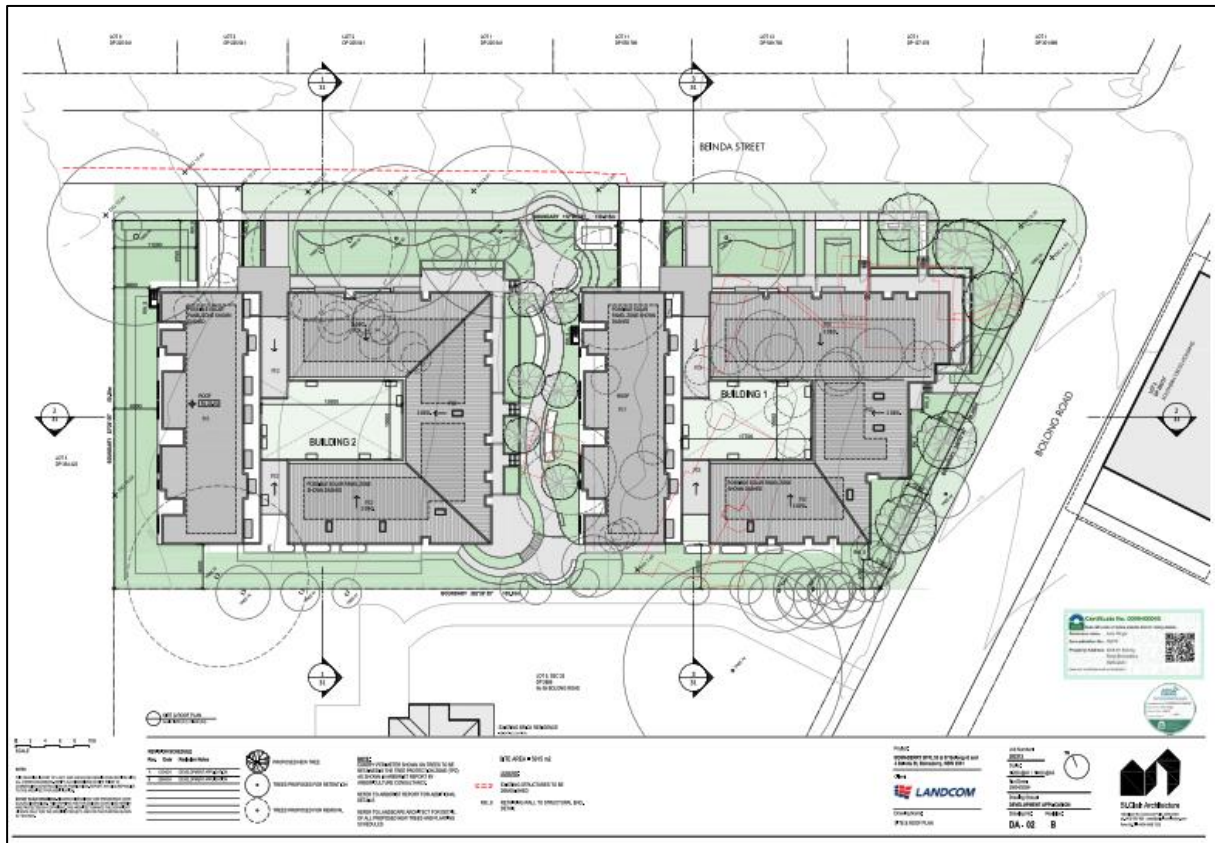


Figure 6: Site Plan

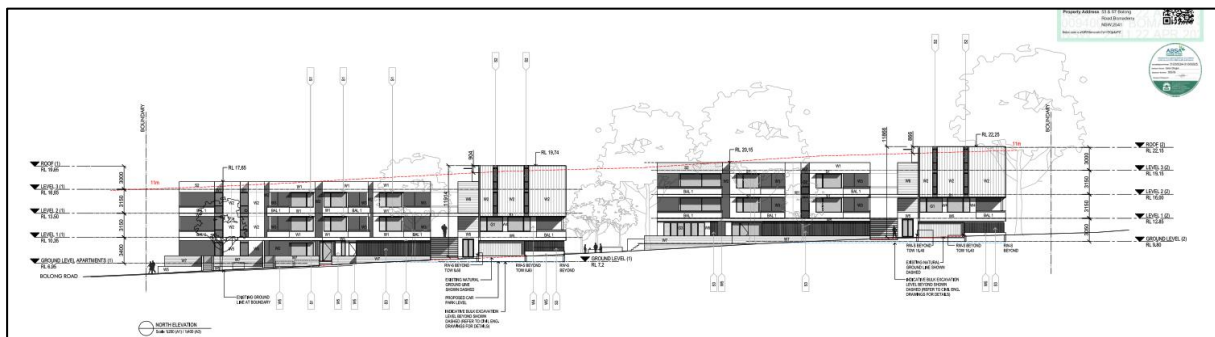


Figure 7: North Elevation

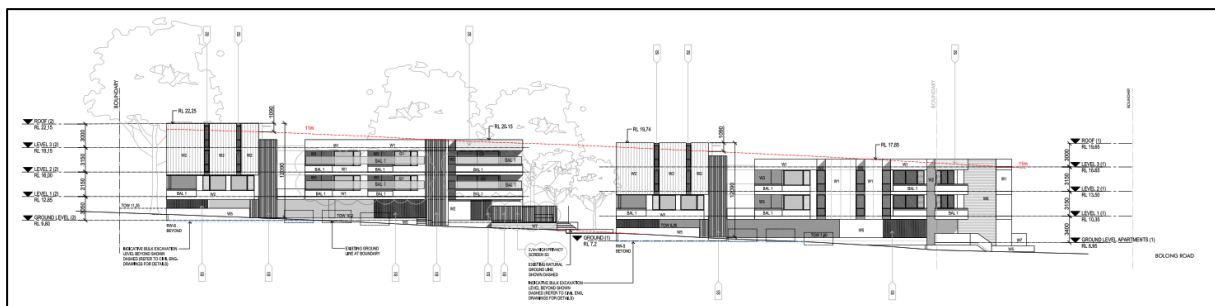


Figure 8: South Elevation

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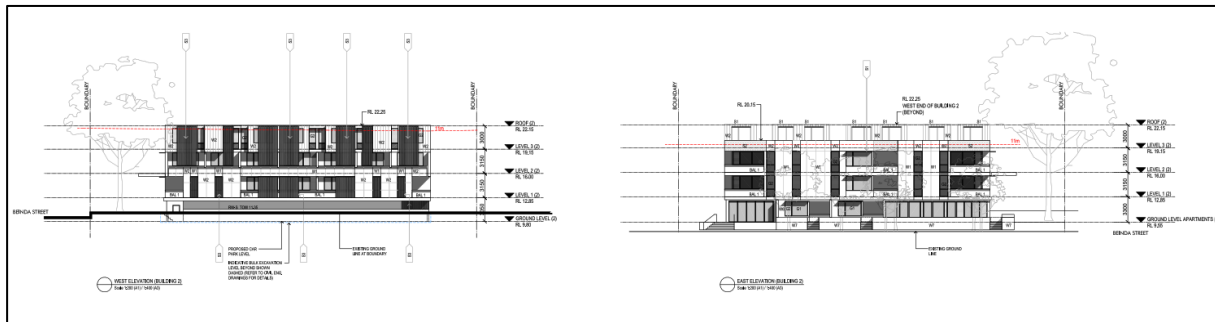


Figure 9: East and West Elevations of Building 2

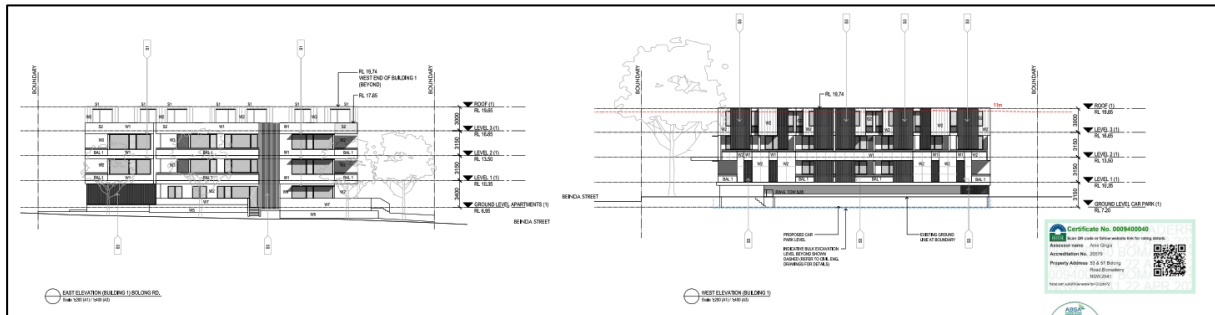


Figure 10: East and West Elevations of Building 1

Subject Land

The subject site has a frontage to Beinda Street and Bolong Road, Bomaderry. The site comprises 8 individual allotments which are proposed to be consolidated and contains two detached dwellings (one located over both Lot 6 and 7 DP 25566, and one located on Lot 1 DP 329959) and detached shed/carport structures. All existing buildings and structures on site are proposed to be demolished. The site contains existing vegetation and established trees.

Site & Context

The surrounding area is mixed in character and the site is adjoined by low density residential development to the north, west and south, a service station to the north-east and a mix of commercial type development including retail, hardware and building supplies and a car wash. The site is in proximity to public recreation spaces and sporting fields to the north-east of the site.

To the south of the site at 59 Bolong Road is a heritage item (Item No 122 - *Greenleaves* - Federation Queen Anne style residence and grounds and Item No 123 - Federation brick and asbestos tile residence).

Under the provisions of *Shoalhaven Local Environmental Plan 2014 (SLEP 2014)* the subject land is zoned R3 – Medium Density Residential.

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Figure 11: Zoning Map

Issues

S4.15 Environmental Planning and Assessment Act 1979

The consent authority must assess the application and consider the matters for consideration set out in s4.15 of the Environmental Planning and Assessment 1979:

(1) **Matters for consideration**—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—

(a) *the provisions of—*

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) *(Repealed)*

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

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- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

Discussion

Council staff have considered the requirements of s4.15 of the Environmental Planning and Assessment Act 1979 and recommend that the application be approved.

The proposal complies with the provisions of applicable environmental planning instruments (e.g. applicable State Environmental Planning Policies, Shoalhaven Local Environmental Plan 2014), noting a clause 4.6 exception request to the building height limit set in SLEP 2014. The proposal complies with the provisions of the Shoalhaven DCP 2014 and the Environmental Planning and Assessment Regulations 2021.

Council staff are satisfied that the proposal will not have a significant adverse impact on the natural and built environment and will have a positive social and economic impact in the locality/

Council staff have considered the submissions made during the notification period and are satisfied that the proposal is appropriate within the locality and has been suitably designed.

Council staff are satisfied that the site is suitable for the proposed development and that the proposal is in the public interest.

Building Height Limit – Clause 4.6 Exception

Clause 4.3 of Shoalhaven LEP 2014 sets a building height limit of 11m for the subject site. The proposed development has a peak height of 12.09m resulting in a departure of 1.09m (9.9%) from the building height limit.

The application was supported by a clause 4.6 variation request which sought to justify the contravention of the building height development standard.

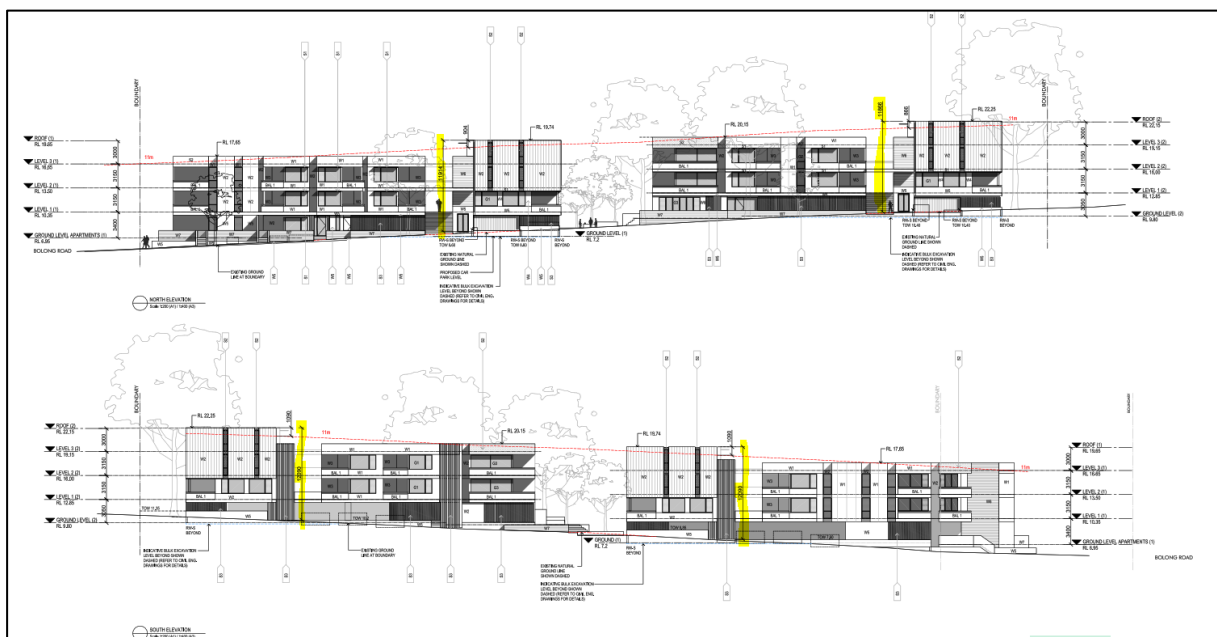


Figure 12: Elevation Plans noting peak building height (highlighted in yellow) and 11m building height limit plane (red line)

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Discussion

Council staff have reviewed the proposed development and the Applicant's clause 4.6 variation request and are satisfied that the application has demonstrated that compliance with the building height limit development standard is unnecessary and unreasonable in the circumstances of the case as the extent of departure is for a relatively small portion of the buildings and occurs as a result of the sloping topography and presence of surface rock and flood limitations which limits the ability to excavate the site for example to provide basement carparking.

Council staff are satisfied that despite the non-compliance with the development standard, the underlying objectives of clause 4.3 and the R3 Medium Density zone are satisfied.

It is also noted that although the additional building height provisions of the SEPP (Housing) 2021 for affordable housing were not expressly utilised by this application, the application could utilise these additional provisions which permit an additional 10% building height and the development would comply. As such strict compliance with the 11m building height limit set by clause 4.3 of Shoalhaven LEP 2014 is unreasonable because other applicable environmental planning instruments effectively permit the additional height being proposed.

Heritage

The proposal involves works in proximity of heritage item (Item No 122 - *Greenleaves*" - *Federation Queen Anne style residence and grounds* and Item No 123 - *Federation brick and asbestos tile residence*).

Discussion

The application has been supported by a Statement of Heritage Impact Report considering the development's impact on nearby and adjoining heritage items. The proposal does not involve any demolition or physical alteration to any heritage items and the development is located >20m away from the heritage item to the south of the subject site at 59 Bolong Road. Council staff and Council's Heritage Expert have reviewed the proposal and the submitted Statement of Heritage Impact Report and are satisfied that the proposed development is not considered to compromise the heritage value or heritage significance of nearby heritage items. The proposal is consistent with the R3 Medium Density zoning and is compatible with the desired future character of the area. The design of the building is compatible with and sympathetic to the existing streetscape character.

It is noted that one of the submissions in objection to the proposal included a Heritage Impact Assessment prepared by Louise Thom. This Heritage Impact Assessment submitted in objection to the proposal raised issue with the bulk and scale, and setbacks of the development in relation to the adjoining heritage item and also made some recommendations to improve privacy and amenity to adjoining residences. Council staff have considered this submission and Heritage Impact Assessment and are satisfied that the building design and location is appropriate. It is noted that additional privacy measures have been incorporated into the building design similar to that recommended in the submission.

Council staff are satisfied that the proposed development is satisfactory with regard to heritage and the provisions of 5.10 Heritage Conservation of Shoalhaven LEP 2014

Privacy and Amenity

Submissions received in relation to the proposed development raised issue with privacy and amenity to adjoining residences to the south of the site.

Discussion

During the course of the assessment, additional privacy screens were incorporated into the southern elevation of the building and some outdoor areas.

Appropriate privacy mitigation measures such as privacy screens and louvres from south facing apartments have been incorporated into the building design. Similarly, privacy screening and landscaping along the southern property boundary ensure adequate privacy is maintained to adjoining residences.

The buildings adopt a 6m setback to the southern property boundary with appropriate landscaping and privacy screening incorporated to maintain privacy and amenity. Further to this, the outdoor seating near the southern property boundary is orientated northward and is boarded by appropriate landscaping to minimise overlooking to the south.

The proposed development and above privacy measures are considered appropriate, and adequate privacy is maintained to adjoining properties.

Overshadowing and Solar Access

Submissions received in relation to the proposed development raised issue with regard to overshadowing and solar access.

Discussion

The application has been supported by shadow diagrams for 21 June which demonstrate at least 3 hours of direct sunlight between 9am and 3pm is maintained to adjoining residences and that appropriate solar access is maintained to adjoining properties. The proposal maintains adequate solar access to adjoining residences in line with the requirements of Shoalhaven DCP 2014.

Biodiversity, Flora and Fauna

The proposed development necessitates the removal of some vegetation and trees from the site.

Discussion

The development application was supported by a Flora and Fauna Assessment and Arboricultural Impact Assessment. The proposed development maintains the large established trees along Beinda Street which assists with integrating the proposed development into the existing streetscape and softens the built form of the buildings.

The application and Flora and Fauna report also identify environmental issues regarding Greater Headed Flying Fox (GHFF) camp located in close proximity to the west of the site and potential land use conflict and noise impacts from this camp. Appropriate acoustic measures have been incorporated into the building design such as glazing and ventilation requirements to mitigate any noise impacts.

The proposal has been reviewed by Council's Biodiversity and Environmental Health Officers and Council staff are satisfied that the proposed development will not have a significant adverse impact on biodiversity and appropriate noise attenuation measures have been incorporated into the building design to mitigate noise impacts from the nearby GHFF camp.

Council staff are satisfied that established trees have been retained where possible whilst also allowing for the orderly economic development of the land.

Parking

The proposed development provides 70 car parking spaces in the ground floor car park.

Discussion

The proposed development provides 70 car parking spaces noted as follows. All apartments have been allocated at least 1 parking space.

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Table 11: Parking Summary

Unit Type	Housing SEPP Parking Rate		DCP Parking Rate	Proposed Parking Allocation
	Affordable Housing Component	Non Affordable Component		
Studio Unit	0.4 spaces / unit	0.5 spaces / unit	1 space / unit	1 space / unit
1 Bedroom Unit	0.4 spaces / unit	0.5 spaces / unit	1 space / unit	1 space / unit
2 Bedroom Unit	0.5 spaces / unit	1 space / unit	1.5 space / unit	1 space / unit
3 Bedroom Unit	1 space / unit	1.5 space / unit	2 spaces / unit	2 spaces / unit
Visitor Parking	Nil		0.2 spaces per unit	8 spaces

There are various parking rates that could be applicable to different parts of the development i.e. affordable rental housing and build-to-rent parking ratios, as well as the parking rate set out in Chapter G21 of Shoalhaven DCP 2014.

Given the application does not specifically rely on the affordable rental housing parking rates the parking rates set under Chapter G21 are applicable and have been considered below.

Dwelling Type	DCP Parking Rate per Dwelling	Number of Dwellings / Visitor Parking	Required Parking under DCP	Proposed Parking Allocation
1 bedroom / studio	1	25	25	25
2 bedrooms	1.5	33	49.5	33
3+ bedrooms	2	2	4	4
Visitor Parking	0.2 spaces per apartment	60 total apartments	12	8
REQUIRED PARKING UNDER DCP			90.5	
TOTAL PARKING PROPOSED			70	

The application has also been supported by a Transport Impact Assessment which has considered parking rates, as well as traffic generation and Transport for NSW's (TfNSW) Guide to Traffic Generating Developments.

Reduced parking rates for affordable housing are available under SEPP (Housing) 2021 and although opting to not technically utilising these provisions (which would reduce parking requirements to as low as 0.4 spaces per apartment), the development fundamentally provides affordable housing and meets the objectives of the SEPP with at least 20% of apartments provided as affordable rental housing. Considering this as well as the zoning and location of the development site within walking distance to commercial/retail areas, employment areas, as well as public infrastructure and public facilities, the proposed 70 car parking spaces is considered acceptable for the development.

Planning Assessment

The Development Application has been assessed under s4.15 of the *Environmental Planning and Assessment Act 1979*. Please refer to Attachment 1.

Community Consultations

Notification was made in accordance with Council's Community Consultation Policy with letters being sent to property owners within a 120m buffer of the site, notice being sent to

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local Community Consultative Bodies (Pride of Bomaderry CCB) and the development being advertised in the local press. The notification was for a 30-day period.

Two public submissions were received in relation to Council's notification of the development. These submissions objected to the development.

Summary of Public Submissions	
Objection Raised	Council Commentary
Heritage	<p>The application has been supported by a Heritage Impact Assessment considering the developments' impact on nearby and adjoining heritage items.</p> <p>The proposal and Heritage Impact Assessment has been considered and reviewed by Council staff and Council's Heritage Expert. Council is satisfied that the proposal is appropriate for the locality and will not undermine the heritage value of adjoining and nearby heritage items.</p> <p>The proposal is of an appropriate scale for the locality and is sufficiently setback from adjoining heritage items. Design elements such as retention of existing mature trees along Beinda Street, dividing the development into two separate well-articulated buildings which step down to follow the natural topography of the ground, as well as colour and material selection, and the provision of landscaping along property boundaries and through the "central spine" of the development all assist in settling the development within the existing streetscape and character and the proposal is consistent with the desired future character of the area.</p> <p>There are no identified heritage items to be demolished.</p> <p>The Heritage Impact Assessment prepared by Louise Thom Heritage and submitted in objection to the proposal has been reviewed and it is noted some of the elements such as provision of appropriate landscaping and privacy screening have been incorporated into the building design.</p> <p>Heritage and impacts on nearby heritage items have been considered and the proposed development is considered suitable in this regard.</p>
Size, bulk, scale and density	<p>The size, bulk and scale of the development is consistent with the desired future character of the area.</p> <p>The subject site is zoned R3 Medium Density Residential, and residential flat buildings are a permissible form of development within the zone. The size, scale and residential density proposed is consistent with the objectives of the R3 zone, and the provision of affordable, purpose-built rental housing is consistent with the principles of State Environmental Planning Policy (Housing) 2021 and the objects of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council is satisfied that the proposed development is of an appropriate size, bulk, scale and residential density for</p>

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	the locality.
Privacy	<p>Appropriate privacy mitigation measures such as privacy screens and louvres from south facing apartments have been incorporated into the building design. Similarly, privacy screening and landscaping along the southern property boundary ensure adequate privacy is maintained to adjoining residences.</p> <p>The buildings adopt a 6m setback to the southern property boundary with appropriate landscaping and privacy screening incorporated to maintain privacy and amenity. Further, to this the outdoor seating near the southern property boundary is orientated northward and is boarded by appropriate landscaping to minimise overlooking to the south.</p> <p>The proposed development and above privacy measures are considered appropriate, and adequate privacy is maintained to adjoining properties.</p>
Setbacks	<p>The building setbacks comply with the development controls set out in State Environmental Planning Policy (Housing) 2021 and the Apartment Design Guidelines and are considered appropriate. The proposal provides adequate setbacks and separation to adjoining properties.</p>
Walkway location	<p>The “central spine” walkway is appropriately designed and located. The incorporation of suitable landscaping along the walkway will reduce overlooking and maintain amenity to adjoining properties.</p>
Overshadowing	<p>The application has been supported by shadow diagrams for 21 June which demonstrate appropriate solar access is maintained to adjoining properties.</p>
Tree removal	<p>The proposal involves the clearing of some trees and vegetation to facilitate the development. Vegetation removal and environmental impacts has been considered by Council and the Flora and Fauna Assessment has been reviewed by Council’s Biodiversity Team. The proposed development will not have a significant adverse impact on the natural environment and the proposal is considered appropriate for the locality.</p> <p>Retention of trees along the southern boundary i.e. T75 is not practical and is not conducive to the reasonable development of the R3 Medium Residential zoned land.</p>

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Financial Implications

There are potential cost implications if the application is refused. Such costs would be associated with defending an appeal in the Land and Environment Court of NSW.

Legal Implications

A section 8.2 review and/or appeal with the Land and Environment Court are possible if the application is refused.

It is noted that under s4.33 of the Environmental Planning and Assessment Act 1979, a consent authority must not refuse consent to a Crown development application except with the approval of the Minister.

Summary and Conclusion

This application has been assessed having regard to section 4.15 (Evaluation) under the *Environmental Planning and Assessment Act 1979*. Based upon the recommendations of the s4.15 Assessment Report (Attachment 1), Development Application No. DA2024/1326 is recommended to the RPP for approval.

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CL24.208 Classification of Land - Lot 1 DP 203965, 78 Railway Street Bomaderry

HPERM Ref: D24/208081

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

The reason for this report is to provide Council with an opportunity to consider the classification of land, being Lot 1 DP 203965 known as 78 Railway Street, Bomaderry, as “Operational Land” within the meaning of the Local Government Act 1993.

Recommendation

That Council classify the land described as Lot 1 DP 203965, 78 Railway Street, Bomaderry, as Operational Land within the meaning of the Local Government Act 1993.

Options

1. Resolve as recommended.

Implications: The operational classification will provide Council with flexibility for expansion, and any future strategic redevelopments of the site.

2. Not resolve as recommended.

Implications: The classification of the land will default to Community Land and be subject to the Community Land provisions as outlined in the Local Government Act 1993. This would then limit the future redevelopment potential.

Background

At its Ordinary Meeting 26 February 2024, Council resolved (MIN24.99C) to acquire 78 Railway Street, Bomaderry, as a property identified within the inner odour contour levels (200U) of the Bomaderry Wastewater Treatment Plant (WwTP).

The purchase of the property aligns with Council’s approach to improve odour buffers around the Bomaderry Wastewater Treatment plant.

The classification of 78 Railway Street Bomaderry as Operational Land will remove restrictions that normally apply to community classified land. This will allow Council to retain an asset with flexibility for expansion and any future strategic redevelopments of the site. The Operational Land classification of the subject property will also be consistent with previous property acquisitions (74, 76, 80 and Lot 1 DP 538290) in Railway Street.

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78 Railway Street Bomaderry is a rectangular shaped parcel of land 809.37m² in size, zoned Business – E4 – General Industrial, and highlighted in the plan below in blue outline. The diagram also highlights the proximity of the subject property to the Bomaderry WwTP.



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Community Consultations

In accordance with Section 34 of the Local Government Act 1993, a public notice of Council's intention to classify the land as Operational was placed in the South Coast Register, on Council's website and at the Nowra Administration Building and Nowra Library, allowing 28 days for written submissions. No submissions were received.

It should be noted that while the notice of intent can be placed under officer delegation, reclassification of the land can only occur by resolution of the Council.

Policy Implications

Section 31(2) of the Local Government Act 1993 (LGA 1993) provides that before Council acquires land, or within 3 months after it acquires land (acquisition date of the subject property, 8 May 2024), Council may resolve to classify it.

There are two classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and

2. Community Land – land in Council’s ownership which is held for and on behalf of the Community subject to the Community Land provisions of the LGA 1993.

A resolution of Council, within the time frame prescribed in the LGA 1993, is required to finalise the classification of land as Operational.

Financial Implications

Should the recommendation not be resolved, the land will default to community classification in accordance with the LGA 1993. Any future reclassification to operational land to enable future use or development, will require a Local Environmental Plan (LEP) amendment under the Environmental Planning and Assessment Act 1979. This is a time consuming and costly exercise that would require a budget allocation.

Risk Implications

Nil for the proposed classification as Operational Land.

CL24.209 Notice of Motion - Tourist Cabins

HPERM Ref: D24/279836

Submitted by: Cllr Tonia Gray

Purpose / Summary

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

Recommendation

That Council receive a report back that covers:

1. The interplay between the current 'Tourist and Visitor Accommodation' provisions contained in the Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 and the Agri-tourism related planning reforms that have been implemented at the NSW Government level through State Environmental Planning Policies including use by proponents of the innominate term 'tourist cabins' in rural areas as opposed to 'farm stay accommodation';
2. Community issues/concerns or compliance matters that have emerged in rural areas including in the Berry and Kangaroo Valley areas such as regarding:
 - a. lack of control over development of tourist accommodation and function centres;
 - b. protection of rural amenity and landscapes from inappropriate development;
3. Any opportunities that may exist and could be considered to practically tighten up or improve the consideration and assessment of applications for these types of use, noting the limitations to turn off or amend provisions contained in a State Environmental Planning Policy (SEPP).

Background

For several years, Shoalhaven rural residents have been under threat of potential loss of amenity due to the absence of any controls over tourist cabin development in the Shoalhaven Local Environmental Plan 2014 (SLEP).

Residents in Berry and Kangaroo Valley have been particularly exposed, and many communities have been forced to rapidly mount very costly, time-consuming campaigns to protect rural amenity and landscapes from inappropriate development proposals for tourist accommodation and function centres.

When the SLEP was constructed, Council chose to retain use of the accommodation description 'tourist cabin', to facilitate the growth of tourism in the Shoalhaven.

Tourist cabins are categorised as an 'innominate use' under the Local Environmental Plan (LEP) group term 'tourist and visitor accommodation' (TVA), so there is no definition for tourist cabins in the SLEP Dictionary. Additionally, Clause 5.4 in the SLEP includes limits on the number of bedrooms for farm stay accommodation (7) and B&Bs (5), but there are none for tourist cabins.

Consequently, residents have no grounds under the SLEP for objections, whatever the scale and size of the development or the number of cabins. Council also has no capability to defend an appeal at the Land and Environment Court (LEC) against refusal of any tourist cabin development.

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The Shoalhaven Development Control Plan 2014 (SDCP) also provides no protection. It includes a guideline of 1 cabin per 2Ha, but this is ignored by the LEC. The SDCP maximum floor area of a tourist cabin is 120sqm, but an LEC Commissioner approved 195sqm without hesitation.

Farm Stay Accommodation

The SLEP definition is “a building on a commercial farm used to provide temporary accommodation to paying guests”.

The SLEP definition for a commercial farm is “a farm on which agriculture is undertaken that is –

- (a) on land categorised as farmland under the Local Government Act 1993, or
- (b) a primary production business within the meaning of the Income Tax Assessment Act”

If a landowner is claiming tax deductions as a primary producer or a rates reduction for land categorised as 'farmland', a Development Application (DA) for tourist accommodation must be characterised as 'farm stay accommodation', a named sub-term under the TVA group term.

It is therefore incumbent on Council to categorise any proposed accommodation on a commercial farm as farm stay accommodation and not allow an applicant to use the 'tourist cabin' description to evade the applicable controls.

Farm Stay Accommodation Controls

The SEPP development standards for farm stay accommodation, including restrictions on the number and size of buildings, are shown below. There is also a limit of 7 bedrooms in SLEP Clause 5.4 for farm stay cabins.

SEPP 2008 - Farm stay accommodation

2.32N General development standards

- (b) landholding must have an area of at least 15ha
- (g) number of guests accommodated at any one time must not be more than 20
- (h) a guest must not stay on the landholding for more than 21 consecutive days

9.10 Complying development standards for buildings

- (c) the development must not cause there to be more than—
 - (i) 1 building used for the purposes of farm stay accommodation per 5ha, and
 - (ii) 6 buildings used for farm stay accommodation on the landholding,

9.13 Additional development standards

- (h) a new building must have a gross floor area of no more than 60m²
- (k) a building must not be within 50m of a property boundary and 250m of residential property on neighbouring land

Note by the CEO

Previously, the Council initiated a review of tourist and visitor accommodation provisions in the Shoalhaven Local Environmental Plan (SLEP) and Shoalhaven Development Control Plan (SDCP). However, this review was placed on hold following a Council resolution in 2020 and no further work has progressed.

Now, with Stage 1 predominantly complete (including the currently exhibited draft growth principles and affordable housing strategy), Stage 2 work is scheduled to commence in the second half of 2024, which involves a comprehensive review of the planning scheme for Shoalhaven, including a new city-wide LEP, DCP, and associated work. The goal is to holistically address many planning opportunities and challenges for the city, including future growth opportunities and better suited provisions for tourist and visitor accommodation across our City.

It's important to note that if the recommendation is accepted, the resources for the subsequent report and any future resolved next steps will be reallocated to this matter for Berry and Kangaroo Valley, impacting the progression of the important city wide priority planning projects.

CL24.210 Notice of Motion - Desecration of War Memorials

HPERM Ref: D24/290966

Submitted by: Cllr Paul Ell
Cllr Serena Copley

Purpose / Summary

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

Recommendation

That Council condemns the act of defacing war memorials by people protesting the war in Gaza, which is deeply insulting for current and former members of the Australian Defence Force and undermines the significance of these memorials as symbols of national pride and remembrance.

Background

Councillors would be aware of the recent reports of disgraceful vandalism of the Australian War Memorial by people protesting the war in Gaza.

While there have not been any such incidents targeting memorials in the Shoalhaven, as a community with a significant defence cohort it is important that we exercise leadership and condemn this appalling conduct.

The Australian War Memorial pays tribute to the service of all those who have paid the ultimate price to defend our country, including many people from the Shoalhaven.

The above motion is identical with one that was passed by the Senate recently with bipartisan support. Regrettably the Greens Senators voted against. I hope that it will be passed unanimously by our Council.

CL24.210

CL24.211 Notice of Motion - Invitation to His Majesty King Charles to visit the Shoalhaven

HPERM Ref: D24/291088

Submitted by: Cllr Paul Ell

Purpose / Summary

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

Recommendation

That Council:

1. Notes that King Charles and Queen Camilla will be visiting Australia and Samoa in late October 2024 as part of the Commonwealth Heads of Government Meeting (CHOGM).
2. Directs the CEO to write to the Department of Prime Minister and Cabinet to extend a formal invitation to the King and Queen to visit the Shoalhaven as part of their itinerary and to offer the assistance of Council in relation to the same.
3. Resolves to send a copy of the above letter to Mrs Fiona Phillips MP, Federal Member for Gilmore, and at the same time request her assistance with making representations on our behalf.
4. In the event that the invitation is accepted, delegates to the CEO regarding any arrangements for the visit which involve Council.

Background

On Monday 15 July it was announced that King Charles and Queen Camilla will be visiting Australia later in the year. Based on my limited research it would appear that the monarch has never visited the Shoalhaven previously, so this would be a truly historic event for the City.

The visit will undoubtedly attract national and international headlines, so it will be a great opportunity to showcase our region. It is also an opportunity for the King and Queen to acknowledge the contribution of volunteers and others giving service to our community.

I hope that Councillors will support this endeavour to extend an invitation for this visit and will be satisfied that the CEO can take the reins on behalf of the City regarding any arrangements connected with the visit noting the proximity to the September election.

CL24.211

CL24.212 Notice of Motion - Proposed rezoning of Callala Bay Residential Expansion Zone

HPERM Ref: D24/291433

Submitted by: Cllr Evan Christen

Purpose / Summary

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

Recommendation

That Council formally request the NSW Government to take the necessary steps, in regard to the Callala Bay Residential Expansion Zone (40ha of land to the west of the Callala Bay township) to rezone it from its current zones of R1 General Residential / C3 Environmental Management / RE1 Public Recreation to C2 Environmental Conservation under Shoalhaven LEP2014 in recognition of the following concerns:

1. 97 per cent opposition by the community, including First Nations representatives to the rezoning
2. The high conservation value coastal lowland forest that survived the 2019-20 fires and where old hollow-bearing trees are home to endangered and threatened species
3. Endangered species currently living there: Greater gliders, Gang Gang cockatoos, and Bauer's Midge Orchids. Threatened species: Yellow-bellied gliders, Eastern Pygmy-possums, Glossy-black cockatoos and Grey-headed flying-foxes
4. Impacts of climate change, deforestation and bush fires, on endangered species, cultural heritage, and tourism values
5. Adding housing to a high bushfire risk isolated community.

Background

Of the 1029 submissions regarding the rezoning for residential subdivision, 97% were opposed. They believed that Callala's native forest should be protected for the benefit of the animal and plant communities who live there. In doing so preserving the human benefits from intact ecosystems and maintaining cultural and tourism values. In October 2022, the NSW DPE rezoned 40ha of coastal forest near Callala Bay for a residential subdivision without first establishing biodiversity certification.

The site has a highly diverse species mix, including several endangered and threatened species dependent on old hollow-bearing trees, and it has strong potential to support more flora and fauna if left intact and connected to neighbouring forest. The surrounding forest is among the meagre 15% of bushland in the Shoalhaven region to survive the devastating 2019-2020 fires. The high conservation value site is bordered by National Park and drains into the Jervis Bay Marine Park. The Illawarra Shoalhaven Regional Plan 2021 specifies that new urban development is to be prohibited on land assessed as being of high conservation value.

The draft Strategic Growth Principles that have recently been exhibited for proposed addition to Council's *Shoalhaven 2040 – Local Strategic Planning Statement* says it most clearly: "Additional greenfield development will be focussed on cleared, unvegetated land, strategically located to make efficient and cost-effective use of existing and planned

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infrastructure.” The Jervis Bay Settlement Strategy 2003, cited by the developer to justify land clearing and subdivision, nominated 35ha for “potential urban expansion contingent on detailed investigation into site constraints and design issues including: threatened species; localised habitat corridors; significance of vegetation within the subject land; buffers to wetland area and local watercourses; water quality/stormwater controls.” The site is home to Gang-gang Cockatoos and Greater Gliders, which were Federally listed as endangered in July 2022, before the site was rezoned to R1.

The endangered Bauer’s Midge Orchid and four species vulnerable to extinction – Yellow-bellied glider, Eastern Pygmy-possum, Glossy-black cockatoo, and Grey-headed Flying-fox – also live there. Last year Council voted to withdraw support for the application. The 2022 rezoning of the site was approved prior to a biodiversity certification, leading to the current situation. Now with the increased knowledge about the extent and diversity of endangered species on the site the whole development needs to be reconsidered. Shoalhaven City Council does not want land in its area to be part of the process that sends species such as the Greater Glider and Gang-Gang Cockatoo to extinction.

CL24.212

CL24.213 Notice of Motion - Reaffirm Shoalhaven City Council's position as a Nuclear Free Zone

HPERM Ref: D24/291820

Submitted by: Cllr Tonia Gray
Cllr Gillian Boyd

Purpose / Summary

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

Recommendation

That Council re-affirm its 27 June, 2006 declaration that is a Nuclear Free Zone where the following was adopted (see MIN06.917):

1. Assure the Shoalhaven community that Council will oppose any plan or attempt to establish a nuclear reactor or nuclear power plant in the Shoalhaven City, in the Shoalhaven River catchment, or in Commonwealth Territory of Jervis Bay, Australian Capital Territory.
2. Call on Federal and State Government for more research into the development of renewable energy sources and for society to become more energy efficient.

Background

Shoalhaven City Council declared itself a Nuclear Free Zone as follows (MIN06.917):

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY, 27 JUNE 2006

RESOLVED on a MOTION of Cllr Finkernagel, seconded Cllr Green that Council:

- a. Re-affirm its declaration that Shoalhaven City is a Nuclear Free Zone.*
- b. Assure the Shoalhaven community that Council will oppose any plan or attempt to establish a nuclear reactor or nuclear power plant in the Shoalhaven City, in the Shoalhaven River catchment, or in Commonwealth Territory of Jervis Bay, Australian Capital Territory.*
- c. Call on Federal and State Government for more research into the development of renewable energy sources and for society to become more energy efficient.*

THE RECORD OF VOTING ON THIS MATTER WAS AS FOLLOWS:

The following Councillors voted "Aye";

Cllrs Finkernagel, Murphy, Green, Kerr, Ward, Kearney, Bates, Watson

The following Councillors voted "No";

Cllrs McCrudden, Willmott.

CL24.213

CL24.214 Notice of Motion - Reporting Consultancy costs to the Community

HPERM Ref: D24/292822

Submitted by: Cllr John Kotlash
Cllr Matthew Norris

Purpose / Summary

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

Recommendation

That:

1. Council staff take the necessary steps to report explicitly the cost of consultants in each directorate.
2. This be reported to an ordinary meeting at the quarterly review. It should include legal fees as well. The yearly information will show the breakdown of consultant spend in the business paper to the Annual report.
3. Information included should be enough to determine the spending levels on consultancy over time but not explicit or specific enough to compromise the financial operations of council.
4. As part of this process more explicit information on Consultants fees will be made available to Councillors in briefings so they may have acceptable oversight around the financial operations of Council.

Background

Our community expects transparency from our Council and its processes. Recent changes to the budget process and accountability means this information should be available in a relatively timely and simple manner. Moving into our budget years it will give incoming Councillors an optic that I have wanted and to date have failed to achieve.

Federal Government departments, stung by unethical consultancies and dodgy outsourcing have moved to this system of monitoring. If it's good enough for Federal Government its good enough for us too.

I call on my colleagues to add their amendments to make this a more robust Notice of Motion.

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LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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