

Ordinary Meeting

Meeting Date: Monday, 21 February, 2022
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 and may be recorded and broadcast 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.

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 - 7 February 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
 - Mayoral Minute
 - MM22.3 Mayoral Minute - Amendment to Chapter G4 of Shoalhaven's Development Control Plan 2014, to Remove the 45 Degree Rule..... 1
9. **Deputations and Presentations**
 - Presentation by Peter McLean (Chair of the Audit Risk & Improvement Committee) regarding the Audit, Risk and Improvement Committee Annual Report - 2021
10. **Committee Reports**
 - Nil
11. **Reports**
 - CEO
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Notices of Motion / Questions on Notice

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Reports

CCL22.3	Tenders – 69016E Construction of Far North Collector Road and Bridges (5 No.) <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL22.4	Tenders – Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extension and Sporting Precinct - Bay & Basin Community Hub <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL22.5	Tenders – Fire Service Upgrade - Nowra Showground <i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i> <i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.</i>
CCL22.6	Shoalhaven District Football Association - Regional Sport Facility Fund Round 2 - Amenities Building <i>Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.</i>

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal commercial-in-confidence provisions of a contract, diminish the competitive commercial value of any information to any person and/or prejudice any person's legitimate business, commercial, professional or financial interests.

CCL22.7 Narrawallee Beach Access Areas for Dogs

Local Government Act - Section 10A(2)(g) - Advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings or prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness.

MM22.3 Mayoral Minute - Amendment to Chapter G4 of Shoalhaven's Development Control Plan 2014, to Remove the 45 Degree Rule.

HPERM Ref: D22/62028

Attachments: 1. Representation - Concerns Raised - Urban Tree Clearing Shoalhaven - The Hon Rob Stokes MP For Justin Field MLC [↓](#)

Recommendation

That Council:

1. Prepare an amendment to Chapter G4 of Shoalhaven Development Control Plan 2014 to:
 - a. Delete section 5.2.3 (d) and associated Figure 1 relating to the 45 degree rule.
 - b. Renumber the remaining content in Section 5.2.3 to reflect the deletion.
2. Proceed to exhibit the amendment for a period of at least 28 days in accordance with legislative requirements.
3. Advise all CCBs and relevant stakeholders of the exhibition arrangements in due course.
4. Receive a further report following the conclusion of the public exhibition period to consider feedback received and to enable finalisation of the amendment. If no submissions are received, finalise the amendment as exhibited, as per legislative requirements, and advise relevant stakeholders of the commencement arrangements.
5. Proceed to amend POL16/10 Tree Management Policy - Public Land Policy (and any other relevant Policy of Council) to delete content relating to the 45 degree rule.

Details

Shoalhaven City Council undertakes annual community feedback which consistently returns feedback that over 80% of Shoalhaven residents value our environment. Many of our towns and villages have valued urban tree canopies, single significant trees, and our fishing fraternity often use large trees and groves of trees to navigate by.

The Shoalhaven is a growing area and with the global pandemic, many have moved to live permanently in their once holiday homes. Our new residents have similar values to our older residents in that they too have been drawn to the area for its natural beauty. A modern city needs modern policy to respond to the needs of the current population, but also to hold the principles of intergenerational sustainability at its heart.

Mature trees across our urban landscape are to be valued for their contribution to the environment and their amenity value. Homes to many creatures, the humble shady tree is something we often seek on a hot day. Western Sydney Councils have in fact adopted an aggressive tree planting strategy to assist them with urban cooling.

Over the last few years, Council has received numerous complaints from residents who are concerned about canopy removal in their local areas and are often met with the answer that the current rules allow for removal without notification. These complaints caused some of our residents to seek the opinion of the then NSW Planning Minister Hon Rob Stokes who

MM22.3

responded unequivocally, (see attachment), requesting that Shoalhaven review its Policy; a Policy that is unique in Local Government for its destructive forces.

Today trees are more valued than ever for the amenity and other benefits they bring. As such is no longer appropriate to have a rule that enables any tree to be removed without an assessment of its health or safety being considered.

I seek Council's support with this Mayoral Minute to change our approach to tree management to have a far more conservation focus.

Some reading material that you may find useful.

Frontier Economics : Comparing the value of alternative uses of native forests in Southern NSW.

[Comparing the value of alternative uses of native forests in Southern NSW - Frontier Economics \(frontier-economics.com.au\)](https://frontier-economics.com.au/Comparing-the-value-of-alternative-uses-of-native-forests-in-Southern-NSW)

NSW State Government : Greening Our City

[Greening our city | NSW Government](#)

Science Direct: Urban Climates and Global Climate

[Urban Canopy - an overview | ScienceDirect Topics](#)



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

MAYORAL

Ref: MDPE19/1807

Councillor Amanda Findley
Mayor
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received

- 9 SEP 2019

File No. 61751E

Referred to: Kellie Clarke
Donna Hayden
m (RCM)

Dear Mayor *Amanda,*

I write in relation to correspondence from Mr Justin Field MLC about urban tree clearing in the Shoalhaven area.

Mr Field has raised concerns about the potential impact of Shoalhaven City Council's tree clearing clause in its development control plan (DCP) on Shoalhaven's urban tree canopy. I have attached a copy of Mr Field's correspondence and my reply for your information.

While I strongly support local councils in determining planning rules and acknowledge the work Council is doing to protect and enhance urban tree canopy in the Shoalhaven area, I agree with Mr Field's concerns.

I appreciate that tree management requires balancing risk to public safety and property with the numerous benefits provided by trees. However, I am concerned that Shoalhaven's broad exemption is out of step with other councils.

I would appreciate if you could look into this matter and investigate whether the amendments made to your DCP in 2004 have led to perverse outcomes. Can you please look into this matter and advise me of the outcome.

I look forward to your response.

Yours sincerely

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Encl: Correspondence from Mr Justin Field MLC
Reply to Mr Justin Field MLC



LEGISLATIVE COUNCIL

Justin Field MLC
6 Macquarie St
SYDNEY NSW 2000

24 May 2019

The Hon. Rob Stokes MP
NSW Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister,

Re: Urban tree clearing in the Shoalhaven

I am writing in regards to an urban tree clearing issue in the Shoalhaven Local Government Area.

Under the Shoalhaven Development Control Plan 2014, Chapter G4: Tree and Vegetation Management Plan provides an exemption clause 5.2.3 (d) that allows residents to self-assess tree removal on their property. No consent is required from council or notification is required by council.

The relevant clause provides:

d) Where a tree is closer than its own height from an approved building (including a dwelling, garage or outbuilding). This means where any part of a tree is above a line 45 degrees from the vertical extension of the wall of any building measured from its base (as shown in Figure 1). Hollow bearing trees can only be removed without assessment under the 45 degree exemption if an animal handler is present.

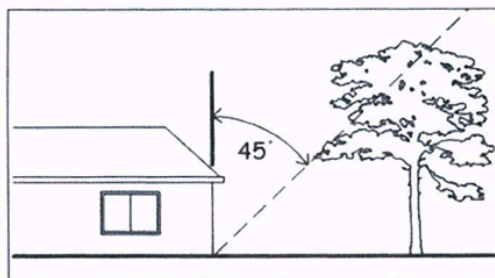


Figure 1: Example of the 45 degrees line from the vertical extension

The rule is known as the '45 degree rule'. In practice, almost every mature tree on an average size residential lot in the Shoalhaven qualifies for removal without council notice or approval. If everyone evoked this rule, the Shoalhaven LGA would be denuded of its entire urban canopy.

I understand that the Shoalhaven may be the only LGA in NSW that has this rule in place. This is increasingly becoming an issue as local tree lopping businesses are known to be touting for business, utilising the flexibility of this rule. I have been informed that businesses are targeting older residents and claiming trees are diseased and dangerous in order to encourage residents to employ them to remove the trees. No arborist report or notification requirement exists under the Shoalhaven DCP, enabling the abuse of trust of residents.

The consequence of this rule is that the area is losing a large number of significant urban trees. Council collects no information about trees removed and consequently has no ability to ensure it is meeting requirements under the *Environmental Planning and Assessment Act 1979* ('the Act') to conserve biological diversity and ecological integrity.

I understand that you as Minister for Planning and Public Spaces have the authority under the Act to direct Shoalhaven City Council to remove the exemption clause 5.2.3 (d) in Chapter G4 of the Shoalhaven DCP 2014.

I am asking you to look into these matters and consider exercising your authority, or seek to influence the Shoalhaven Council to amend its own DCP, or at the very least provide an explanation to you as to how Council is meeting its obligations under the Act while allowing this exemption clause to remain in place.

Thank you for considering this matter, I look forward to your response.

Regards,

Justin Field MLC.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

MDPE19/1807

Mr Justin Field MLC
6 Macquarie Street
SYDNEY NSW 2000

Dear Mr Field

Thank you for your correspondence regarding urban tree clearing in the Shoalhaven area.

I agree with your concerns about the potential impact of Shoalhaven City Council's tree clearing clause in its development control plan (DCP) on Shoalhaven's urban tree canopy. It is very important that locally elected representatives determine planning rules in their council area, and for that reason ordinarily I am loathe to intervene. That is why the power to direct a council to amend its DCP is so rarely used.

In this case, I will write to the Mayor of Shoalhaven City Council Amanda Findley to raise the matter and tell her that I agree with your concerns.

In the meantime, Council has told me that it is undertaking several initiatives to better protect and enhance the urban tree canopy in the Shoalhaven area. In particular, Council's planning for the new urban release areas in Nowra-Bomaderry aims to ensure that significant vegetation is retained where possible and additional public domain tree planting occurs as part of the development of these areas.

Council has been working with the Department's Environment, Energy and Science division to assess biodiversity corridors in the Shoalhaven LGA and to protect these corridors in local planning controls.

Council has also started to prepare its Local Strategic Planning Statement (LSPS), which provides an opportunity to identify and implement planning priorities related to the urban tree canopy, open space and the environment. Council's LSPS is due for completion in mid-2020.

If you have any more questions, please do not hesitate to contact my office.

Yours sincerely

The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

CL22.95 Audit, Risk and Improvement Committee Annual Report - 2021

HPERM Ref: D22/39473

Department: Office of the CEO

Approver: Stephen Dunshea, Chief Executive Officer

Attachments: 1. ARIC Annual Report 2021 (under separate cover) [↗](#)

Reason for Report

To provide Council with the Audit, Risk and Improvement Committee's Annual Report for 2021. This report provides an overview of the actions of the Committee and the key issues that have been considered in 2021.

Recommendation

That Council:

1. Receive and note the Audit, Risk and Improvement Committee Annual Report for 2021.
2. Express its appreciation to the Audit, Risk and Improvement Committee members for their work throughout 2021 and to the Chair, Mr Peter McLean for his presentation on the Committee's Annual Report.

Options

1. Council receive the Audit, Risk and Improvement Committee Annual Report for 2021.
2. Council provide an alternative recommendation.

Background

Council's Audit, Risk and Improvement Committee's objective is to provide independent assurance and assistance to Council on risk management, internal control, governance and external accountability responsibilities.

As per the Audit, Risk and Improvement Committee's communications guidelines established in its Charter, the Chair of the Audit, Risk & Improvement Committee reports to Council annually on the key issues and activities considered.

The Chair of the Audit, Risk and Improvement Committee has tabled this Annual Report to provide an overview of the key issues that the Committee has dealt with in 2021. The Chair of the Audit, Risk and Improvement Committee, Mr Peter McLean, will provide a verbal report on the Audit, Risk and Improvement Committee Annual Report at the Ordinary meeting.

The Annual Report is attached for information and consideration of the Council.

CL22.96 DPOP 2021-22 - Quarterly Performance and Budget Report (October - December)

HPERM Ref: D21/552679

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments:

1. Delivery Program Operational Plan - Quarterly Performance Report 2021/22 - October to December (under separate cover) [⇒](#)
2. Quarterly Budget Report - December 2021 (under separate cover) [⇒](#)
3. Capital Projects Status Update - December 2021 [↓](#)
4. Completed Notice of Motion and Mayoral Minutes Action Sheets Report (councillors information folder) [⇒](#)
5. Uncompleted Notice of Motion and Mayoral Minutes Action Sheets Report (councillors information folder) [⇒](#)

Reason for Report

This report outlines Quarter 2 performance (October to December 2021) against actions and targets set in Council's 2021-22 Delivery Program and Operational Plan (DPOP). Also, in accordance with Regulation 203 (1) of the Local Government (General) Regulation (2021), the responsible accounting officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the second quarter of the 2021/22 financial year.

Recommendation

That Council:

1. Receive the December Quarterly Performance Report on the 2017-2022 Delivery Program and 2021-2022 Operational Plan and publish on Council's website.
2. Receive the December 2021 Quarterly Budget Review Report.
3. Adopt the budget adjustments as outlined in the December 2021 Quarterly Budget Report Document.
4. Discontinue Development Applications Discount Policy on 31 March 2022 in line with the end of the pandemic period as defined by the current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic - Ministerial Orders (2021) and the sunset date of COVID-19 Contributions Discount Subsidy Policy.

Options

1. Adopt the recommendation

Implications: Nil.

2. Adopt an alternative recommendation

Implications: Staff will be required to rework the quarterly performance and budget report in accordance with the alternative resolution.

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Background

Section 404 of the Local Government Act 1993 requires the General Manager (Chief Executive Officer) to provide progress reports to the Council with respect to the principal activities detailed in the Delivery Program (Operational Plan) at least every 6 months. Furthermore, all Councils must continue to consider a Quarterly Budget Review report.

Clause 203 of the Local Government (General) Regulation 2021 requires the Responsible Accounting Officer (Chief Financial Officer) to prepare and submit to the Council a Quarterly Budget Review Statement that shows, by reference to the estimates of income and expenditure set out in the Operational Plan, a revised estimate of the income and expenditure for the full financial year.

The Responsible Accounting Officer is also required to report as to whether they believe the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure.

The December 2021 Quarterly Budget Report and Quarterly Budget Review Statement (QBRS) includes an analysis of the year-to-date result and the reasons for the major variances from the previously adopted Budget.

The December 2021 Quarterly Budget Report also provides budgetary details for each fund and group and commentary on progress against the budget. Any proposed changes to the budget are included in the attached December Quarterly Budget Review Statement.

Summary of DPOP Performance

The following performance has been measured on 31 December 2021 across each of the key themes outlined in the Community Strategic Plan - Shoalhaven 2027.

Theme	Progress snapshot
Resilient, safe, and inclusive communities	92% actions on track or completed
Sustainable, liveable environments	89% actions on track or completed
Prosperous communities	93% actions on track or completed
Responsible governance	86% actions on track or completed

Key Highlights

Council has consistently delivered a range of services, projects and activities which work towards achieving the 10 priority goals outlined in Council's Delivery Program 2017-22. Performance comments are provided in the report against each of the 157 actions and related targets in Council's 2021-22 Operational Plan.

The complete DPOP Quarterly Performance Report (October – December) is included as **Attachment 1**.

Significant achievements between October and December 2021 include:

- Community engagement for emergency response via the development of an "All Hazards Information Guide" distributed to all major tourist operators.
- Shoalhaven Entertainment Centre survey demonstrated that 89% of respondents agreed or strongly agreed that the performances made a positive cultural contribution to Shoalhaven's cultural life.
- Playground replacement works at Blacket Park - St George's Basin, Fire Brigade Park - Erowal Bay and Tilbury Reserve - Culburra Beach.

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- Rangers have completed three proactive Illegal Dumping Prevention programs including training on usage of covert cameras, surveillance of known dump sites and proactive patrols. Clean Up Australia Day undertaken by South Coast United Mountain Bikers with over one tonne of waste removed.
- Stormwater Drainage Program is progressing well with projects scoped and some projects moving into construction phase - 38 projects, 9 complete and 10 projects underway.
- Bushwalks Asset Management Plan and 10-year Action Plan has been created. Works to improve the condition of assets of most concern will be scheduled for completion prior to July 2022 - budget, resources and weather permitting.
- Working with Shoalhaven Water, a University of Wollongong Engineering student has completed his Honours project on Greenhouse Gas Emissions from Nowra Wastewater Treatment Plant with Distinction.
- Economic Development Office co-ordinated a series of business training sessions aimed at assisting businesses following the natural disaster setbacks and COVID impacts. 14 sessions were held with 116 participants from 55 different businesses.
- 31 events were held on Council owned or managed land throughout the quarter with 21 occurring in December. Given restrictions were in place until November this is an outstanding result.
- Shoalhaven Water's Reclaimed Water Management Scheme Stage 1B awarded WINNER in the LGNSW - Excellence in The Environment Awards in the Water Management Category.
- Water supply work for Southern Moss Vale Urban Release Areas now complete and ready for developer connection. Wastewater construction now underway for two sewer pumping stations, rising mains and gravity mains for connection to developer works.

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Behind Schedule or Needs Attention

The following eleven (11) Action items have been reported as behind schedule and require attention. Full performance comments are in the attached report and remedial actions have been reported to senior management.

Ref.	Action	Quarter 2 Comment (summary) Full comments in attached report
1.1.01.02	Inspect Asset Protection Zones and fire trails for compliance against bushfire mitigation guidelines	Council staff have assessed 92 out of 237 sites in the first half of the year to ensure that the maintenance obligations are being met on Council land.
1.1.06.01	Perform the duties required to ensure the satisfactory operation of on-site sewage management systems	A focus on completing inspections from mid-November has led to an increase in inspections being completed compared to the previous quarter. However, the program is still behind due to only essential inspections being completed while under COVID-19 stay at home orders.
1.1.06.02	Undertake environmental health regulatory inspections	On 13 August 2021, Public Health (Stay at Home) Orders were introduced and stayed in place until 23 October 2021. Routine public health inspections were suspended.

2.1.03.02	Complete the Waterways Infrastructure Program as listed in the 2021-22 adopted capital works program	Fisheries projects – around St Georges Basin including jetty replacement at Island Point Road. Major Projects are being prepared by Council's design team including Callala Bay Boat ramp, Myola boat ramp and the regional boat ramp design options for Orient Point.
2.2.03.01	Provide development compliance services to the community	At the end of this reporting period, there were 1080 outstanding complaint investigations in the system. Compliance Officer's currently undertaking approximately 154 Customer Requests each. All complaints older than 2 years with no further issue will continued to be reviewed and finalised wherever possible.
2.2.02.01	Assess and determine development applications within legislative timeframes and community expectations	Continue to improve processing times through recruitment, continual review of the DA assessment process, and working with the Department of Planning, Industry and Environment to ensure agency referrals are received in a timely fashion.
2.3.03.09	Prepare, review and implement Bushcare Group Action Plans in consultation with community	No further progress was made on the completion of Bushcare group action plans as the Bushcare Coordinator role was vacant from mid-July through to the end of November 2021.
3.1.05.01	Maintain Holiday Haven Revenue at a record 2020-21 level	COVID lockdowns and ongoing community infections have and continue to affect the park revenue.
4.1.04.02	Far-North Collector Road	New updated tender for the FNCR including the Moss Vale Road roundabout was issued on 19 Nov 2021. The tender report to Council is planned for February 2022. The early works are continuing however, the above average rainfall has significantly slowed progress. The update to the Taylors Lane report is ongoing. On track for mid-late 2023.
4.2.08.01	Provide Corporate Systems transformation through the implementation of TechOne's OneCouncil system	Project Q continues and is on track to deliver Phase 4 staged modules between now and mid 2022 including Development Applications live in March 2022.
4.2.12.01	Improve Shoalhaven Water's levels of service for Development & Regulatory function	Development and Regulatory Levels of Service have improved over the previous quarter due to staff recruitment, training, and process improvements. Still experiencing high demand with development referrals and COVID continues to impact consistent staffing levels.

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On Hold

The following six (6) Action items have been reported as on hold.

Ref.	Action	Quarter 2 Comment (summary)
1.1.07.02	Review and update State Emergency Service and Rural Fire Service Building Services agreement	Council Staff have met with both SES and RFS representatives to encourage all correspondence to be sent through the nominated contacts within the relevant emergency service. This is proving successful in prioritising work. A Memorandum of Understanding (MOU) is currently being drafted to establish clear facility and operations guidelines.
4.2.06.05	Commence planning for consolidation of Council's name and address register	Currently on-hold pending the identification of name and address data sources and implementation of TechOne/OneCouncil Customer Request Management System.
4.2.07.07	Approval of 2021-22 Budget assumptions by Council	2022-23 Budget Assumptions will be reported to Council in February 2022.
4.2.07.09	Improve integration of Council's resourcing strategies with the Long-Term Financial Plan to provide more accurate long-term forecasting	This will occur during the formulation of the 2022/23 Budget and Long-Term Financial Plan.
4.2.10.02	Update the Shoalhaven City Council Property Strategy	It is intended to pursue a new Property Strategy, that takes a different strategic approach and direction to the previous 2016/2017 Property Strategy. Early works is continuing ahead of internal dialogue and discussion within Council.
4.2.12.02	Implement initiatives to reduce the number of dry weather sewage overflow events	Product delivery delays due to COVID, has created an equipment shortage for the Internet of Things (IOT) float alarms. Investigations are currently underway to source alternative parts.

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Additional Operational Plan Actions arising from Notices of Motion

Between 1 July 2021 and 31 December 2021, Council has endorsed 49 Notices of Motion (NoM's) which can be categorised as follows:

- 38 NoM's relate to information, donations / community support, maintenance / traffic requests, advocacy or Development Application call-ins and covered in business-as-usual operations.
- 11 NoM's relate to projects that required additional resources being added to the Operational Plan 2021-22. These Actions can be further categorised into the following areas:
 - Infrastructure Upgrades (4)
 - Forward Planning (7)

In addition, there are 19 NoM's remaining from the 170 NoM's endorsed in 2020-21 which are currently categorised as in progress.

Funding was allocated to the respective projects during quarterly budget reviews. The full report of Completed and Uncompleted Notices of Motions have been attached as **Attachment 4** and **Attachment 5**, respectively.

Capital Projects Progress Overview

Council is well underway on delivering an extensive capital works program and management closely monitors the progress of the capital projects.

Attachment 3 provides a detailed update on the progress of 133 major capital projects with the annual budget allocation of over \$400K for each project (total budget of \$244M) which represents 94% of the adjusted annual capital budget of \$261M.

As at the end of December 2021, 113 projects remain on track, 6 completed, 10 are under close monitoring and 4 were flagged as on hold due to pending approvals from other government bodies (e.g., Bolong Road) and other external factors.

December 2021 Quarterly Budget Results Overview

The December budget results indicate that the Council continues to function effectively under changing and challenging COVID-19 restrictions, and as we transition into the next phase of living with COVID-19, Council is successfully adapting to the "new business as usual" operations.

General fund revenue is currently 0.9% behind year to date adopted budget. Community facilities and tourist parks were closed due to lockdown and as a result, Council's year to date fees and charges revenue is 15% (\$4.2M) below budget. The loss of revenue was partially offset by a reduction in spend of materials and services (\$1.3M) within community facilities and tourist parks business operations. No revenue budget adjustments are proposed in this quarterly review as it is expected that Council will recoup some of the lost income in the next quarter.

General Fund operating expenses are 3% above the year to date adopted budget (\$129M actuals vs. \$125M budget, unfavourable) mainly due to an increase in park maintenance costs and roads maintenance works. Year to date park maintenance costs exceeded budget due to an increase in the level of services provided, including additional costs associated with the Christmas period. Overall, the roadworks budget remains on track and road maintenance costs exceeded budget due to an inaccurate split between capital and maintenance works in the original budget. The shortfall in operating expenses will be addressed by the proposed budget adjustments in this quarter review.

Water and Sewer funds budget results are close to the budget forecast with the revenue and operating expenses slightly exceeding budget.

The December budget results indicate that the Council is in a strong budget position and remains financially sustainable with an acceptable level of working capital and a sufficient level of unrestricted cash.

The working capital position of the General Fund as of 31 December 2021, is 15% of the current liabilities above the benchmark of 10%:

Description		(\$'000)
Add	Current Asset	138,798
Less	Current Liabilities	54,134
Calc	Net Current Asset	84,664

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Description	(\$'000)
Less External restrictions	73,343
Less Internal restrictions	32,232
Add Provisions (Liabilities not expected to settle in 12 months)	29,113
Calc Available working capital	8,201
Calc Working Capital as a % of Current Liabilities	15%

Management continues to monitor the working capital position of the Council and continues to report on the key liquidity indicators to the Council on a monthly basis.

Financial Impact of COVID-19

To assist residents during the unprecedented times of the COVID-19 pandemic and as well as supporting the recovery of the region, Council has endorsed an extensive Financial Relief Package. The financial impact of various financial assistance measures and impact of COVID-19 restrictions on the year-to-date budget results is summarised below.

	YTD December Amount (\$'000)
DA fees waived (unfavourable)	528
Rent reduction – full year impact (unfavourable)	156
S7.11 subsidy (unfavourable)	572
S64 subsidy (unfavourable)	435
Total impact of Council COVID-19 Assistance Policies	1,691
Holiday Haven income reduction (unfavourable)	3,188
Holiday Haven expenditure reduction (favourable)	-1,110
Swim Sport and Fitness income reduction (unfavourable)	718
Swim Sport and Fitness expenditure reduction (favourable)	-231
Entertainment Centre income reduction (unfavourable)	474
Entertainment Centre expenditure reduction (favourable)	-172
Total impact of COVID Restrictions	2,866
Grand Total (net loss)	4,557

Review of DA Discount Policy

The DA Fees Discount Policy that provides 50% discount on DA fees adopted by Council on 28 April 2020 and in accordance with the Council Resolution *“fees to be discounted during the currency of the COVID-19 pandemic. The currency of the pandemic shall be determined by Council. It is also noted that a review of the Policy be undertaken after 6 months at which time the Council will be informed of the impact of the Policy”*.

As a result of the discounts provided, since April 2020, the General Fund has foregone \$1.5M of the revenue.

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The following table summarises the revenue reductions due to DA discounts.

Financial Year	Total \$'000	Average/Quarter \$'000
2019/20	112	112
2020/21	812	203
2020/22 (Dec. YTD)	528	264
Total	1,452	

In accordance with the Council resolution, fees to be discounted during the currency of the COVID-19 pandemic and recent events indicate that the COVID-19 pandemic is a long-term issue even though the spread and impact of COVID-19 will be minimised as the number of vaccinated people increases. As interstate and international travel and other restrictions are lifted, along with businesses reopening, the financial impact of COVID-19 should decrease. With the community returning to business as usual will also provide a positive impact.

As noted above, Council experienced a significant shortfall in revenue due to COVID-19 restrictions as well as discounts to DA fees having placed additional pressure on the working capital position of the Council. Discontinuation of DA discounts will have an immediate positive impact on Council's budget position and will assist in addressing budget shortfalls that are out of Council's ability to control. It is also important that this additional revenue be directed to providing adequate staffing resources to keep up with demand for development related services.

As such, it is strongly recommended to discontinue Development Applications Discount Policy on 31 March 2022 in line with the end of the pandemic period as defined by the current Section 10.17, ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979: COVID-19 Pandemic - Ministerial Orders (2021), and the sunset date of COVID-19 Contributions Discount Subsidy Policy adopted by the Council.

Whilst COVID-19 has a negative impact on Council's financial results, the pandemic has provided the impetus for Council to be creative by taking advantage of facilities being closed to deliver maintenance and capital improvements as well as effective redeployment of Council's workforce. As the COVID-19 pandemic continues into the 2021/22 financial year, management will continue to monitor the evolving situation and continue to exercise prudent financial management to achieve reasonable budget savings and mitigate losses.

General Fund Budget and Quarterly Review Movements

The net operating result before capital grants and contributions of the General Fund as at 31 December 2021 Quarterly Budget Review, was a surplus of \$41.1M, a \$7.8M unfavourable variance to the budgeted \$48.9M. This unfavourable variance is largely driven by the loss of tourist park revenue as a result of COVID lockdown and additional depreciation expenses as a result of the revaluation of major infrastructure assets completed in October 2021. It is important to note that depreciation is a non-cash expenditure and has no impact on unrestricted cash.

The unrestricted cash balance movement was \$3.6M less than the budgeted amount of \$13M (unfavourable). The primary reason for this unfavourable movement is lower than anticipated cash inflow from tourist parks, swim sport and fitness and the entertainment centre. This unfavourable variance is partially offset by lower than anticipated outstanding debtors balance (favourable). This indicates that most ratepayers and other debtors continue paying their bills on time, with some, paying in advance.

The following table presents a high-level summary of the budget and movements for the General Fund for 2021/22.

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Favourable/(unfavourable) (\$'000)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	95,825	(16,023)	79,802	65,146	59,121
Net Operating Result before Capital Grants & Contributions	(709)	(8,091)	(8,799)	48,871	41,054
Net Cash & Investments Movement	(88,773)	52,781	(35,992)	(32,552)	(14,016)
Unrestricted Cash Movement	(50)	(163)	(213)	(13,014)	(16,564)

The main contributing factor for the change to the operating result is a rephrasing of capital grants into the next financial year (\$8M), with the majority being Community Planning grants. This unfavourable adjustment was partially offset by the \$5.1M increase in operating grants that relate to funding from Transport for NSW for remaining bushfire clean up.

Other major adjustments are the \$9.5M increase in materials and services budget due to a \$5M increase in natural disaster funding approved for road reserve clearing, \$2.3M transfer of Bioelektra budget from capital to operating, \$0.6M increase in fuel costs, \$0.6M of S7.11 COVID-19 contributions discount provided and some other minor adjustments as outlined in **Attachment 2 –Quarterly Budget Report - December 2021**.

It is important to note that the accounting treatment of Council's contributions to Bioelektra is yet to be discussed with the Audit Office of NSW and until a position is agreed with the external auditors, management opted for a conservative approach and classified contributions as an operating expenditure.

December Quarterly Review adjustments resulted in an unfavourable unrestricted cash movement of \$163K. This is due to budgeting for additional expenditure associated with Council Notice of Motion Resolutions (\$83K) and a slight increase in budget for the cost of loans (\$80K, net of other budget savings).

The detailed analysis of the preliminary financial results is documented in **Attachment 2 – Quarterly Budget Report - December 2021**.

Water Fund Budget and Quarterly Review Movements

The net operating result before capital revenue of the Water Fund is a \$810K deficit when compared to the year to date forecasted deficit of \$516K. The primary reason for this unfavourable variance of \$294K is largely due to reduced Water usage revenue from non-residential customers who have been affected by COVID-19 lockdowns.

The net cash and investments movement has improved compared to the adopted budget. All cash held by the water fund is restricted.

Favourable/(unfavourable) (\$'000)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	2,586	1,135	3,721	60	610
Net Operating Result before Capital Grants & Contributions	(1,217)	143	(1,074)	(516)	(810)

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Favourable/(unfavourable) (\$'000)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Cash Movement	(13,932)	1,528	(12,404)	(7)	(848)

Sewer Fund Budget and Quarterly Review Movements

The net operating result before capital revenue of the Sewer Fund is a surplus of \$6.2M when compared to the year to date forecasted surplus of \$6.8M. The primary reason for this unfavourable variance of \$505K is largely due to a noncash depreciation adjustment related to the revaluation of assets. This has been mostly offset against revenue received from availability charges.

The net cash and investment movement has improved compared to the adopted budget.

Favourable/(unfavourable) (\$'000)	Current Adopted Budget	December QR Adjustments	December QR Revised Budget	YTD Adopted Budget	YTD Actuals
Net Operating Result	11,174	(1,396)	9,778	8,358	8,038
Net Operating Result before Capital Grants & Contributions	8,676	(1,696)	6,980	6,752	6,247
Net Cash Movement	(18,723)	1,221	(17,502)	3,546	5,433

Communication Strategy

Subject to Council endorsement, the Quarterly Performance report will be made available on Council's website with a link promoted through Council's weekly newsletter. A range of other communication methods will also be used to communicate the outcomes of the report including performance highlights across Council's social media platforms.

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Capital Projects Status Report as at 24 January - over \$400K

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
Car Parking	Nowra-Multistorey Car Park Berry/Worrigee St AS19.29 12 Mar19	0	0	500,000	0%	City Services	●	Design only - Civil and Structural Design completed. Facade and electrical design in progress.
	Sanctuary Point Carparking	5,500	5,500	714,116	1%	City Services	●	Design investigation underway. Design investigation underway. Concept only design due end February 2022.
	Sussex Inlet Carparking	0	0	442,077	0%	City Services	●	Concept designs , cost estimates and community consultation to be completed Q4
Coastal and Estuary Management	Coastal Erosion Works	0	0	517,100	0%	City Development	●	Funds have been fully allocated and are being spent on individual projects.
Community Services	Recovery & Resilience Grant - Capital Components	169,965	564,855	1,556,043	36%	City Lifestyles	●	All installations of solar and battery are now complete other than at three sites - Greenwell point Hall, Wandandian Hall and St Georges Basin Community Centre. The pilot site at Callala has all power, screens, communications and battery equipment installed. A tender is expected to be finalised W/C 10 January and following this, all other screens and communications equipment will be purchased. Positions for screen placements at all facilities have now been finalised.
Community, Residential and Commercial Buildings	Berry Showground Resilience BLERF-0111	0	0	1,175,965	0%	City Lifestyles	●	The funding Deed has been signed. Project planning and stakeholder consultation has commenced.
	K'Valley Showground Resilience BLERF-0111	0	0	905,290	0%	City Lifestyles	●	The funding Deed has been signed. Project planning and stakeholder consultation has commenced.
	Milton Showground Resilience BLERF-0111	0	0	738,268	0%	City Lifestyles	●	Initial planning in progress.
	Nowra Library - Roof and HVAC	559,330	563,332	563,332	100%	City Services	●	Replacement HVAC system is performing to specification parameters and the installation of new high level windows was completed in Dec 2021.
	Nowra Showground Resilience BLERF-0111	0	0	1,115,484	0%	City Lifestyles	●	The funding Deed has been signed and project planning and stakeholder consultation has commenced.
	Public Amenity - Hyams Beach Reserve - Design	12,234	24,064	448,688	5%	City Services	●	Draft Design is complete. Expecting full construction documentation week starting 24/1/22. Plan to publish tender by end of January 2022
	Sanctuary Point - Francis Ryan Reserve - New Amenities	1,628	1,628	1,092,105	0%	City Lifestyles	●	The detailed design activity has commenced. This work is forecast to be completed at the end of May.
	Sanctuary Point Library	202,533	554,308	1,785,550	31%	City Lifestyles	●	The Development Application has been submitted in February.
	Showground Resilience BLERF-0111	0	0	958,842	0%	City Lifestyles	●	
	SSF - Milton Showground - Internal Roads Upgrade	19,505	54,605	700,651	8%	City Lifestyles	●	The funding Deed has been signed and the project scope and consultation is underway. Concept design completed. Geotechnical investigation report completed. Tender design completed with cost estimates.

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
Corporate Buildings	Nowra Admin Building Compliance (Fire)	177,239	401,043	1,037,884	39%	City Services	●	<p>Task 1 - Attaining existing fire schedule compliance</p> <p>Mechanical Systems shutdown modifications awarded to Climax.</p> <p>Task 2 - Potential upgrade requirements in accordance with the current standards</p> <p>BCA/NCC compliance report review continuing.</p> <p>Compliance upgrade tasks commenced in the Jervis Bay Rooms, Councillor Room and Hallway as part of upgrade works, targeted completion end January 2022.</p> <p>Committed funding to administration building water supply upgrade for ground floor sprinkler and hydrant upgrade. Works in conjunction with SEC project for a combined system.</p> <p>Site works commenced early January 2022, project resources impacted by COVID-19.</p>
Economic Development	Huskinson Mangrove Boardwalk	3,467	4,602	2,443,605	0%	City Futures	●	<p>Awaiting funding deed from funding authority for BLERF projects. All material submitted but no contract has been generated for execution by Council as yet.</p> <p>Project team is responsibly undertaking investigations that do not incur major expenses.</p> <p>Geotech has done site investigation await report expected late DEC early JAN 2022.</p> <p>No expenditure as yet for 2021.</p>
	Ulladulla Boardwalk	60,169	170,566	5,048,514	3%	City Futures	●	<p>Detailed design being advanced from which DA consent will be requested and tender documentation will be prepared</p> <p>Property issues being resolved progressively</p>
	Flinders Industrial - Stage 10	-203,039	-199,789	2,946,471	-7%	City Futures	●	<p>Bulk earth works advancing to around 40% (substantial component of project)</p> <p>Preparation works to facilitate subdivisional servicing has commenced.</p> <p>Expected completion - mid 2022</p>
	Flinders Roadworks - Stage 10	1,593,391	5,966,971	438,729	1360%	City Futures	●	<p>Bulk earthworks needs to be well advanced (approx 90%) before roadworks will be substantially commenced</p>
	Industrial Land Development Unallocated	0	0	6,343,000	0%	City Futures	●	<p>This demonstrates available funds for Industrial Land development project, now and into future.</p> <p>Sufficient funds exist to meet existing and forward commitments.</p>
	Placemaking for Vincentia Village BBRF	44,262	63,236	3,161,204	2%	City Futures	●	<p>Negotiations with preferred contractor arrived at project that could be achieved within budget and could be extended when funds were identified.</p> <p>Project contract not yet let, with current preference to identify additional funds to enter into a contract for a complete project from the outset.</p>
	Ulladulla Maritime - Berthing Facility	89,222	266,965	3,238,715	8%	City Futures	●	<p>Design for rock removal finalised</p> <p>Two tender documents prepared and are now open - close in Jan 2022</p> <p>Next steps will be to:</p> <p>Assess & award tenders</p> <p>Commence construction</p> <p>Expected completion - Aug/Sept 2022</p>

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
Entertainment Centre	SEC Upgrade & Cladding	477,577	3,468,301	4,196,031	83%	City Services	●	Possession of site was issued to Duratec on the 20/12/2021 following relocation of SEC and VIS staff into the Admin building. SEC Technical staff assisted Duratec bump out the audio and lighting equipment. The sprinkler design review is complete and any site modifications will be captured on work executed drawings. Shoalwater has provided preliminary approval for the concept sprinkler design and will sign the final plans. Construction commenced on the 4/1/2022 with COVID interrupting the sprinkler installation program. Landscaping works in front of the SEC is scheduled to start in late January. A meeting has been scheduled with AED to refine the remaining BCA schedule of work. Remaining minor defects from stages 1&4 have been completed with a claim to be submitted for the return of contract security.
Fire Protection and Emergency Services	Lake Conjola RFS Upgrade Existing Station	0	0	717,303	0%	City Services	●	BLER grant funded project, funding agreement pending following submission of required information. Design & Investigation works complete and agreed with the RFS Brigade. Tender documentation currently being prepared for advertising.
	BLD Manyana Bendalong New RFS Station	0	0	1,752,930	0%	City Services	●	BLER grant funded project, funding agreement signed. Current site investigation and analysis being undertaken including flora & fauna assessment and hydraulic needs analysis to establish concept design.
	Fire Stations Unallocated	0	0	649,000	0%	City Services	●	RFS Strategic Planning Committee meetings was conducted on 11 March and 13 May 2021. The Shoalhaven District Liaison meeting was also held on this date. Capital works updates were provided for current projects and the capital priority list was also discussed, no amendments to the priority list have been made during this period. The progression of all RFS seed funded projects funded through RFS and Council were updated. Seed funded projects include; - Compressed Air Breathing Apparatus (CABA) - New Facility at IEMC - Conjola Brigade Station - Extensions - Currarong Brigade Station - Extensions - Manyana Brigade Station - New Facility Other minor works progress were also discussed
	Shoalhaven Fire Control Centre - Roads & Parking LCLJ	48,926	73,555	1,225,400	6%	City Services	●	Secured Overflow Carpark design complete. Helicopter Landing Site design 90% complete, awaiting feedback on the design from Helicopter Pilots that will operate from the facility. Once received a Quantity Surveyor will be engaged to compile construction budget cost estimates for both projects. On track for construction tender advertisement first quarter 2022.
Fleet and Plant	Fleet Vehicle Purchases	2,043,338	4,063,001	6,121,595	66%	City Services	●	Replacement forms have been sent out to drivers. Orders have been raised for quoted vehicles. New vehicle continue to arrive. On track for completion.
Landfill and Transfer Station Operations	Bioelektra Resource Recovery Facility RRF	207,861	210,573	8,998,487	2%	City Services	●	Stage 2 Development Consent received on 24 December 2021. Taylor Construction Group contracted by Bioelektra to construct the building. Commence on site on 17 Jan 2022 Revised program targets commissioning by July 2023
	Landfill Extension - West Nowra	137,550	323,965	3,540,434	9%	City Services	●	Ground preparation works continuing in Q3

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
	Leachate Management Infrastructure	0	0	500,000	0%	City Services	●	Contract awarded to OPEC systems. Site civils to commence in March 2022
	Materials Recovery Facility	950,613	23,879,895	28,000,000	85%	City Services	●	Earthworks in progress. The construction of the building due to commence in February 2022. Contract for the design install and commission of the sorting plant has been awarded to Australian Bale Press Target date for commissioning Mar 2023
	Shoalhaven MICROfactorie	350,212	1,000,212	1,083,000	92%	City Services	●	Procurement commenced
	Waste Education Centre	1,631	1,631	500,000	0%	City Services	●	Technical Services currently drafting an Expression of Interest for architects to design the education centre with a focus on utilising recycled materials in the construction
	Waste Landfill Cell Construction - West Nowra	129,824	727,272	2,100,000	35%	City Services	●	December and early January rains hampering the start (the HDPE liner cannot be welded in the wet). Contractor will commence when the weather dries.
	Waste Plant Purchases	1,093,225	1,956,786	1,018,826	192%	City Services	●	Plant replacements ordered in accordance with schedule
	Waste Plant Purchases Landfill Compactor	0	0	1,000,000	0%	City Services	●	Plant item purchase on hold while evaluation of other essential plant items is determined
	Waste Plant Purchases Waste Handler	0	0	400,000	0%	City Services	●	Processing, delivery times starting to increase. World Stock levels low.
Library	Books & Audio Visual	176,102	309,916	405,900	76%	City Lifestyles	●	Books and audiovisual materials are being purchased regularly and the budget is on track.
	Shoalhaven Flood Boat	1,760	8,610	401,497	2%	City Lifestyles	●	This project is on hold until further information has been received from the Nowra Riverfront Advisory Taskforce. We continue to update key stakeholders.
Mechanical Services	Comerong Ferry Overhaul	1,570,001	1,906,173	1,488,163	128%	City Services	●	Ferry returned to Shoalhaven River early December with recommissioning work completed. Rock revetment and civil works finalised. Final position being determined for additional funding required
	Fleet Plant Purchases	1,869,739	3,193,792	3,193,792	100%	City Services	●	Processing, delivery times starting to increase. World Stock levels low.
	Mechanical Workshop Capital	0	0	425,400	0%	City Services	●	Requirements being determined, contribution to up graded vehicles committed
Parks, Reserves, Sport and Recreation Areas	Boongaree - Stage 1 - BBRF, ECF, ECP	1,430,936	2,428,579	1,178,747	206%	City Lifestyles	●	Completed construction of Youth, Early Childhood, Exercise Zone, Learn to Ride Area and Car Park construction and Public Amenity Building. Boongaree Nature Play Park Stage 1 will open on 22nd January 2022.
	Boongaree - Stage 2 to 7	33,481	1,934,030	6,648,893	29%	City Lifestyles	●	Stages 2 & 3 (Skatepark and Pump Track) Tender has been awarded to Convic. Demolition and delivery to commence in May 2022. Stage 4a - Netball / Cricket Nets - detail design complete. Tender to go out in January 2022. Delivery to commence in May 2022. Stage 4b - Reconciliation Garden concept planning underway. First consultation workshop occurred on 5 January. Next one is 2 February. GI page is up and concept plan is being discussed. Stages 5 and 7 - Eastern Fields, and Parking. Review of detail design for cricket pitch to identify best design. Review of detail design based on Rhelm Hydraulic Assessment of Stage 7 sporting field design. Stage 6 - Dog park and Recreational Vehicle (RV) Parking. Dog Park fenced off leash area is currently in the concept stage. Consultation for design to commence in February 2022. Delivery for works to occur in early 2023. Longitudinal Survey occurring on 21 January 2022.

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
	C&R Bay and Basin Leisure Centre Redevelopment	17,716	17,716	520,000	3%	City Lifestyles	●	The architectural design Tender closed on 2 December 2021. Tender assessment and Council report will occur in the new year.
	Horse & Cattle Precinct - Nowra Showground	701,546	1,067,366	695,915	153%	City Lifestyles	●	Anticipated handover for Family Cafe and Judges Box is 31 January 2022.
	Nowra Showground Pavilion Reroofing	0	0	492,994	0%	City Lifestyles	●	Project programmed to commence construction in 1st quarter of 2022.
	SCARP Croquet	0	8,335	1,000,000	1%	City Lifestyles	●	Joss Group Pty Ltd have been awarded the tender for construction of the Artie Smith Oval redevelopment which includes the Croquet Courts and amenities. Demolition of the old Clubhouse is complete. Works commence 10 January 2022.
	Southern SCARP - Artie Smith	478,593	1,000,000	1,000,000	100%	City Lifestyles	●	Joss Group Pty Ltd have been awarded the tender for construction of Artie Smith Oval and have taken possession of the site. The existing amenities building has been demolished and construction works will commence in January 2022.
	Ulladulla Skate Park	50,830	50,830	1,350,000	4%	City Lifestyles	●	100% detail design plans are complete. Tender for stages 1-3 of the Skate Park to go out in 2022.
	Ulladulla Tennis Lighting Upgrade	24,128	24,128	825,180	3%	City Lifestyles	●	Engagement of Contractor to occur in January 2022.
Pedestrian Facilities	Myola Active Transport BBRF3	46,686	46,667	432,500	11%	City Services	●	Design progressed to final stage of review and approval. Procurement process commenced.
	Ferry Lane, Nowra - Shared User Path and K&G	111,694	111,694	475,616	23%	City Services	●	Design finalised. Construction planned Q4 2021/22.
	Lake Conjola, LC Entrance Road - SUP Bridge - BLERF	2,950	2,950	1,000,000	0%	City Services	●	Funding deed received. Design stage initiated.
	Matron Porter Drive SUP - Leo St to Bangalow St	395,933	438,577	438,577	100%	City Services	●	Construction in progress, currently working on section between Bannister Head Road & Leo Drive Rain has affected progress, and the project is behind schedule.
	St Vincent St, Ulladulla - High School Safety Improvements	22,925	81,452	1,750,000	5%	City Services	●	In principal support received from TINSW. Community consultation and design finalisation in progress. Design completion expected March 2022.
	Sussex Inlet - The Springs Road Shared User Path Bridge(D&C)	15,424	1,363,569	4,200,460	32%	City Services	●	Contractor has commenced the design and planning stage of the project.
	Thomson St, Sussex Inlet - Raised Median, Cyclist Treatment	608	608	500,000	0%	City Services	●	This is a new project that just commenced.
Roads	Boondobah Bridge Disaster Assistance Repair	36,248	41,657	522,034	8%	City Services	●	Construction Q4
	BTU Rd (SRV 2014)	1,613,757	2,045,087	2,857,119	72%	City Services	●	Final seal applied on 21/12/21. Topsoil, hydro-seed and linemarking to be completed after Christmas
	Callala Beach Rd, Callala Beach - Road Rehab & Culvert Repla	151,970	231,113	450,000	51%	City Services	●	Project design scope was altered to include the addition of a pedestrian walkway and box culvert. This scope will be postponed until 22/23FY. \$200k pavement rehab between Emmett St and Forest Rd was completed 17 December 21.
	Cambewarra - Tourist Rd - Road Rehab - Various (Construct)	10,725	13,599	483,600	3%	City Services	●	Construction scheduled for mid Q3
	Central District - Resheet/Reseal	300,404	439,751	724,991	61%	City Services	●	Gravel Resheet Program is 90% Complete. Pavement preparation works are in progress for the Roads Resealing Program.
	Coonemia Rd - CH 2.090 to 4.520	699,692	2,163,115	2,375,630	91%	City Services	●	Project scheduled for completion by end of February 22
	Croobyar Rd, Milton - Road Rehab & Widening	51,445	304,766	965,130	32%	City Services	●	Scheduled for construction Q4
	Culburra Rd (RRRP) - (CH 0.760 to 1.13km	7,968	8,718	512,180	2%	City Services	●	Design is complete. Construction programmed for 2022.

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
	Far North Collector Road D & C	1,221,694	1,739,232	3,647,809	48%	City Services	●	New updated tender for the FNCR including the Moss Vale Road roundabout was issued on 19th November 2021. The pre-tender meeting was held on site on 1st December 2021 with 6 contractors attending of which at least 4 already have the required Federal Safety Commissioner Accreditation. Based on tender queries there is a high level of confidence that the majority, if not all, of the 6 attendees will submit a tender. Due to numerous tenderers requests the closing date has been extended from 16 December 2021 to 18 January 2022 with a view to achieving better value for money as a result. The tender report and recommendation to Council is planned for February 2022. TINSW has issued the Works Authorisation Deed to Council, and it is currently being reviewed by Council legal department. The Early works are continuing however, the above average rainfall has significantly slowed progress and demobilisation is now due for end of January. The update to the Taylors Lane report is ongoing. Tenders for the Construction Superintendent have been received and are currently being assessed.
	FCB - Chisolms Ck Culvert - Bundewallah Bridge, Bundewallah	94,240	202,090	599,504	34%	City Services	●	Detailed design is 70% completed. Tenders for pre cast elements of the bridge has been awarded.
	FCB - Good Dog Ck Culvert - Tannery Rd, Cambewarra	89,793	156,252	424,698	37%	City Services	●	Detailed design is at 100%. Tenders for pre cast elements of the bridge has been awarded. We have appointed a Project Manager for the program and are currently preparing tenders for Civil construction.
	FCB - Hennys Bridge - Main Rd Cambewarra	93,428	165,787	479,968	35%	City Services	●	Detailed design completed and moving on to tender bridge works. Bridge components tender awarded and on track. We have appointed a Project Manager and are currently preparing tenders for Civil construction.
	FCB - Koloona Bridge - Koloona Drive, Bangalee	205,594	377,794	873,888	43%	City Services	●	Detailed design is 100% completed. Tenders for pre cast elements of the bridge has been awarded. Currently preparing tenders for Civil construction abutting the bridge.
	FCB - Petty's Bridge - Croobyer Rd, Croobyer	182,150	328,450	813,413	40%	City Services	●	Concept and Detailed design is at 100%. Tenders for pre cast elements of the bridge has been awarded. Preparing tenders for Civil works currently and looking to advertise in January 2022.
	FCB - Yarramunmun Ck Culvert - Yalwal Rd, Buangla	116,969	231,819	1,030,000	23%	City Services	●	Detailed design is at 50%. Tenders for pre cast elements of the bridge has been awarded
	Greenwell Pt Rd (R2R)	210,377	308,232	529,910	58%	City Services	●	Spray seal completed on 20/7/21.
	Hillcrest Ave (SRV 2019)	801,138	801,138	805,918	99%	City Services	●	Project completed on 24/08/2021.
	Huskisson Service Lane - Morton Street	3,528	3,528	1,634,768	0%	City Services	●	Design complete. Design now with Strategic Planner. If the updated design is supported by Council then will proceed to a period of public exhibition.
	Kings Point Drive (2kms from Princes Highway)	37,739	78,681	1,056,363	7%	City Services	●	Design for 1st stage is expected to be complete in January 2022. Construction commencement early 4th quarter.
	Lake Conjola Entrance Rd, Lake Conjola (LRRP)	15,713	34,906	1,257,794	3%	City Services	●	Construction tenders have closed and are under review with the aim of contract award in February 2022.
	Main Rd, Cambewarra (SRV 2014)	704	704	420,995	0%	City Services	●	Scheduled for Q4 construction
	Moss Vale Road South URA land acquisitions	7,697	9,893	979,944	1%	City Services	●	The progress is now 90% complete.
	Moss Vale Road URA Road Construction	0	0	1,250,000	0%	City Futures	●	Progressing Wika for Stage 1 SF10632.
	Mundamia Urban Release Area - Roads LCL	0	0	5,739,650	0%	City Futures	●	Design work progressing for Yalwal Rd intersection upgrades. Progressing works in kind agreement discussions with Mundamia URA developer.
	Murramarang Rd Bawley Pt CH0.320-1.360	42,795	47,497	538,417	9%	City Services	●	Design is complete. Construction to potentially take place next financial year.
	Reconstruct Wheelbarrow Rd CH4.9 - Natural Disaster	85	13,935	776,660	2%	City Services	●	Design work and tender documentation under preparation. Works planned for completion in Q4 21/22
	Resheet/Reseal - Basin	53,149	167,973	414,991	40%	City Services	●	Basin Sealing Program Scheduled over 3 programs for the Financial Year. Program 1 completed , Program 2 to completed by end of December & Program 3 Scheduled for February 2022

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
	Resheet/Reseal - Northern	187,057	190,675	556,991	34%	City Services	●	Works involve pavement repairs, sealing, maintenance grading of various roads in the Northern District. Sealed Cavan Road in Barrangary and Toolijooa Road in Toolijooa.
	Resheet/Reseal - Southern	282,079	320,453	744,992	43%	City Services	●	Reseal works in progress
	RRRP Allocation	30,144	68,853	447,595	15%	City Services	●	The project is programmed for construction in Q3
	Sanctuary Point -The Park Drive (Larmer Ave To Boronia Ave)	344,718	765,331	802,302	95%	City Services	●	Works delayed due to weather conditions and limited contractor resources on the project. Contractor recommence works on the 10th January.
	Special Local Roads Improvement Program	1,503,084	3,223,655	10,000,000	32%	City Services	●	Initial phase of prioritization has been completed with engagement of contractors has been undertaken with works set down for delivery into the new calendar year. Works being conducted by Council resources have been in progress of 2 months to date.
	Tumblebar Ck Bridge Replacement	15,343	148,558	520,752	29%	City Services	●	The new bridge is now completed and in service.
	Woodhill Mountain Rd, Berry - Road Rehab - Construct	154,672	162,729	500,000	33%	City Services	●	Completed in November
	Worrigee - Worrigee Rd - Fixing Local Roads Program	2,224	67,439	1,709,932	4%	City Services	●	Works are from Regelia Pde to Isa Rd. Construction plans complete. Tree removal scheduled to commence 17 January 2022. Construction Tender scheduled to be advertised in January.
Sewer Services	FY- SPS Electrical Control Panel Replacements	1,163	1,163	750,000	0%	Shoalhaven Water	●	Two sites remaining in current project. These are 90% complete however on hold due to Endeavor pole replacement and Electrical staff shortages in operations team. 22 financial year project on hold awaiting recruitment of Project Engineer.
	Moss Vale Rd expansion area - WWtr	865,982	15,351,978	15,351,978	100%	Shoalhaven Water	●	All packages now awarded and progressing to delivery phase with work expected to commence early Jan 22.
	Nowra Nth surcharge main upgrade stage1	848,289	4,318,214	4,368,605	99%	Shoalhaven Water	●	Cost work and project on track however schedule is on watch. Schedule driven by TfNSW and contractor. Project progressing monitoring by SW inspectors continuing. All work other than the new bridge work completed. Bridge work progressing with brackets installation complete.
	Nowra St Anns & Lyrebird Sewer Rising Main	540,389	646,941	530,000	122%	Shoalhaven Water	●	Project on hold due to site conditions and staff leave. Project expected to recommence early 2022 with completion in early 2022. Project delays are impacting on schedule and deliverables and increasing costs due to hire of materials
	REMS 2.0 - New 900ML Storage Dam	167,523	250,191	400,000	63%	Shoalhaven Water	●	Design and investigation works close to completion REF on public exhibition. Project grant funding not yet obtained.
	Sewer Currowan Fire Restoration - Fishermans Paradise SPS F1 Upgrade	390,031	398,655	544,908	73%	Shoalhaven Water	●	New pump station went live on 9th December. Civil restoration and works associated with disposal of F1B scheduled early Q3 to complete this project.
	Sewer Plant Purchases	216,280	250,933	589,000	43%	Shoalhaven Water	●	Replacement forms have been sent out to drivers. Orders have been raised for quoted vehicles. New vehicle continue to arrive. On track for completion.
	South Nowra Surcharge Main	258,483	346,780	700,000	50%	Shoalhaven Water	●	Project Cost and Schedule has changed due to scope change. Project is still in design with around 90% completion however design issues have resulted in additional work which will impact on cost and schedule. Project will be split at completion of design stage to distribute remaining phase as discrete projects.
	SPS Emergency Storage Upgrade Program	1,145,264	1,205,000	1,205,000	100%	Shoalhaven Water	●	Project on track and nearing completion. All storage tanks built with minor defect works to conclude early 2022.
	St Anns and Lyrebird Park SPS Upgrade	759,642	3,959,432	3,959,432	100%	Shoalhaven Water	●	Project and work on track. Schedule and cost on watch. St Annes & Lyrebird sites handed over to contractor. Project 40% complete.
	Sussex Inlet UV System	602,004	618,464	789,034	78%	Shoalhaven Water	●	Project deliverables completed. Project handover and close out underway.

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
Stormwater	Moss Vale Road South URA Drainage	7,715	7,715	2,861,200	0%	City Futures	●	Progressing the Works in Kind Agreement for Stage 1 (SF10632) with the developer.
Streetscapes	Junction Court Revitalisation	528,611	636,374	738,373	86%	City Services	●	Crews returned to site 11 January to complete project. Painting of ground mural and installation of furniture is 75% complete, expected completion in January subject to favourable weather conditions.
	Nowra CBD Renewal	0	0	1,432,813	0%	City Futures	●	Action Plan for next three years adopted by Council in August 2021 - need to progress implementation of initial years actions. Recruitment of CBD Place Manager pending.
Tourism and Events	Basin Walking Track Stage 2 (Sus Tour Infr Grant)	478,456	1,881,962	477,107	394%	City Services	●	The project is on track and within budget. All gravel paths have been constructed. Boardwalk sections are still to be completed. Expected Time of Completion end of March.
	Sustainable Tourism Grant Project Management / Design	33,262	33,262	1,248,350	3%	City Services	●	Project management and design work on the 7 Sustainable Tourism projects is on track. 1 project 100% completed. 1 project - 95% complete. 1 project approx. - 85% complete. Design completed on 2 projects - Tender documents to be prepared. 2 projects in design phase.
Tourist Parks	HH - LC - Aquatic Recreation Area	998,340	1,105,000	1,105,000	100%	City Services	●	Works not completed on schedule due to extremely wet November, as significant delay have been occurred due to extended weather delays and covid restrictions. Additional budget required due to adverse site conditions and cost of materials contributed to overruns. Works to recommence end of January after peak period.
	Lk Tabourie Amenities Build	0	0	600,000	0%	City Services	●	On track for construction commencement Q4.
Traffic Management	Bolong Rd 9.46-10.08 widen shoulder	0	0	839,343	0%	City Services	●	Council is seeking approval from TfNSW on funding variation of an additional \$1M. Current issues relating to acid sulphate soil, further geotechnical advice is needed.
	Braidwood Road - Safer Roads Project	0	0	560,000	0%	City Services	●	On track for Q4 construction
	Currambene/Bowen St, Huskisson - R/bout Safer Roads Project	2,471	2,471	436,381	1%	City Services	●	Project on track, procurement underway, start expected Q4.
	Curarong - Curarong Rd - Rehab - CH7.5-1 CH1.7	1,804,285	2,587,807	1,562,022	166%	City Services	●	Stage 1 Chainage 7.50km to 11.40km Road construction work by contractor Stefanutti Construction has been substantially completed. A few item of work are yet to be completed before contractual practical completion can be granted. Stage 2 Chainage 11.40km to 11.70km Road and culvert design is being undertaken by consultant GHD. Conceptual plans have now been completed. Final design work & REF is expected to be completed end of February 2022. Tender & contract documentation for construction work can then be prepared subject to available budget.
	Matron Porter Dr SRP - (CH 3.65-3.96km)	4,794	91,172	547,562	17%	City Services	●	Tenders evaluated and preferred tenderer selected. Electrical relocation works in progress.
	The Wool Rd/Mernie - CHRs - Blackspot Program	3,164	445,122	459,105	97%	City Services	●	Works to commence 10th January 2022
	Upper Kangaroo River Rd, Kangaroo Valley - Safer Roads Project	0	0	685,000	0%	City Services	●	Currently with Design Unit. Traffic committee design review scheduled for Q3, project delivery in early Q4.
Water Services	Bendeela Reservoir	41,708	41,708	741,402	6%	Shoalhaven Water	●	Project will recommence early 2022 with completion in early to mid 2022.
	Brundee WPS 33kv substation	79,749	334,872	573,484	58%	Shoalhaven Water	●	Purchase order to procure padmount substation (long lead) is issued to Schneider. Draft drawings received. - GHD is finalising detailed design. - Stage 2 RFT release in Jan 2022, Award in Feb/March 2022. Deliverables: - GHD Detailed design provided.
	Barrier Replacement of Raw Water Supply	181,707	216,898	546,166	40%	Shoalhaven Water	●	Project, schedule and costs on watch due to competing priorities. Project delayed due to wet weather and inundation at other sites. Additional tasks undertaken as wet weather tasks when other jobs are shut. Anticipated completion late Q3. 55% completed.
	Barrier WPS 33 kv Substation	271,395	911,577	911,735	100%	Shoalhaven Water	●	Procurement stage progressing, Deliverables: - Arrival of equipment (approx. 34wks)

● On Track ● On Hold ● Under Close Monitoring ● Completed

Program	Project Description	Actuals (\$)	Actuals & Commitments	Proposed Budget (\$)	Complete Inc Commitments %	Directorate Description	Current Status	Last Comment
	Nowra Sth, Flinders Depot Electrical Work	150,071	4,609,809	4,609,809	100%	Shoalhaven Water	●	Contract Executed and Proceeding with final construction certificate application items. Works delayed due to hold ups with CC by Council. Project delays are expected if no CC is issued by Council.
	Water A&W Minor Works Program	274,161	301,463	430,000	70%	Shoalhaven Water	●	Water main relocations on Culburra & Currarong Roads now completed in preparation for road works.
	Water Moss Vale Road Expansion Area	1,739,226	2,042,161	4,260,000	48%	Shoalhaven Water	●	Project on track across all measures. Water lead in works for stage 1 complete. Design for later stages at review stage.
	Water New services instal & relocate	453,649	468,713	879,465	53%	Shoalhaven Water	●	This is BAU and not a project.
	Water Plant Purchases	332,218	1,634,000	1,634,000	100%	Shoalhaven Water	●	Processing, delivery times starting to increase. World Stock levels low.
	Water TM relining - Currumbene Creek Woolamia	0	0	510,000	0%	Shoalhaven Water	●	Investigations underway to enable Shoalhaven Water staff to define the scope of works.
	Water Various Main Replacements	1,617,351	2,965,943	8,133,649	36%	Shoalhaven Water	●	Project progressing well. Concept designs for Package 1 Underway - Package 2 site investigations to commence next year.
	Water Vehicle Purchases	212,572	986,160	1,349,000	73%	Shoalhaven Water	●	Processing, delivery times starting to increase. World Stock levels low.
Waterways Infrastructure	Conjola Lake-Havilland St - Boat Launch Ramp & C/park BLERF	143,382	1,528,430	1,611,692	95%	City Services	●	Jirgens Civil awarded contract. Construction in progress.
Total:		38,848,870	123,186,044	244,476,824	50%			

CL22.97 Investment Report - January 2022

HPERM Ref: D22/19532

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Investment Report - January 2022 (under separate cover) [⇒](#)
2. Record of Investments October & November 2021 [↓](#)

Reason for Report

In accordance with Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation 2021, a written report is provided to Council setting out the details of all funds it has invested.

Recommendation

That Council:

1. Receive the Record of Investments for the Period to 31 January 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 0.89% per annum for the month of January 2022, exceeding the benchmark AusBond Bank Bill Index (0.06% pa) by 83 basis points (0.83%).
3. Note the performance of the Long-Term Growth Fund as presented in the report.

Options

1. The report on the Record of Investments for the period to 31 January 2022 be received for information.

Implications: Nil

2. Further information regarding the Record of Investments for the period to 31 January 2022 be requested.

Implications: Nil

3. The report of the Record of Investments for the period to 31 January 2022 to be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 28 February 2022.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's Investment Advisor, CPG Research and Advisory Pty Ltd.

All investments are within the current Minister's Order. Investments are diversified across the eligible fixed interest universe and are well spread across maturities. Available capacity exists in all terms, with medium term particularly relevant to new issues.

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Portfolio Return

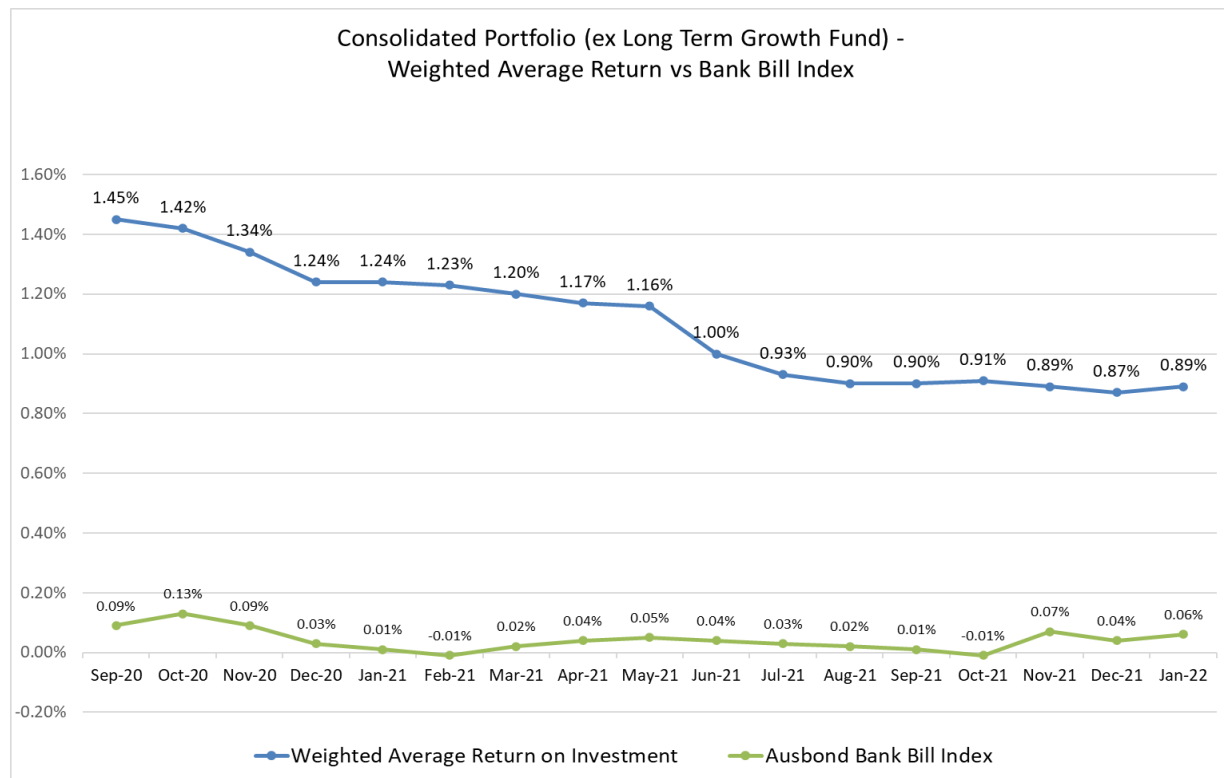
The Overall portfolio returned a negative -1.22% p.a. for the month of January 2022, entirely due to the negative movement of the growth fund. This will be a typical pattern, where monthly results depend entirely on stock market fluctuations.

The investment returns excluding growth fund were a stable 0.89% p.a., exceeding the benchmark AusBond Bank Bill Index (0.06% p.a.) by +83bp p.a.

Council's investment in Long-Term Growth Fund returned -19.48% for the month of January 2022, which partially offset previous significant market gains, bringing the year-to-date return to +4.08% (-1.92% below the benchmark).

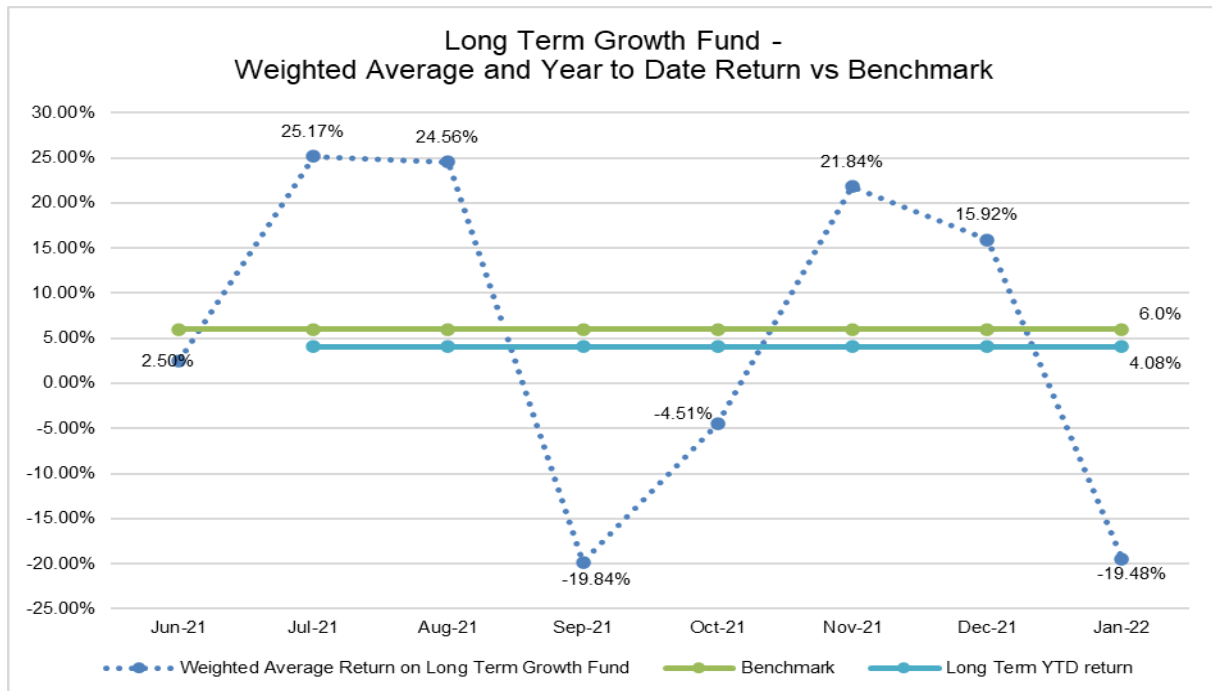
The Australian S&P/ASX200 fell -6.4% over the month with investors concerned over potential interest rate increases in the United States and possible military conflict in Eastern Europe. The Reserve Bank will be under pressure to raise interest rates this year after figures showed domestic inflation rising by 1.3% in the December quarter. This placed an additional strain on market performance with bank stocks particularly impacted.

The following graph shows the performance of Council's Investment Portfolio (excluding Long-Term Growth Fund) against the benchmark on a rolling twelve (12) month basis. As can be seen, performance has consistently exceeded the benchmark due to the mix of Council's Investment Portfolio.



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The following graph shows the performance of Council's Long-Term Growth Fund against the benchmark on a rolling twelve (12) months basis.



Interest Earned – January 2022

The following table shows the interest earned for the month of January 2022.

Fund	Monthly Budget \$	Actual Earned \$	Difference \$
General	98,436	76,709	(21,727)
Water	64,208	45,339	(18,870)
Sewer	30,519	27,862	(2,657)
Total excluding Long-Term Growth Fund	193,163	149,909	(43,253)
Long-Term Growth Fund	16,986	(381,393)	(398,379)
Total	210,149	(231,484)	(441,633)

The interest earned for the month of January, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$149,909 compared to the monthly budget of \$193,163.

The fair value of TCorp Long-Term Growth Fund decreased in January by \$381,393. It is important to note that it is expected that this value will fluctuate monthly and the actual return on this fund should be assessed against our budget forecast on an annual basis.

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Interest Earned - Year to Date

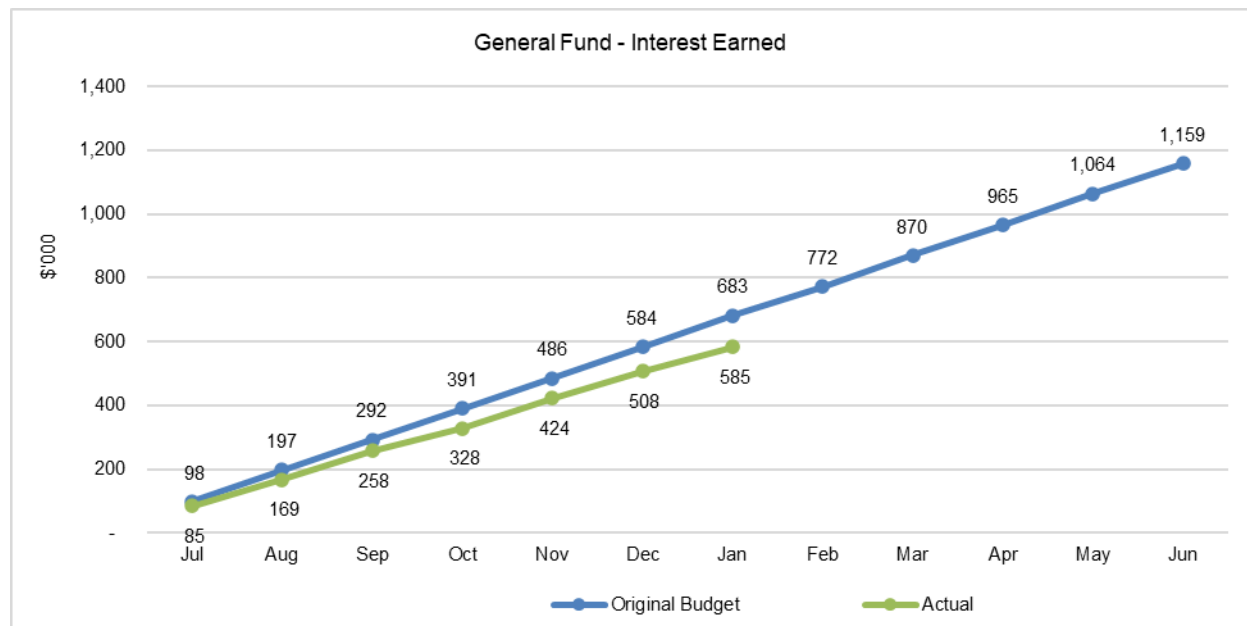
The following table demonstrates how the actual amount of interest earned year to date has performed against the total budget.

Fund	Original Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,159,000	584,556	50.44%
Water	756,000	312,824	41.38%
Sewer	359,333	173,423	48.26%
Total excluding Long-Term Growth Fund	2,274,333	1,070,804	47.08%
Growth fund	200,000	464,976	232.49%
Total	2,474,333	1,535,780	62.07%

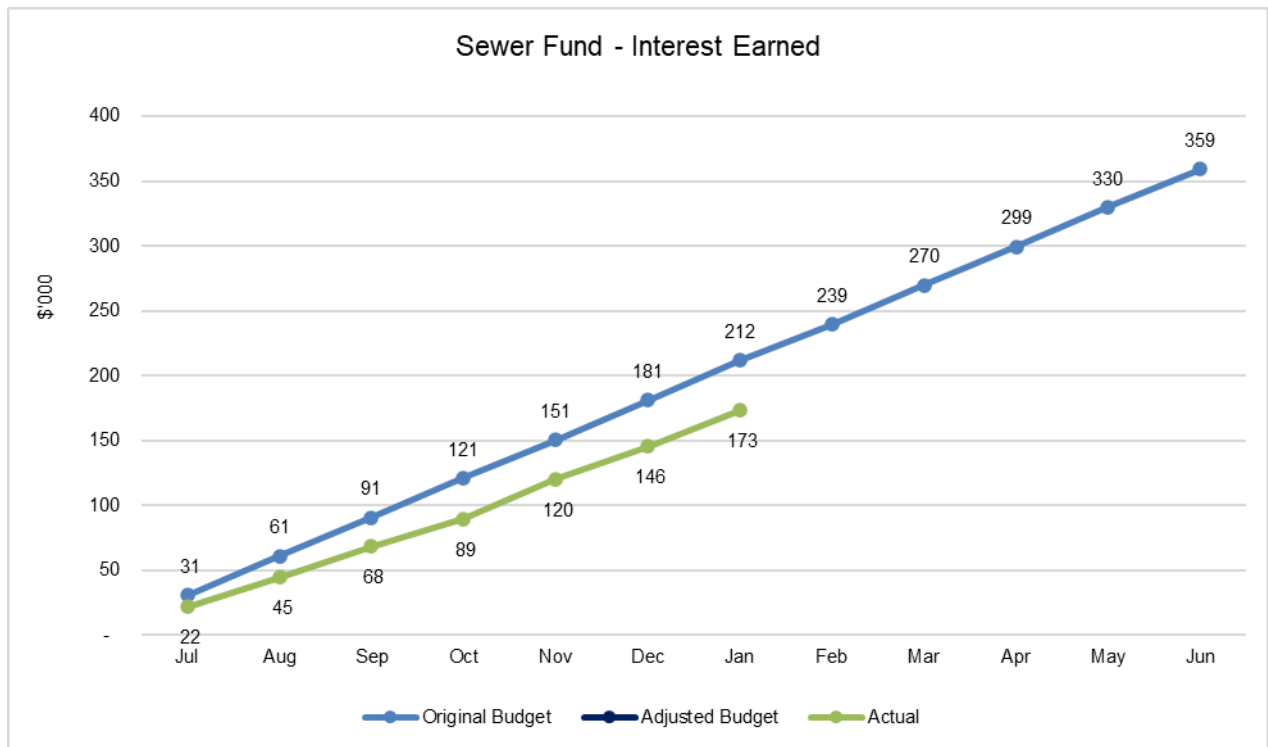
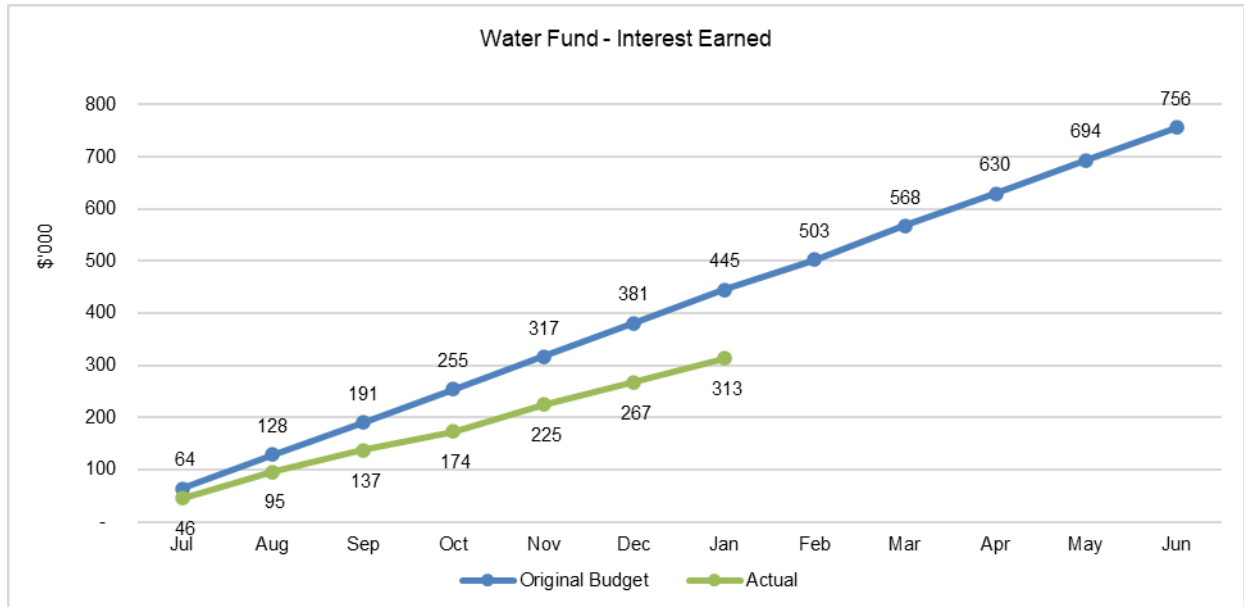
The interest earned to the month of January excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,070,804 which is 47.08% of the current full year budget.

The fair value of TCorp Long-Term Growth Fund increased to January by \$464,976 which is 232.49% of the current full year budget.

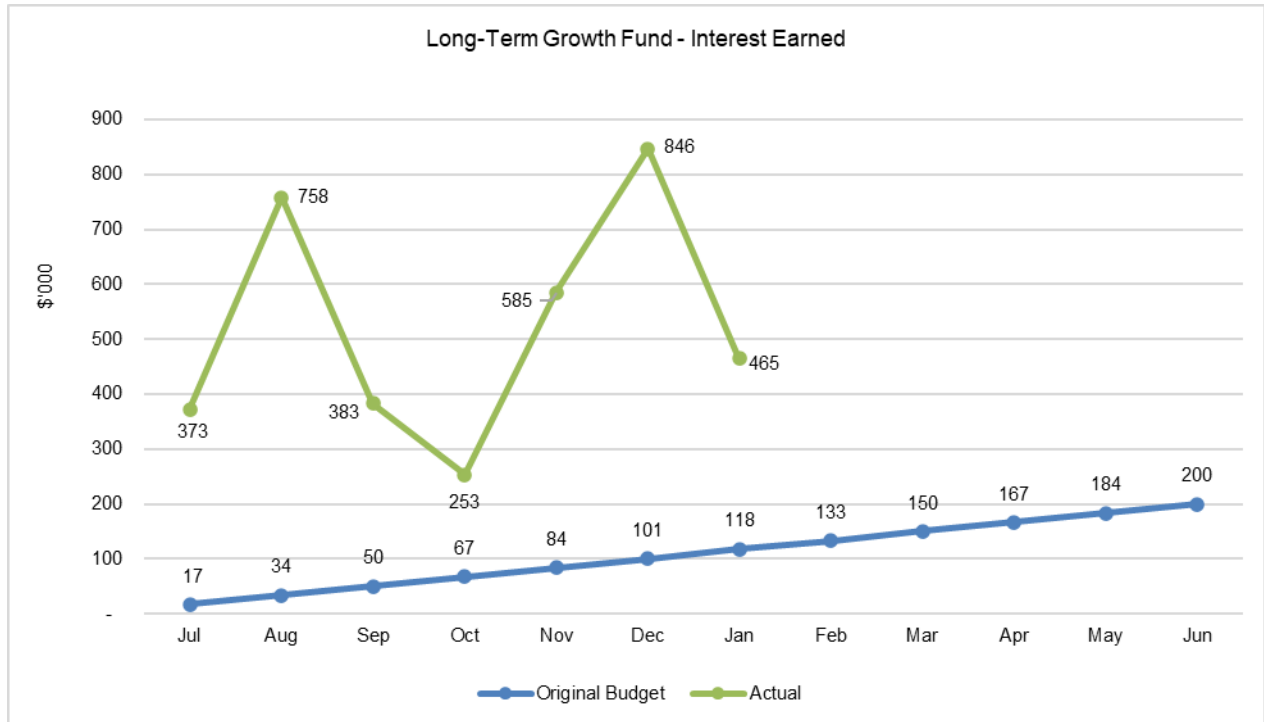
The graphs below illustrate the cumulative interest earned for the year for each fund against budget:



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Cash and Restricted Assets

RECORD OF INVESTMENTS		
Cash and Investment Balances		
	\$	\$
	January 2022	December 2021
Cash and Investments Held		
Cash at Bank - Transactional Account	11,412,480	8,760,521
Cash on Hand	21,080	21,080
Other Cash and Investments	196,521,044	204,448,001
	207,954,603	213,229,602
Fair Value Adjustment	167,523	167,523
Bank Reconciliation	-88,474	-72,617
	79,049	94,906
Book Value of Cash and Investments	208,033,652	213,324,508
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,050,087	7,050,087
Land Decontamination	0	0
Critical Asset Compliance	731,103	733,085
Other Internal Reserves	3,919,303	4,178,979
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	4,992,781	5,018,104
Plant Replacement	1,441,591	1,046,330
S7.11 Recoupment	10,960,785	11,867,483
Commitment To Capital Works	2,825,187	2,838,285
Total Internally Restricted	32,232,007	33,043,523

Loans - General Fund	27,840,510	31,458,198
Self-Insurance Liability	3,102,317	3,125,977
Grant reserve	12,956,434	12,567,165
Section 7.11	16,788,911	16,365,293
Special Rate Variation	2,883,323	2,983,118
Storm Water Levy	617,281	591,558
Trust - Mayors Relief Fund	161,455	161,428
Trust - General Trust	3,169,535	2,989,495
Waste Disposal	9,154,104	15,085,056
Sewer Fund	32,565,496	31,226,463
Sewer Plant Fund	4,649,572	4,564,276
Section 64 Water	25,319,653	25,124,816
Water Fund	22,108,421	22,848,818
Water Communication Towers	4,365,802	4,322,368
Water Plant Fund	6,089,354	5,944,551
Total Externally Restricted	171,772,170	179,358,579
Total Restricted	204,004,177	212,402,102
Unrestricted Cash Balance - General Fund	4,029,476	922,406

Restricted Asset Movements

The table below lists the major movements in cash reserves increase/(decrease):

Total Cash	(5,290,856)	January was not a rates instalment month.
Loans - General Fund	(3,617,687)	Loan funded projects are underway. The major payments relate to Material Recovery Facility (MRF) project (50% funded from loans).
Sewer Fund	1,339,033	Payments from customers received.
Waste Disposal	(5,930,951)	Material Recovery Facility project is well underway. (50% funded from waste reserve).
Water Fund	(740,397)	Reduction due to annual payroll tax payment.
S7.11 Recoupment	(906,698)	Reduction is due to payments associated with delivery of capital projects.
Unrestricted cash	3,107,070	Mainly due to cash inflow from pre bookings for tourist parks.

Liquidity Indicators

In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators were included in the Monthly Investment Report which will continue to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above the benchmark and Council remains in a sound financial position.

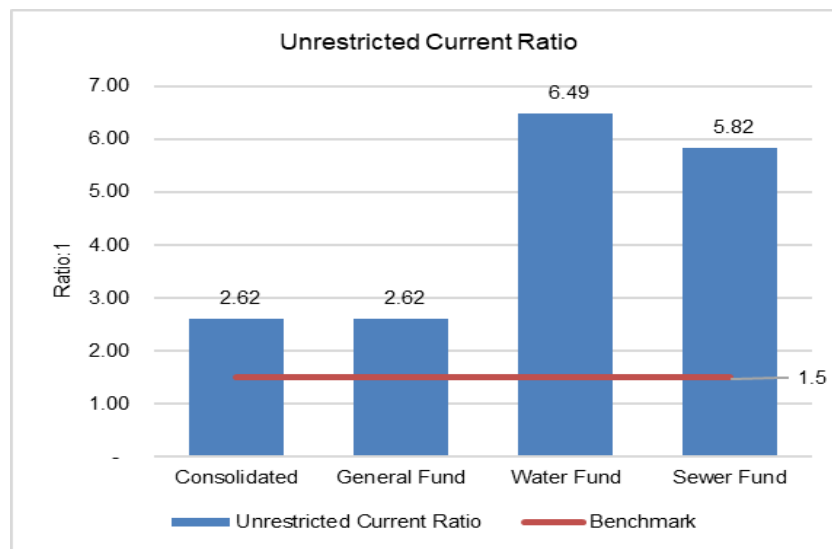
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The **Unrestricted Current Ratio** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio =

(Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

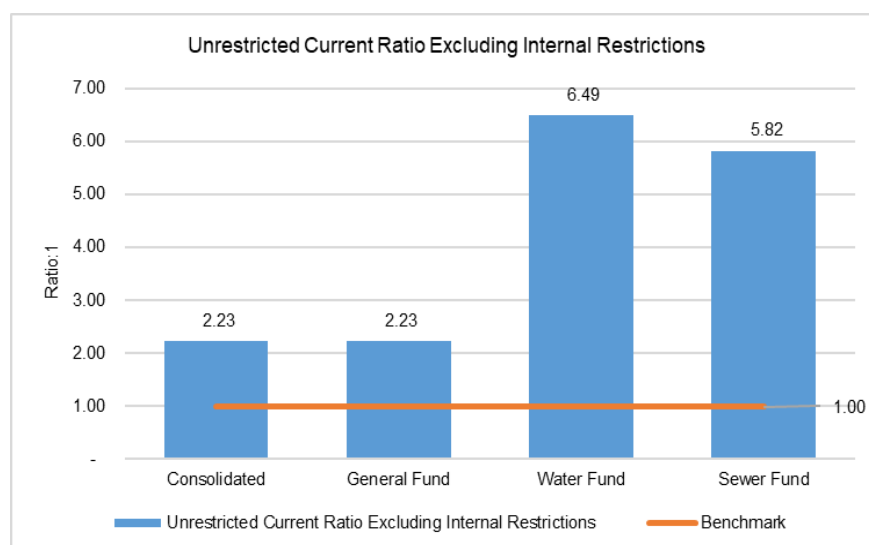


The **Unrestricted Current Ratio Excluding Internal Reserves** is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

Unrestricted Current Ratio Excluding Internal Reserves =

(Current Assets less all external and internal restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.



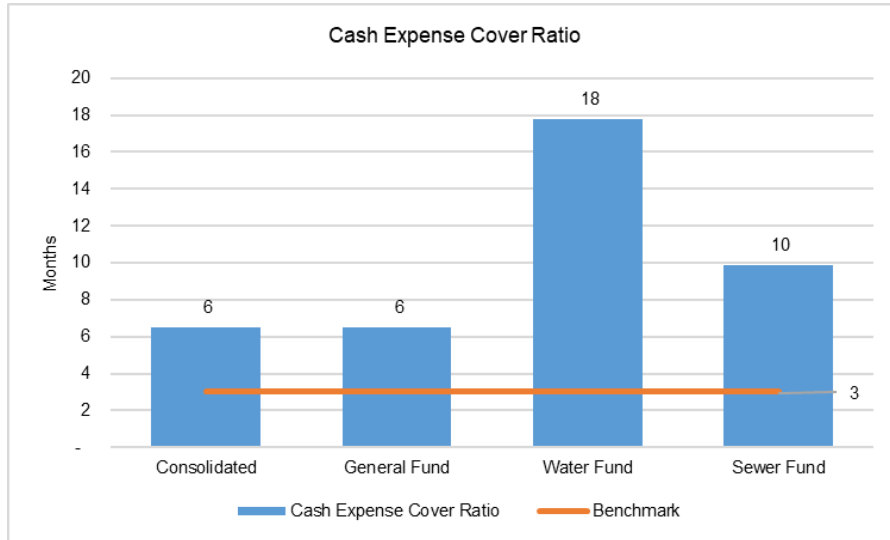
Cash Expense Cover Ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.

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Cash expense cover ratio =

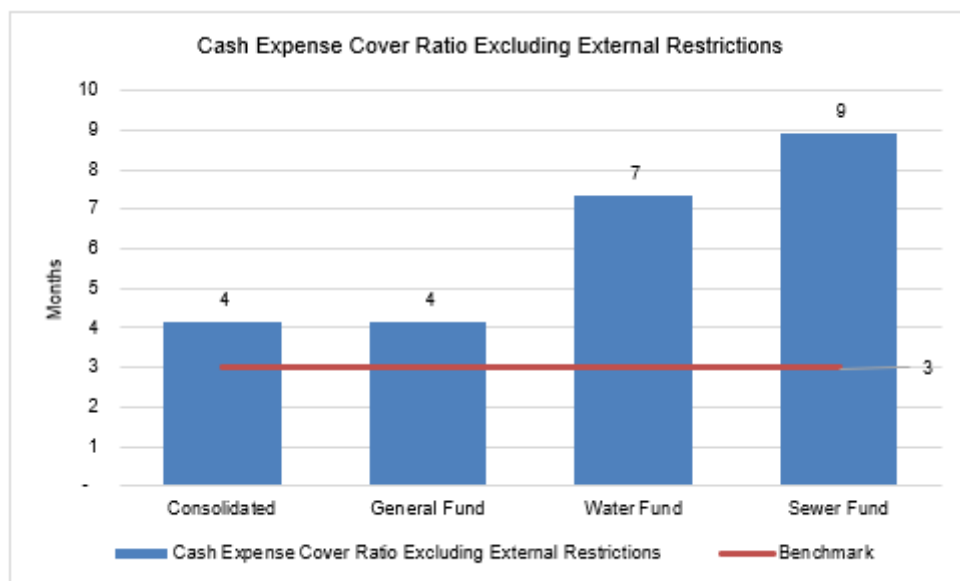
(Cash equivalents, TDs and FRNs x 12) / (Payments from cash flow of operating and financing activities)

The ratio remains above the benchmark of 3 months as at the end of January 2022 for all funds.



Cash Expense Cover Ratio Excluding External Restrictions takes the OLG calculation for the Cash Expense Cover Ratio and removes external restrictions to represent the amount of months Council can continue paying for its immediate expenses without resorting to external restrictions.

The ratio remains above the benchmark of 3 months as at the end of January for all funds.

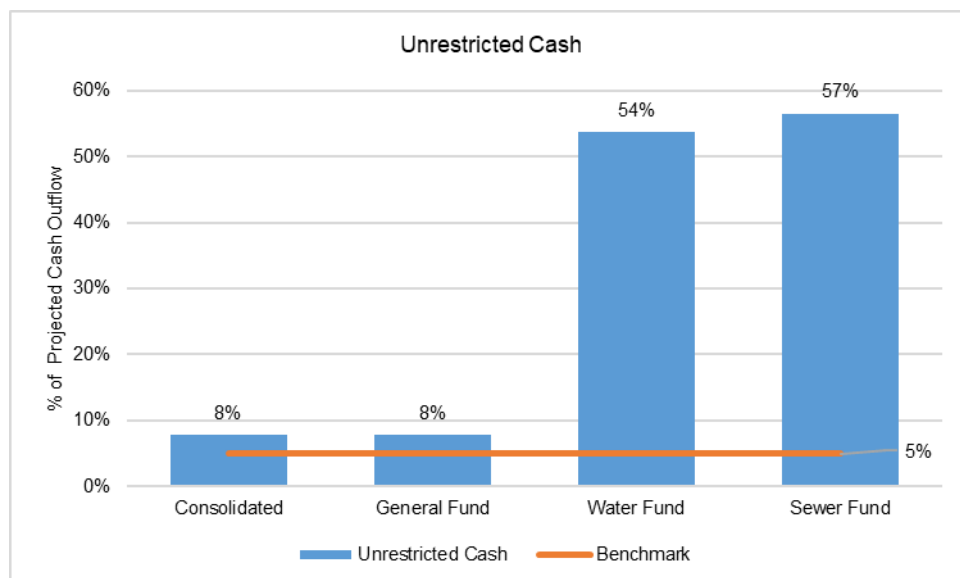


Unrestricted Cash is calculated as a total Cash and Investments, less external and Internal restrictions.

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The unrestricted cash balance remains above the benchmark as at the end of January for all funds.

The benchmark is set up at 3% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).



Financial Implications

COVID-19 has applied some pressure to Council's financial position; however, despite this, Council's financial position is operating in a sound manner based on the current cash position and liquidity ratios. It is also noted that revenue from interest earned forms a vital part of Council's revenue stream.

It is important to note that management didn't report to Council on October and November 2021 investment balances due to elections. Reserves balances for these months are summarised in the Attachment 2 - Record of Investments October and November 2021.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy POL19/72.

Olena Tulubinska
2022

Date: 13 February

CL22.97

RECORD OF INVESTMENTS		
Cash and Investment Balances		
	\$	\$
	November 2021	October 2021
Cash and Investments Held		
Cash at Bank - Transactional Account	18,254,016	7,367,842
Cash on Hand	21,080	21,080
Other Cash and Investments	207,185,128	205,849,805
	225,460,225	213,238,727
Fair Value Adjustment	178,407	197,218
Bank Reconciliation	265,042	-13,841
	443,449	183,377
Book Value of Cash and Investments	225,903,673	213,422,104
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	7,050,087	7,050,000
Land Decontamination	126,934	187,157
Critical Asset Compliance	769,179	829,475
Other Internal Reserves	3,868,495	4,151,613
Section 7.11 Matching Funds	311,169	311,169
Industrial Land Development Reserve	5,069,680	5,107,845
Plant Replacement	1,247,002	1,276,678
S7.11 Recoupment	12,027,169	11,849,530
Commitment To Capital Works	2,966,112	3,070,181
Total Internally Restricted	33,435,827	33,833,647
Loans - General Fund	34,052,254	35,086,234
Self-Insurance Liability	3,049,897	2,968,127
Grant reserve	10,968,785	7,959,147
Section 7.11	16,254,225	16,725,540
Special Rate Variation	8,564,621	7,348,956
Storm Water Levy	565,636	521,099
Trust - Mayors Relief Fund	161,415	161,401
Trust - General Trust	3,022,003	2,977,604
Waste Disposal	17,316,849	13,959,849
Sewer Fund	29,977,835	29,112,353
Sewer Plant Fund	4,484,066	4,264,513
Section 64 Water	24,946,941	22,234,325
Water Fund	22,334,909	24,158,399
Water Communication Towers	4,218,447	4,175,720
Water Plant Fund	5,807,109	5,433,774
Total Externally Restricted	185,724,993	177,087,040
Total Restricted	219,160,820	210,920,687
Unrestricted Cash Balance - General Fund	6,742,854	2,501,416

CL22.98 Information Report - NSW Environmental Planning and Assessment (Statement of Expectations) Order 2021

HPERM Ref: D22/37238

Approver: Gordon Clark, Acting Director - City Futures

Attachments: 1. Environmental Planning and Assessment (Statement of Expectations) Order 2021 [↓](#)
2. LGNSW Media Release - Statement of Planning Expectations [↓](#)

Reason for Report

Provide information on this Order that was released by the NSW Government in late 2021.

Recommendation

That Council

1. Receive the report on the NSW Minister's Environmental Planning and Assessment (Statement of Expectations) Order 2021 for information.
2. Consider further reports on this matter, as required, to enable more detailed consideration or identify a Council response if needed.

Options

1. Receive for information.

Implications: Any implications arising from the Order will be monitored and further reports provided to Council if appropriate/needed.

2. Determine a different approach/response.

Implications: This will depend on the nature of the proposed recommendation, which could, for example, involve making representations to the NSW Government raising concerns with the Order.

Background

In late December 2021 the then NSW Minister for Planning & Public Spaces, Rob Stokes MP announced the release of an Order to set expectations for Council's regarding their performance in a range of planning and development functions. If the expectations are not met, the Minister foreshadowed that a range of potential actions/interventions could be considered.

Statement of Expectations – Planning and Development Functions

The Statement was announced at a Property Industry Forum on 15 December 2021 and signalled the intention of the Government to intervene in the planning and development decision making of Councils, where required, if timeframes are not met. The announcement

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also mentioned the refunding of fees if timeframes are not met, although this is not referenced in the published Order.

The Minister also issued a media release ‘New planning rules to unlock more homes’, noting that Councils would be required to adhere to clear maximum timeframes for assessment and determinations.

Council was subsequently provided with a copy of the NSW Planning and Assessment (Statement of Expectations) Order 2021 that contains the detail in this regard - see **Attachment 1**.

The letter from the then Secretary of the NSW Department of Planning, Industry & Environment (DPIE) which also forms part of **Attachment**, requests that the Order be brought to the attention of the new Council as part of their induction and is tabled at the first available Council meeting. As such this matter is reported for Council’s information.

The published Order contains the following components:

Heads of Consideration

Sets the high-level considerations when the powers under the Act could be exercised to appoint a Planning Administrator or Regional Panel, when the performance of a Council in dealing with planning and development matters (or any particular class of such matters) is unsatisfactory because of the manner in which the Council has dealt with those matters, the time taken or in any other respect.

Ministers Expectations

Development Assessment

- No longer than 250 days to report relevant applications to the Regional Panel.
- No longer than 180 days for determination of development applications.
- Report relevant applications to a local planning panel within 4 weeks of a request from the panel chair.

Planning Proposals (PP’s)

- Make initial design (support or not) on proponent initiated PP no longer than 90 days.
- Submit proponent PP’s for Gateway determination no longer than 90 days after decision.
- Publicly exhibit consistent with a Gateway determination.
- Consider submission in accordance with Community Participation Plan.
- Make a delegated Local Environmental Plan (LEP) in the timeframes specified in the Gateway determination.

Strategic Planning obligations

- Prepare and review Local Strategic Planning Statement.
- Give effect to a regional strategic plan and any adopted local planning strategy.
- Consider State Environmental Planning Policies or other strategies/policies of the Government concerning planning and development matters.

As noted, the current Order is silent on the refunding of fees or other financial type penalties. This is however, a suggestion via a ‘Planning Guarantee’ in a current NSW Government Discussion Paper (‘A new approach to rezoning’s’, December 2021) on reforms to the PP process that is currently out for review/comment. This Discussion Paper will be the subject of a separate more detailed report to Council shortly.

The Local Government NSW Media Release (*Councils furious at 'disrespectful' planning announcement*) on this matter is also provided as **Attachment 2**.

Internal Feedback

As part of the consideration of this Order and the possible implications/consequences associated with it, the following feedback has been provided by relevant sections within Council:

Processing development applications

- *Council can call applications in and choose to defer them multiple times – this has an impact on processing times.*
- *The Order is silent with regard to Land & Environment Court matters.*
- *Council does not have a Local Planning Panel.*
- *The terminology "council should" does not indicate that council must achieve such goals. The wording infers some flexibility/discretion. As such it will be interesting to see how it is applied.*
- *There is no reference in Order to refunding fees. Rather than accelerate assessment, such a regime – if imposed – would in fact have the opposite impact, that is, developers possibly lodging just enough information with their development application to get it in via Schedule 1, but lacking substance. The assessors then would have to extract the information from them so when the trigger date is reached, fees need to be returned. To counter this, if it is the case, then there may be a need to get strict and not allow extension upon extension and if delegations allow, refuse the application. If staff do not have delegation to refuse, there might be an issue as the Council reporting regime is resource hungry and when an application is in the Council space, it could result in deferral and thus an extended assessment.*
- *The efficient and appropriate use of delegations is important to achieve suitable turnaround times, in conjunction with internal and external referral responses, which have been issues with regard to resourcing amongst other things.*
- *Regionally significant development (report to Panel 250 days from lodgement) - limits Council to a 35 week turn around that may not be feasible for some of the larger or more complex applications (E.g. Milton Meadows DA). 70 of the 250 days are weekends - why not say 180 workdays which is closer to reality, not including public holidays.*

Also, what happens when the Panel requires additional reports and additional determination meetings as has occurred, this will blow out the timeframe. There needs to be an allowance made in such situations.

Council also has no control over the timeframes of integrated referral agencies such as the Rural Fire Service (RFS) and Natural Resource Access Regulator (NRAR) which due to their own staffing deficiencies blows out referral response times. Council determination period should exclude any days incurred longer than 21 from referral agencies, as we will be penalised for delays not under Council control. Of particular concern is the lack of resourcing from the State Government of the NRAR staffing which can and has, blown out response times to months instead of weeks.

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- Council development assessment (180 days) – Again the terminology “Council should” does not indicate that Council must achieve such goals. The wording infers some flexibility/discretion. As such it will be interesting to see how it is applied.

51 of the 180 days are weekends. Why not say 130 workdays which is closer to reality not including public holidays.

Council also has no control over the timeframes of integrated referral agencies – same comment as above.

- The cross over with the requirements in other pieces of planning legislation needs to be clarified and confirmed.

Management of Planning Proposals

The Order is inconsistent with the NSW Government’s LEP Making Guidelines in respect of PP’s (copied below for easy reference)

- Clause 2(a) (90 day timeframe for Council to make an initial decision on PP requests) is inconsistent with the new LEP making guidelines which state:
 - “A proponent may request a rezoning review if a planning proposal is not supported by Council or no decision is made within 115 days for complex Planning Proposals or 90 days for all other types of Planning Proposals”.
- Clause 2(b) (90 day timeframe for Council to submit a supported PP for Gateway) is also inconsistent with the new LEP making guideline, which states that Council must forward a PP for Gateway determination within 28 calendar days.
- Further comment on the timeframe for assessing a PP request: The adequacy of the information received in a PP request is critical. While the Order does not make it clear that the timeframe commences from the date that the information is received, in the PP request, it is determined to be complete and satisfactory, this is something that the Council should be aware of when determining whether or not to support a PP.
- The new LEP Making Guidelines has a mix of calendar and business day timeframes. It would not be difficult to convert everything to business days.

Strategic Planning Obligations

None of the timeframes or requirements are above or more restrictive than the existing/established ones. The following is a summary of where things are currently at:

- **Local Strategic Planning Statement (LSPS):** has been prepared and published on the NSW Planning Portal in September 2020.
- **LSPS Review:** formally not needed until 2027 (the requirement of the Act), but considering and earlier update with the new Council and as required (e.g. alignment with CSP/DP/OP, completion of current LSPS actions)
- **Regional Plan:** There are no outcomes requiring immediate review of LEP. Work on immediate Regional Plan actions are underway and managed by the Plan’s

Coordination and Management Committee – may result in future amendments of local planning documents.

- **Adopted Strategies:** *All new strategies adopted by Council will be sent to NSW Planning for endorsement. Adopted and endorsed strategies will be implemented through amendment and maintenance of local planning documents. Corresponding work to be programmed through the Strategic Planning Works Program.*
- **NSW Government strategies, policies etc:** *Fully considered to inform the preparation of new local studies and strategies (i.e. normal practice).*

General Strategic Planning Comment

Council generally already meets all the PP and Strategic Planning obligations.

This is however a good opportunity for Council to do what is needed to advance the review of the Community Participation Plan as it is tied to Part 5(s)(d) of the Order – consideration of submissions on PP's. Work has started on this, but it requires additional effort.

More broadly, there may also be a need for progression of a local housing strategy, review of Councils PP guidelines and checklists and a review of the LSPS at the appropriate point.

Conclusion

It is noted that a new NSW Planning Minister was appointed shortly after the Order was released.

Other than the Order and the covering letter from the then Secretary of the NSW DPIE - **Attachment 1**. No additional detail has been received in this regard as yet and as such, at this point, how the Order will actually be used is largely unknown.

This matter has been reported to Council for information as early as possible as requested in the DPIE letter. Further reports will be provided to Council as required, should additional information come to light or implications emerge or need consideration.

Community Engagement

There was largely no engagement or consultation in the lead up to this announcement.

Policy Implications

There could be a range of policy implications arising from the Order, but it is too early to ascertain what these could be. These will be covered in further reports to Council.

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**Planning,
Industry &
Environment**

Office of the Secretary

15 December 2021

Dear General Manager

I am writing to advise you that the Hon. Rob Stokes, Minister for Planning and Public Spaces and Minister for Transport and Roads has recently made the Environmental Planning and Assessment (Statement of Expectations) Order 2021.

The Order sets out clear expectations as to what constitutes an efficient and effective planning system and one that business and the community can have confidence in. It sets benchmarks for council performance in the areas of development assessment, planning proposals and strategic planning. A copy of this Order is attached.

You will also be aware that the Government has placed similar performance expectations on the Department of Planning, Industry and Environment (the Department) and other agencies with approval roles in the planning system. There are also new requirements on industry to improve the timeliness and quality of development applications. More information about these performance expectations and recent planning system reforms is available at www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Planning-Reform-Action-Plan.

During the last two years, councils and government agencies have been working hard to ensure we have an efficient and effective planning system that is able to support the state in its economic recovery from the COVID-19 pandemic. It is the planning system that has allowed businesses to adapt and thrive, that has given people the confidence to invest in New South Wales and that has supported jobs across the economy.

I wish to acknowledge how hard councils have worked during the pandemic to ensure timely decision-making and in supporting the significant amount of planning reform that has occurred. New South Wales now has a planning system that is managed digitally through ePlanning, which makes consent authorities and Government agencies more accountable for their performance. We also have a planning system that is increasingly strategically led and where the community can have confidence in the planning decisions that are being made.

As you are aware, slow decision-making, whether by Government agencies or a council, is the enemy of public confidence in the planning system and leads to bad economic, social and environmental outcomes. The work that we have all done over the last two years has put the planning system in good stead and has allowed for new performance indicators to be set. The performance indicators outlined in the Minister's Order should not be seen as aspirational but as achievable and critical to the effective functioning of the planning system.

The Minister has decided to outline his clear expectations for the planning system in the attached Order so that incoming councillors are aware of the importance of an efficient and effective planning system in supporting a strong economy and delivering better places. It is also important to note that for the first time incoming councillors will be provided an induction on the planning and their role in ensuring the planning system as efficiently as possible. Accordingly, I would encourage you to table this letter and Order at your first available council meeting.

I look forward to continuing to work productively with you in meeting these performance indicators. As always, the Department is here to assist you if you feel you have any issues in meeting any of these expectations. As always, feel free to reach out to the Planning Delivery Unit or the Department's regional planning teams if your council needs further support or guidance. By continuing to work together, I am sure we will be able to build a stronger, more resilient economy and a planning system that meets the expectations of business and the community.

Yours sincerely




Kiersten Fishburn
Secretary

Encl. Environmental Planning and Assessment (Statement of Expectations) Order 2021

CL22.98 - Attachment 1

Environmental Planning and Assessment (Statement of Expectations) Order 2021

I, Rob Stokes, the Minister for Planning and Public Spaces, make this Order under section 9.6(9) of the *Environmental Planning and Assessment Act 1979*.



The Hon. Rob Stokes MP
Minister for Planning and Public Spaces

Dated: 26th November, 2021.

Explanatory note

The object of this Order is to set expectation for councils in relation to their performance of a range of planning and development functions under the *Environmental Planning and Assessment Act 1979*. If a council is found not to be meeting these expectations, the Minister can take these matters into consideration as part of determining if it is appropriate to appoint a planning administrator or regional panel to exercise a council's functions. It is made under section 9.6(9) of the Act.

Environmental Planning and Assessment (Statement of Expectations) Order 2021

Contents

Part 1 Preliminary

- 1 Name of Order
- 2 Commencement
- 3 Definitions

Part 2 Planning and development matters

- 4 Heads of consideration
- 5 Minister's expectations

Environmental Planning and Assessment (Statement of Expectations) Order 2021

Environmental Planning and Assessment (Statement of Expectations) Order 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary**1 Name of Order**

This Order is the *Environmental Planning and Assessment (Statement of Expectations) Order 2021*.

2 Commencement

This Order commences on the day it is published on the NSW Planning Portal.

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*

Department means the Department of Planning, Industry and Environment.

Gateway determination means a determination made by the Minister (or delegate) under section 3.34 of the Act.

LEP means a local environmental plan.

LSPS means a local strategic planning statement.

Minister means the Minister for Planning and Public Spaces.

Minister's expectations means the expectations of the Minister in relation to the performance of a council in dealing with planning and development matters, as set out in clause 5 of this Order.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words used in this Order have the same meaning as words used in the Act.

(3) Notes included in this Order do not form part of this Order.

Part 2 Planning and development matters

4 Heads of consideration

The heads of consideration to be taken into consideration in exercising the power under s.9.6(1)(b) of the Act are:

- (a) Whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- (b) The frequency and degree to which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (c) The range and type of planning and development matters in respect of which the council has performed, or failed to perform, in accordance with the Minister's expectations.
- (d) Whether or not an appointment under s.9.6(1)(b) should be made in relation to one or more of a particular class of planning and development matter, or all planning and development matters dealt with by the council.
- (e) The effect of any caretaker period preventing a council's performance in dealing with the planning and development matters (or any particular class of such matters) as set out in clause 5.
- (f) The public interest.

5 Minister's Expectations

(1) Development assessment

A council should:

- (a) prepare assessment reports for a regionally significant development application and refer it to the relevant Regional Panel as soon as practical and no longer than 250 days from lodgement.
- (b) determine a development application for which it is the consent authority as soon as practical and no longer than 180 days from lodgement.
- (c) report a development application for which its functions as a consent authority are exercisable by the local planning panel to the panel for determination within 4 weeks of a request from the panel chair.

(2) Planning proposals

A council should:

- (a) Make a decision as to whether to support or not a proponent led planning proposal (rezoning) as soon as practical and no longer than 90 days, or
- (b) submit a proponent led planning proposal for a Gateway determination as soon as practical and no longer than 90 days after having indicated its support for the planning proposal,
- (c) publicly exhibit a planning proposal or hold a public hearing in line with the conditions of a Gateway determination,

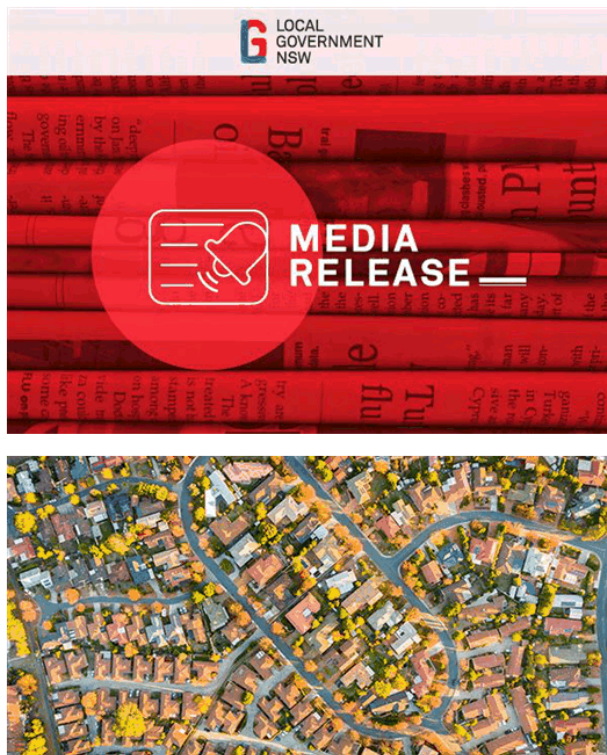
Environmental Planning and Assessment (Statement of Expectations) Order 2021

- (d) consider or respond to public submissions on a draft LEP in accordance with their community participation plan,
- (e) make a LEP, which has been delegated to the Council, in the timeframes specified in a Gateway determination.

(3) **Strategic planning obligations**

A council should :

- (a) prepare a LSPS for its local government area that meets the requirements for these statements under the Act,
- (b) undertake the required review of its LSPS,
- (c) give effect to a regional and/or district strategic plan applying to the LGA, including carry out a review of the LEP under section 3.8(3) of the Act,
- (d) give effect to an adopted local planning strategy (such as a Local Housing Strategy), and any approval requirements issued by the Department,
- (e) consider State Environmental Planning Policies or other strategies and policies of the Government, the Minister or the Department concerning planning and development matters.



Councils furious at 'disrespectful' planning announcement

A punishing new planning regime for NSW councils has been described as a follow-up gut punch to councils before the NSW cabinet reshuffle expected this week.

The regime – announced to developers by NSW Planning Minister Rob Stokes yesterday – includes a new planning guarantee requiring councils to refund planning application fees if they do not meet timelines arbitrarily imposed by the State Government.

"This announcement is a second gut punch, following hard on the heels of the lowest rate peg setting in 20 years – a rate so low that councils are already being forced to consider cuts to services, infrastructure and jobs," Local Government NSW (LGNSW) President Darriea Turley said.

"It was dropped at a developers' lunch 10 days before Christmas, and before the councils elected at the 4 December elections have even been declared by the NSW Electoral Commission, let alone had a chance to meet.

"The Minister is no doubt rushing to lock in what he sees as his legacy before he is moved out of the portfolio in the upcoming Cabinet reshuffle, but this announcement smacks of

disrespect and contempt for the third tier of democratically elected government, and the communities they represent.”

A media release issued by Minister Stokes foreshadowed:

- one-size-fits-all maximum timeframes for assessments and determinations by councils
- A new planning guarantee requiring councils to refund planning application fees if they do not meet government-imposed time frames
- Ministerial intervention powers if the Government believes councils are not upholding their responsibilities.

Cr Turley said it was particularly rich for the Minister to be claiming he was simply asking councils to meet the same standard of timeliness and certainty on rezoning and development applications as the NSW Government.

“It is not uncommon for the Department of Planning, Industry and Environment to take more than a year to assess planning proposals by councils,” she said.

“Where is the recognition that the development industry often submits partially complete or wildly speculative proposals well outside the approved strategic plans for the area, slowing the process?

“Where is the recognition that councils are already grappling with a plethora of other changes pushed through by this Minister – changes that are impacting their systems and processes, and placing additional strain on an already-strained workforce?

“These include having to recalibrate their systems to integrate with the Planning Portal; amending, developing and updating their land use plans; preparing new plans and implementation strategies for housing and employment; changing the names and definition in their policies and plans; increasing their planning and development reporting – all with significant shortages of planning staff.

“Planning is a critical function jointly delivered by local and state governments, and communities deserve a co-designed system.

“Local government has always committed to working with the Minister for Planning to provide a genuinely collaborative system that delivers the best outcome for the people of NSW.

“We are profoundly disappointed the outgoing Minister has decided to leave our sector on such a negative note”.

Media enquiries: 0448 718 892

CL22.57 Proposed Works in Kind Agreement - Construction of Road and Drainage Infrastructure - Island Point Road, St Georges Basin

HPERM Ref: D22/1636

Department: Strategic Planning

Approver: Gordon Clark, Director - City Futures

This item was deferred from the Ordinary Meeting 7 February 2022.

Reason for Report

Obtain 'in-principle' support to commence the process of entering into a Works in Kind Agreement (WIKa) with the owner/developers of the subject land for the construction of road and drainage infrastructure required under the [Shoalhaven Contributions Plan 2019](#). The works are associated with an approved mixed use subdivision SF9847 (as modified).

Recommendation

That Council:

1. Provide 'in-principle' support to finalise negotiations and enter into a Works in Kind Agreement (WIKa) with the owner/developers of Lot 69 DP 25550, The Old Wool Rd, St Georges Basin; Lot 68 DP 25550 Island Point Rd, St Georges Basin; Lot 4 DP 785956, Island Point Road, St Georges Basin for the construction of road and drainage infrastructure and land value, as outlined in this report, except where further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
2. Delegate authority to Council's Chief Executive Officer, or his delegate, to prepare and enter into the WIKa following final negotiations.
3. Endorse the allocation of deleted funds from Planning Area 3 to cover any shortfall in available funds that may occur relating to the construction of the road and drainage infrastructure and land value, following the procurement of independent costings. If there is not enough in the Planning Area 3 deleted funds budget to cover any shortfall, the remaining shortfall is to be covered by the developer upfront and reimbursed back to the developer as contributions are received over time for 03ROAD2023 and 03DRAI3001, to the value of the difference.
4. Notify the owner/developer of this resolution.

Options

1. As recommended.

Implications: The proposed WIKa will result in a positive public benefit through the construction of part of the road and drainage infrastructure earmarked in the Shoalhaven Contributions (CP) Plan 2019. The approved subdivision (SF9847) will bring additional land supply and ongoing economic growth and the progression of this agreement will help facilitate this development.

Currently only dated land value estimates and concept infrastructure detail are available, which does result in some uncertainty at this stage. This option will however minimise

any further delays to the development by enabling the agreement to be finalised under delegation, subject to no major changes resulting from the costings.

2. As recommended, with no allocation of deleted funds to cover the shortfall.

Implications: This option will still enable the agreement to progress, however the cost burden relating to the likely shortfall from the construction of the infrastructure will be borne by the developer and reimbursement will occur only when contributions are received over time. The use of deleted funds to cover the shortfall as far as possible is preferable and is consistent with Council's general resolution of 2 April 2019 (MIN19.212(4)) relating to the use of deleted funds.

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

Implications: This option will still enable Council staff to finalise negotiations with the developer, including procuring detailed costings (based on detailed designs) prior to reporting back to Council. This is the usual way a WKA is progressed and provides greater up-front certainty for all parties; however, this will likely result in further delays to the delivery of the subdivision which is not a good overall outcome.

4. Adopt an alternative recommendation.

Implications: May further affect the timely delivery of the subdivision and/or the nature and quality of the works provided.

Background

On 14 August 2007, development consent (SF9847) was granted for the subdivision of three existing lots (Lot 68 & 69 DP 25550 and Lot 4 DP 785956 - **Figure 1**, coloured in blue) into eleven (11) lots including a reserve. The original consent has since been modified a number of times.

Figure 2 shows the approved subdivision layout as per the Construction Certificate (CC21/1284).



Figure 1: The subject land - Lot 68 & 69 DP 25550 and Lot 4 DP 785956 in blue, Lot 2 DP 1093012 in yellow

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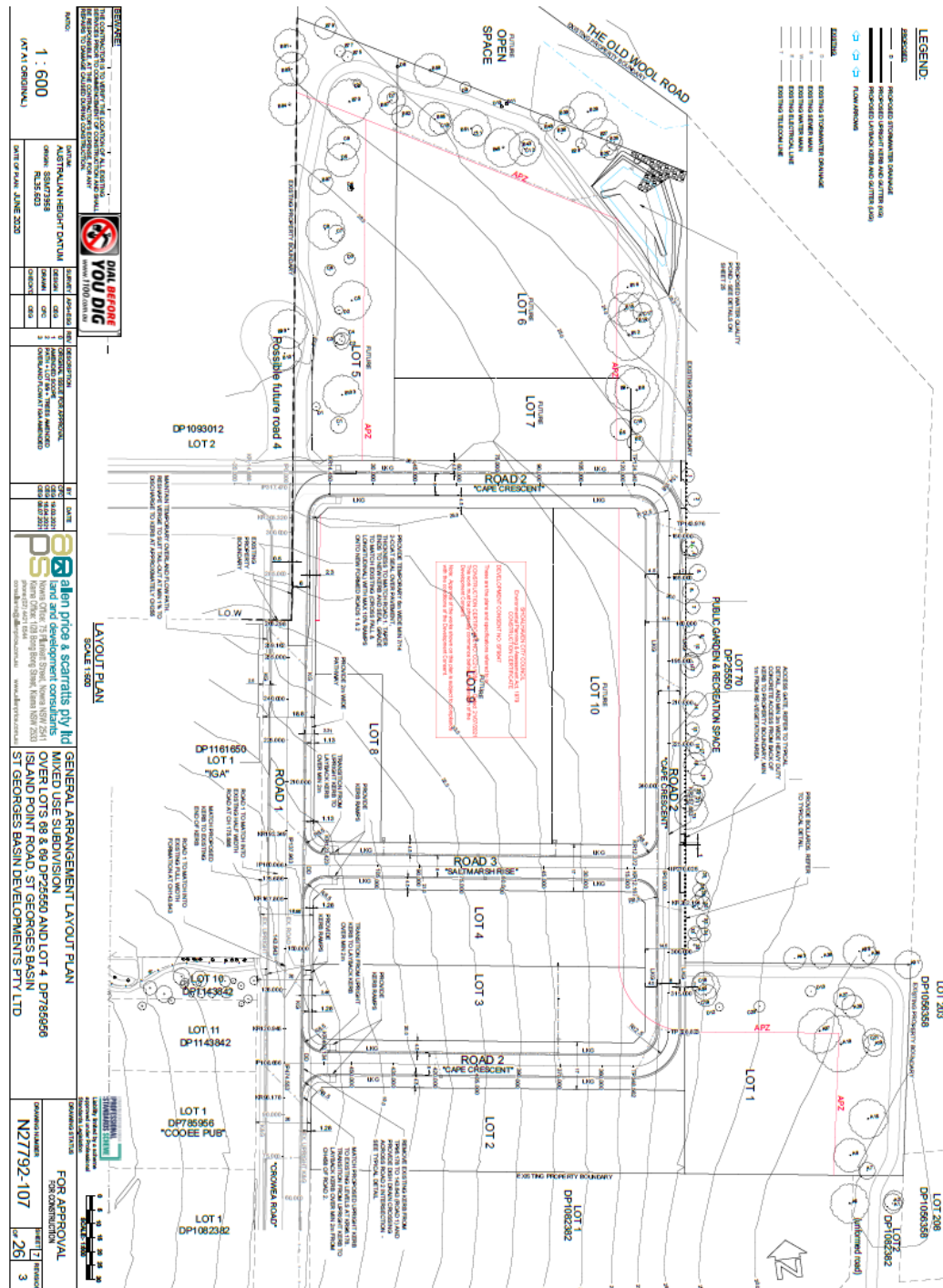


Figure 2: Approved subdivision layout

(Source: Allen Price & Scarratts, June 2020)

The Proposal

The letter of offer received from the applicant proposed the following works:

- Town Centre Drainage Works:
 - Supply and installation of 11 new inlets to existing drainage pits previously constructed by Council in the Village Access Road.
 - Construction of 155 metres of new DN375 pipe and 3 new pits in the northern part of the Village Access Road.

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- Reduction in SF9847 area draining to the project (03DRAI0001) network to 28,800m².
- Village Access Road works:
 - Construction of:
 - 1,620m² of sealed road, including earthworks and supporting pavement.
 - 217m of kerb and gutter.
 - 217m of sub-soil drainage.
 - Undertaking of associated works.
 - Dedication of 1,455.85m² of road reserve.

Note: Not all of the above works are supported, as discussed in more detail below.

A WIKA is required in this circumstance as a result of a recent Land and Environment Court decision (*Ku-ring-gai Council v Buyozo Pty Ltd* [2021] NSWCA 177) and contemporary legal advice.

The proposal overview presented in this report is based on approved Construction Certificate plans (D21/303415) and discussions to date between the parties. Council staff delegation is requested to continue to negotiate the particulars of the agreement, including the procurement of costings at the appropriate point (which has commenced).

Construction of the Road and Drainage Infrastructure

The Shoalhaven Contributions Plan ([Contributions Project 03ROAD2023](#)) requires the provision of a new access road and traffic facilities which will connect Anson Street to the south of the benefiting area to Island Point Road to the west of the benefiting area and will help facilitate planned/envisaged development of the St Georges Basin Village Centre.

Figure 3 shows the new access road (in red) and the contribution project benefiting area (in blue - those who contribute to the project) as per the Contributions Plan.

The Shoalhaven Contributions Plan ([Contributions Project 03DRAI3001](#)) also facilitates the provision of an integrated drainage network connected to Council's existing system to minimise overflow and environmental impacts in the broader drainage catchment (see **Figure 4**).



Figure 3: 03ROAD2023 Project

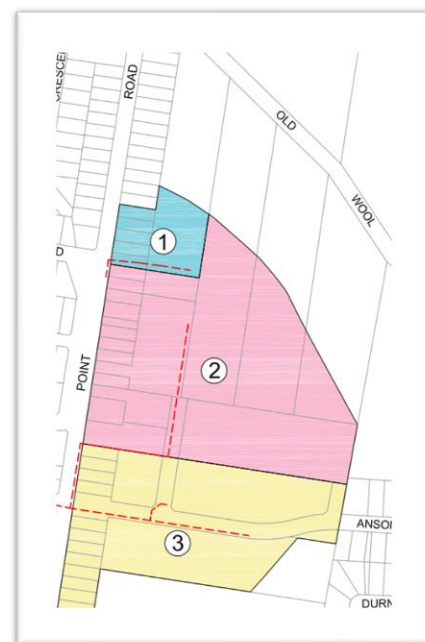


Figure 4: 03DRAI3001 Project

Village Access Road Works

The proposed road works are considered reasonable 'in principle', with the exception of the temporary half road shown in blue in **Figure 5** below. A temporary road with a 2-coat seal, with no kerb or gutter, is not envisaged in CP Project 03ROAD2023 and therefore this element of the proposal cannot be supported in terms of reimbursement and will need to be 'developer pays'. The final road outcome in this location will need to be constructed by Council at some point following the acquisition of the adjoining land (Lot 2 - the yellow outlined lot in **Figure 1**) which is required to enable a full width construction. It is noted that Lot 2 has recently changed hands and staff have commenced discussions with the new owner regarding the access road and associated acquisition.

The dedication of the entire road area, including the land associated with the temporary road, is supported.

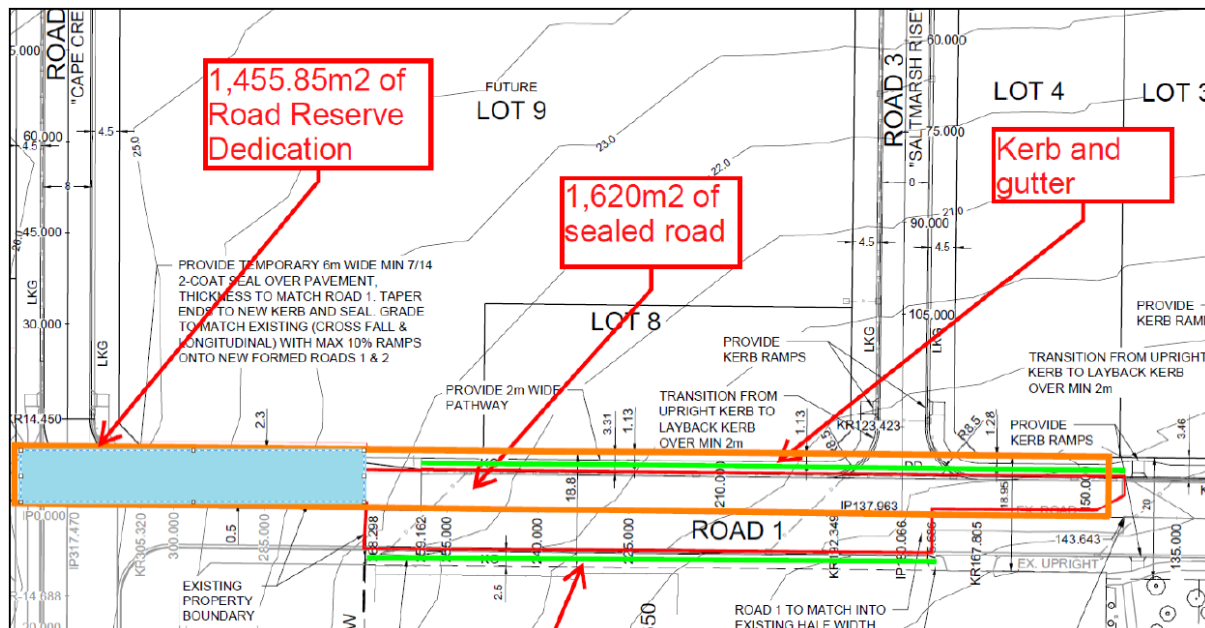


Figure 5: Ineligible Road Component (Source of original plan: Allen Price & Scarratts)

Town Centre Drainage Works

All works associated with CP Project 03DRAI3001 have been completed and as such the project is now recoupment only.

The additional drainage line to connect 'Road 2 – Cape Crescent' is not envisaged by CP Project 03DRAI3001 and the costs of this element will need to be met by the developer. It is understood the proposed reduction in SF9847 area draining to the 03DRAI3001 network will be addressed separately through a Section 4.55 modification (rather than via the proposed WIKA) and will be considered at the appropriate point.

However, it is noted that the supply and installation of some drainage infrastructure (new lintels and grates) may be required to address insufficient capacity in the existing drainage infrastructure. The provision of these new lintels and grates is supported via the WIKA, subject to detailed review.

Consideration of Land Costs

The Shoalhaven CP 2019 allows for the acquisition of land associated with the road project. To manage the payment of the land value efficiently (i.e., the land earmarked for acquisition), it is proposed that this occur via the WIKA, with the land being dedicated. Depending on whether value of works proposed to be undertaken by the developer exceeds

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or is less than the value of the contribution, suitable provision can be made in the WIKA to ensure the full land costs are paid to the developer.

Delegation Opportunities

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

The proposed agreement has some final negotiation yet to occur (including final detailed costings), however the proposal is supported 'in principle' and these matters can be resolved and progressed in time. As such, it is recommended that Council extend delegation for the above functions, unless further negotiations result in substantial changes to the proposal, in which case Council will receive a further report prior to finalisation.

Conclusion

Due to the public benefit realised from the ultimate construction of the road and adjustments to the drainage infrastructure, it is in Council's interest to support the proposal as recommended, finalise negotiations and proceed to prepare the WIKA.

Community Engagement

No community engagement is required for a WIKA.

Financial Implications

Options to Address the Funding Shortfall for the Construction of St Georges Basin - Road and Drainage Infrastructure

As independent costings have not yet been obtained for this proposal, it is unclear if there will be a shortfall between the developers Section 7.11 obligations for 03ROAD2023 (\$4,503.17) and 03DRAI3001 (\$315,955.20), as per Consolidated Consent DS21/1330, and the infrastructure construction costs/land values, however this is likely to be the case.

In accordance with Council's [Works In Kind Policy](#), if the value of the works undertaken (i.e. agreed construction costs) is less than the development contributions required in the consent, the developer will need to pay the difference to Council.

If there is a shortfall, a funding source will need to be identified accordingly.

Currently no contributions funds are available for either project, as a significant amount of work has been undertaken in relation to these projects and they are in deficit. As there are no contributions available to reimburse these projects, it is preferable that any remaining shortfall be covered by recently received deleted funds. In this regard, on 2 April 2019, Council resolved (MIN19.212(4)) to:

Endorse the position that all funds from deleted projects are to remain within each relevant planning area and be transferred to a "recoupment fund", with those funds used as Council's apportionment towards projects and to provide seed funding for community infrastructure projects identified in the revised contributions plan.

This project is an excellent candidate for the use of deleted funds and this option is preferred. If a shortfall remains, this shortfall could be covered by the developer upfront. The agreement could be drafted so that regular claims can be made for any contributions received over time for 03ROAD2023 and 03DRAI3001 to the value of the difference (i.e., a reimbursement mechanism).

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Alternatively, the entire shortfall (if any) could be covered by the developer upfront. Whilst this is certainly a viable option, it is not preferred as deleted funds have been set aside by Council specifically to seed fund infrastructure delivery in circumstances like this.

It is noted that the developer has also proposed a reimbursement schedule which would see Council reimburse the developer the shortfall in 3 equal payments in a three-year period. The proposed reimbursement timeframe is not supported.

Costs associated with the land

A valuation will be required as part of the WIKA negotiation process to determine the current value of the land, with costs payable by the developer. Based on recent experience and current land values, it is expected that the land value will be significantly higher than identified in the Contributions Plan (2009 value).

Costs associated with the drafting and entering into the WIKA/VPA

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

COVID-19 Contributions Discount Subsidy Policy

Depending on when the SF9847 s7.11 contributions are paid (or works undertaken in kind), the development may be eligible for the COVID-19 Contributions Discount Subsidy (refer to the [COVID-19 Contributions Discount Subsidy Policy](#)), noting the eligibility criteria and exclusions within. The Subsidy should be considered separately to the WIKA; however, the WIKA mechanism should not be considered a reason for ineligibility as the monetary contributions are essentially being paid by works in kind.

Policy Implications

Following the construction of the infrastructure as envisaged in the proposed WIKA and acquisition of land as required, changes to the current contributions plan project 03ROAD2023 will be required. Changes should reflect the partial completion status of the project, updated cost and acquisition estimates, and subsequent changes to the contribution rate as required. Minor administrative changes will need to be made to contributions project 03DRAI3001 to reflect actual expenditure in due course.

The changes to these projects can be undertaken as part of a future amendment/s to the Shoalhaven CP 2019 and would be reported separately at the appropriate point in time.

CL22.65 Report Back - Lot 29 DP874275, Seascape Close, Narrawallee - Requested Purchase and National Park Addition

HPERM Ref: D22/20091

Approver: Gordon Clark, Interim Director - City Futures

Attachments:

1. Copy - Ministerial Response, Nov 2021 - Narrawallee Land Acquisition Request [↓](#)
2. Copy - NSW NPWS Response, Jan 2022 - Narrawallee Land Acquisition Request [↓](#)

This item was deferred from the Ordinary Meeting 7 February 2022

Reason for Report

Report back on the outcome of Council's representations during 2021 regarding the requested acquisition of the subject land by the NSW Government for addition to the National Park system and to determine what further action to take.

Recommendation

That Council

1. Work with the local community, local interest groups and the Local Member, Hon Shelley Hancock MP, to collectively explore opportunities to bring the subject land into public ownership and undertake required advocacy in this regard.
2. Write to the new NSW Minister for the Environment & Heritage, James Griffin MP, requesting that the NSW Government actively assist with or acquire the subject land, given its high conservation value.

Options

1. Working with the local community, local interest groups and the Local Member (Hon Shelley Hancock MP) to continue to strongly advocate through representations to the new NSW Minister for the Environment & Heritage that the NSW Government actively assist with or acquire the subject land, given its high conservation value, for addition to the Garrad Reserve.

Implications: This would involve making further approaches to the NSW Government requesting that the Government proceed to acquire the subject land or actively assist with efforts to acquire it and work with Council on its future management/maintenance.

2. Resolve to proceed to purchase the subject land, including pursuing options to assist with the purchase and generate an ongoing conservation income to assist with its management and maintenance.

Implications: Council will need to find the funding required to acquire the property and see what funding opportunities exist to support this. It is noted that the subject land was previously listed for sale at \$2.5 million.

3. Receive the report for information.

Implications: This will effectively mean that no further action is taken by Council at this time and the subject land will remain in private ownership. This could result in the property being sold privately and a new owner pursuing development of the site in accordance with its existing zones and the planning agreement that applies to the land.

Background

The subject land (Lot 29 DP 874275) is privately owned, 14ha in size and is located adjacent to Seascope Close on the western edge of Narrawallee. The land is currently zoned part E2 Environmental Conservation, part R2 Low Density Residential and part R1 General Residential under Shoalhaven Local Environmental Plan (LEP) 2014. Part of the E2 land is also identified on the 'scenic protection' and 'terrestrial biodiversity' (part of a habitat corridor) overlays in the LEP.

Lot 29 is linked via a Voluntary Planning Agreement (VPA) to Lot 300 DP 792411, Ross Avenue, Narrawallee (6.5ha) that is mainly zoned E2 and contains Garrads Lagoon.

Council made representations during 2019 and 2020 to the NSW Government requesting the acquisition of the land given its high conservation value and for possible addition to the adjacent Garrads Reserve (owned and managed by Council as an existing Bio Bank site). These representations were unsuccessful.

In mid-2021 the subject land was again listed for sale with a price of \$2.75 Million. Council received community representations, including from the National Parks Association of NSW, regarding the subject land and its public acquisition.

Following consideration of a Mayoral Minute, Council resolved on 25 May 2021 to:

Write to the Minister for the Environment The Hon Matt Kean in regards to possible transfers of land to the National Park to include the following:

- a. Lot 2 DP 1087105 Leo Drive Narrawallee (Garrads Reserve)
- b. Lot 5 DP 1087106 Garrads Lane Narrawallee (Garrads Reserve)
- c. Lot 29 DP 874275 Seascope Close Narrawallee (For purchase by NSW Government and consistent with previous minutes)

Acknowledge that the three blocks as outlined above are contiguous with National Park land holding Narrawallee Creek Nature Reserve and would bring overall value to the National Parks estate as previously identified by the NSW State Government.

In addition to this resolution, Council also considered a Notice of Motion and resolved at the same meeting to:

1. *Write to the NSW State Government and again request that the property known as Lot 29 DP 874275 Seascope Close Narrawallee be brought into public / Council ownership for conservation purposes and potential addition to the existing Garrads Reserve Biobanking site as a matter of urgency.*
2. *If necessary, to assist with a successful outcome, Council's in-principle support to contribute to the purchase (limited to a maximum of \$500,000) and / or be involved in any negotiations that would result in the property coming into public/Council ownership be noted in Council's letter of request to the State Government.*

This second resolution followed discussions with NSW Government staff regarding a possible acquisition option that emerged and also foreshadowed Council's willingness to contribute to a possible NSW Government acquisition of Lot 29.

When read together these resolutions indicated that Council was:

- Requesting that the NSW Government acquire Lot 29 and is keen to work with the NSW Government to achieve what would be a well-received outcome in this regard.
- Prepared to consider the associated transfer of the Council owned land that makes up the adjacent Garrads Reserve or other relevant Council owned land that is already adjacent to the NSW Government's Narrawallee Creek Nature Reserve.
- Prepared to contribute to the purchase, up to a maximum of \$500,000.

The then NSW Minister for Energy & Environment, Matt Kean MP was advised in writing of this resolution on 3 June 2021.

Following the letter to the Minister there was ongoing staff level dialogue, including the provision of additional supporting background information.

The Minister was sent a follow up letter on 13 September 2021 asking for an urgent formal response to Council's request. This was again followed up by correspondence from the Mayor to Hon Shelley Hancock MP in October 2021.

The Minister's response was then received on 12 November 2021 (see **Attachment 1**). The Office of Hon Shelley Hancock MP also provided a copy of a separate response (see **Attachment 2**) received from the NSW National Parks & Wildlife Service regarding the subject land.

Both the responses received from the NSW Government acknowledged the conservation significance of the subject land, but essentially advised that they are not in a position to progress acquisition of the subject land.

Discussion

There is still strong community interest in the seeing the land publicly acquired given its vegetated nature and conservation significance, including noting that it adjoins the existing Garrads Reserve 'biobank' site.

Council's representations to the NSW Government during 2021 requesting that they proceed to acquire the site or work on options to acquire the site were ultimately unsuccessful, with the most recent correspondence in this regard received in January 2022. The letters received in response, whilst noting the conservation significance of the land, indicate that the NSW Government is not able to assist with its purchase.

At the time of writing this report, the subject land was still listed for sale, with no listed price ('contact agent').

In late 2021, as part of the NSW Governments ministerial changes, James Griffin MP was appointed as the new Minister for Environment & Heritage. As such there may be some merit in making fresh representations to the new Minister, but given the responses received from the NSW Government to date, it is likely that their position will remain unchanged (i.e. not able to purchase).

Community Engagement

There has been no direct community engagement yet in this regard. It is however, acknowledged that there is strong community interest in seeing this land brought into public ownership and managed for conservation.

Policy Implications

The land is currently covered by a planning agreement that seeks to bring another area, in the same ownership, into public ownership if the subject land is ever subdivided.

Financial Implications

Depending on the option taken, there could be a direct financial implication for Council if it decides to pursue acquisition of the land that has not been budgeted for. When put together with other suggested acquisitions of similar land this could be problematic or difficult to fund in a budgetary sense and also create precedent expectations.

It is noted that the subject land was previously listed for sale at \$2.5 Million.

CL22.65



The Hon. Matt Kean MP
Treasurer
Minister for Energy and Environment

42484E (D21/228535)
MD21/3454

Mr Stephen Dunshea
Chief Executive Officer
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

By email: council@shoalhaven.nsw.gov.au

Dear Mr Dunshea

Thank you for your letters on behalf of Shoalhaven City Council about acquiring Lot 29 Seascape Close, Narrawallee, for addition to the national parks estate. I appreciate the offer to transfer council-owned Garrad Reserve in support of a reservation outcome for Lot 29. I apologise in the delay in responding.

The National Parks and Wildlife Service (NPWS) has completed a preliminary assessment of Lot 29 to determine its suitability for addition to the national parks system. This assessment considers the NSW Government's conservation objectives, my current land acquisition priorities and available funding.

Many properties are considered by NPWS each year for addition to the reserve system. I am advised that, despite the conservation values identified for Lot 29 and Garrad Reserve, they are not in the highest priority category for acquisition. This assessment takes into account the relatively high level of existing protection afforded to both properties, current uses and future management requirements, and the price expectations for Lot 29.

I appreciate the desire of Council and local residents to see this land conserved and held for public use. While NPWS is not in a position to progress acquisition of Lot 29 at this time, I hope that Council will use its powers to ensure appropriate ongoing protection for the land.

I understand the Australian Government is considering proposals for the use of unspent land acquisition funds. I am advised the Department of Planning, Industry and Environment and Council have identified a proposal that may see Lot 29 acquired for addition to Garrad Reserve in exchange for other council-owned land being added to Narrawallee Creek Nature Reserve. I have asked NPWS to provide me with a more detailed brief in this regard, if this proposal proceeds.

If you have any further questions, please contact Mr Todd Duffy, Manager, Reserve Establishment, NPWS, on 6841 0937 or at todd.duffy@environment.nsw.gov.au.

Yours sincerely

Matt Kean MP
Treasurer
Minister for Energy and Environment

11.10.21



Your ref: SH/ac 060821
Our ref: MD21/4839

The Hon Shelley Hancock MP
Member for South Coast
PO Box 1436
NOWRA NSW 2541

By email: southcoast@parliament.nsw.gov.au

Dear Ms Hancock

Thank you for your correspondence to the Treasurer and former Minister for Energy and Environment, the Hon Matt Kean MP, on behalf of Shoalhaven City Council, about the potential acquisition of Lot 29 Seaspray Close in Narrawallee. Your email was referred to the National Parks and Wildlife Service (NPWS) and I have been asked to reply. I apologise for the delay in responding.

I have been advised that Lot 29 is currently under offer and I am aware this has raised considerable community concern. NPWS carried out a preliminary assessment of Lot 29 to determine its suitability for addition to the national parks system. The assessment considered the NSW Government's conservation objectives, current land acquisition priorities and available funding.

Despite the conservation values that were identified for Lot 29 and the adjoining Council-owned Garrad Reserve, they are not considered high priorities for acquisition. This decision has been informed by the relatively high level of existing protection afforded to both properties, current uses, future management requirements and price expectations.

You may be aware that the Government's current priorities for acquisition include properties that contain ecosystems, habitats and species that are not well sampled in the national parks system, secure habitat and landscape connectivity for koalas, or that will support improved management for the existing national parks system.

I appreciate Council's offer to transfer Garrad Reserve in support of a reservation outcome for Lot 29, and the desire of Council and local residents to see this land conserved and held for public use. However, at this time NPWS is not in a position to progress acquisition of Lot 29.

If you have any further questions about this matter, please contact Mr Paul Donnelly, Team Leader Land Assessments, NPWS on 9585 6095 or at paul.donnelly@environment.nsw.gov.au.

Yours sincerely

Kristy LAWRIE
Acting Director Biodiversity and Ecological Health
National Parks and Wildlife Service

14/01/2022

CL22.99 Parkcare Action Plans - Parker Crescent Reserve / Sawmill - Queen Street Reserve / Shoalhaven Heads Memorial Park / Waratah Park

HPERM Ref: D21/550654

Department: Works & Services
Approver: Paul Keech, Director - City Services

Attachments:

1. Draft - Parker Crescent Berry - Parkcare Action Plan [↓](#)
2. Draft - Sawmill / Queen St Reserve Berry - Parkcare Action Plan [↓](#)
3. Draft - Shoalhaven Heads memorial Park - Parkcare Action Plan [↓](#)
4. Draft - Waratah Park Bomaderry - Parkcare Action Plan [↓](#)

Reason for Report

To allow Council to consider two updated and two new Parkcare Action Plans that have been prepared by Parkcare Groups in conjunction with Council staff.

The plans are:

1.	Parker Crescent Reserve – Berry – Parkcare Action Plan	Berry	New
2.	Sawmill / Queen Street Reserve – Berry – Parkcare Action Plan	Berry	New
3.	Shoalhaven Heads Memorial Park – Parkcare Action Plan	Shoalhaven Heads	Updated
4.	Waratah Park – Bomaderry – Parkcare Action Plan	Bomaderry	Updated

Recommendation

That Council:

1. Endorse the updated and new “Parkcare” Plans for
 - a. Parker Crescent Reserve – Berry (NEW)
 - b. Sawmill / Queen Street Reserve – Berry (NEW)
 - c. Shoalhaven Heads Memorial Park – (UPDATED)
 - d. Waratah Park – Bomaderry (UPDATED)
2. Continue to allocate ongoing annual operating funding of \$400 (GST exclusive and CPI adjusted) for each Parkcare Group, totalling \$1,600 to cover safety PPE, miscellaneous materials, waste disposal and purchase minor tools.

Options

1. Approve continued endorsement of Shoalhaven Heads Memorial Park – Parkcare Group and Waratah Park – Bomaderry Parkcare Group and approve new endorsements of

CL22.99

Parker Crescent Reserve – Berry Parkcare Group and Sawmill / Queen Street Reserve – Berry Parkcare Group and adopt the Draft Action Plans.

Implications: Two groups are currently allocated a total of \$400 for continuing support and if this option is adopted two new groups would be allocated \$400 each, for ongoing support of Parkcare objectives which would be offset by the free resource offered to Council. The total cost of supporting the four Parkcare Groups would be an annual cost of \$1,600 which would be provided from the Works and Services Operational budget.

2. Not approve the ongoing support of Shoalhaven Heads Memorial Park – Parkcare Group and Waratah Park – Bomaderry Parkcare Group and refuse new endorsements of Parker Crescent Reserve Parkcare Group – Berry and Sawmill / Queen Street Reserve – Berry Parkcare Group pending any changes to the Action Plans

Implications: This would be a lost opportunity for Council. It is estimated from actual volunteer hours of existing Parkcare Groups, that the additional proposed Action Plans, and the volunteer effort that supports it, allows the Groups to supplement Council's maintenance schedule at a higher level of service thus adding approximately \$16,500 per annum (2 parks x average of 275 volunteer hours x \$30 per hour for labour) to present a high-quality park and reserve to the Berry and Bomaderry Communities.

Background

Council engages volunteers such as Parkcare groups to achieve higher levels of maintenance at minimal cost to Council. Council currently has 52 Parkcare Groups with 461 volunteer members under its Parkcare Programme.

The following one draft Parkcare Action Plan is up for readoption with no changes as part of the normal six-year review process:

1. Shoalhaven Heads Memorial Park Parkcare Action Plan

The following one draft Parkcare Action Plan is up for readoption with one change to the Parkcare Action Plan:

1. Waratah Park – Bomaderry Parkcare Action Plan

The Pride of Bomaderry Community Consultative Body (CCB) have requested the addition of two extra tables and seating to be added to the park. The park is a well-used location for shoppers and is regularly utilised for a lunch time crowd as well as a convenience for local shoppers. The addition of two extra tables and seating (adding a total of 5 tables and seats, including the three previously installed in the group's first Action Plan) will aid in the comfort of local residents and workers. The tables have been added to the Action Plan for cleaning and maintaining as part of the Groups action. The new tables will be funded from the Pride of Bomaderry CCB.

The following two draft Parkcare Action Plans have been requested from residents who are willing to supplement Council's maintenance schedules to enhance their local area:

1. Parker Reserve – Berry Parkcare Action Plan

Parker Crescent Reserve is an unnamed reserve in the subdivision of Huntingdale in Berry. Local residents wish to mulch and maintain gardens and the creek/drain on the reserve.

2. Sawmill / Queen Street Reserve – Berry Parkcare Action Plan

The Sawmill / Queen Street Reserve has an aesthetic value to the local residents who back onto the reserve. The residents would like to aid in the landscaping and weeding of the area, including along the creek line and to supplement Council's mowing schedule.

Community Engagement

Participation and involvement in the Parkcare Groups is open to all community members. The attached Action Plans involved consultation, as part of the Bushcare / Parkcare Procedures (PRD20/28), 7.2 Community Consultation.

Financial Implications

Two groups have been established in the Shoalhaven for a number of years and have been allocated the \$400 in future Works & Services budgets.

Two groups are to be allocated \$400 each, which is offset by the free resource offered to Council and will continue to receive a commitment totalling \$800 for the groups in future Works & Services budgets.

The total yearly contribution of \$1,600 has been provided for in the 2021-2022 Operating budget for Works & Services.



PARKER CRESCENT BERRY - PARKCARE ACTION PLAN

Document Number: D21/493108 • Adopted: **Date** • Minute Number:
Minute number • File: 31955E • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Parker Crescent Parkcare Group
Contact:	Megan Birmingham
Address:	3 Parker Crescent
Tel:	0490 787 944
Email:	birmingham.megan@gmail.com
Reserve Name:	Unnamed Land
Location:	5 Parker Crescent - Berry
Reserve No:	NBE072
Land Tenure	Freehold
Comm Land Type	General Community Use

1. PARKCARE GROUP GOALS

To keep gardens and water course weed free and assist in mowing around the garden to make it easier for Council staff

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Weed along water course	M	By hand	As required
Weed garden beds	M	By hand	As required
Mulch gardens	M	By hand	Yearly
Mowing around garden beds	M	Hand held mower	As required
Planting	L	By hand	As required
Maintain compost	H	By hand	Ongoing

3. PARKCARE GROUP ACTION PLAN MAP



4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Weeding	Weed Control Activities	SWMS1408
Mowing	Mower Walk Behind	SW151 (V2)
Manual handling, bending, planting, lifting	Hazardous Manual Tasks	PRD18/117

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43
Bushcare/Parkcare Procedure	PRD20/28
Contractor & Volunteer Management	PRD18/165

Personal Protective Equipment (PPE)	PRD15/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Provision of landscape materials including plants and mulch as budget permits
Advice on types of plants and weed removal

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Plan of Management Generic Community Land	2001	Shoalhaven City Council

**11. RECOMMENDED PLANTING SPECIES LIST
(NO VIEWS TO BE IMPACTED)**

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Various low growing shrubs	Up to 2m	Aesthetic value and attract native birds	As required and approved
Herbs & vegetables	Up to 2m	Local residents / volunteers share and attracts bees	As approved
Associated endemic plants suitable for creek bed	Up to 2m	Stabilise creek bed	As required and approved

12. SITE WEED LIST

Common Name	Extent	Control method used by group
Clover	L	By hand
Flat weed	L	By hand
Onion weed	L	By hand
Milk thistle	L	By hand
Dandelion	L	By hand

All works undertaken pursuant to this action plan are to be to the satisfaction of the Open Spaces Assets Coordinator

Parkcare Group Name Parker Crescent Parkcare Group

Coordinator Name Megan Birmingham

Signature

Date



SAWMILL / QUEEN ST RESERVE - BERRY - PARKCARE ACTION PLAN

Document Number: D21/514398 • Adopted: **Date** • Minute Number:
Minute number • File: 31955E • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Sawmill / Queen St Reserve Parkcare Group
Contact:	Jennifer Clapham
Address:	17 Princess Street, Berry
Tel:	0407 661 163
Email:	Jenniferclapham2@gmail.com
Reserve Name:	Sawmill / Queen St Reserve
Location:	Queen Street, Berry
Reserve No:	NBE011
Land Tenure	Freehold
Comm Land Type	Community Land / Park

1. PARKCARE GROUP GOALS

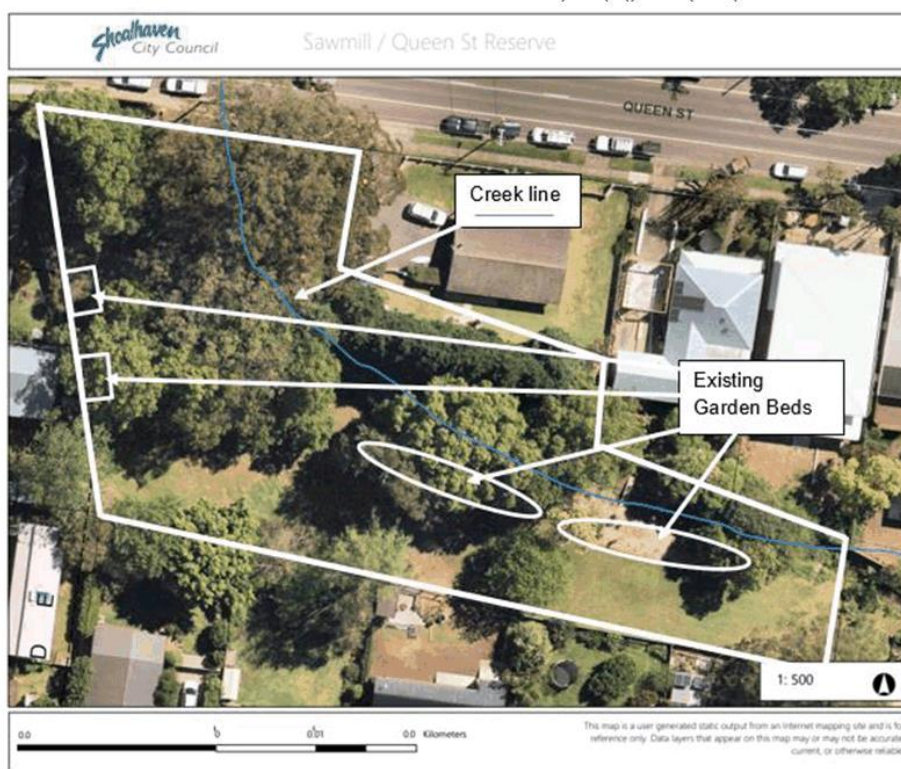
To weed along the creek line and gardens, plant and encourage native plant growth and subsidise Council's maintenance schedule with mowing of the reserve.

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Remove privet & camphor Laurel saplings	H	By hand	As required
Plant low growing native plants in gardens beds (Residents have already started the beds)	M	By hand	As required
Weeding along the creek line and garden beds	M	By hand	As required

Mowing when required	M	Push mower	As required
Mulching of garden beds	M	By hand	Yearly

3. PARKCARE GROUP ACTION PLAN MAP



4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Hand held mower	Mower Walk Behind	SWI151 (V2)
Weeding	Weed Control Activities	SWMS1408
Litter pickup	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Manual handling, bending, planting, lifting	Hazardous Manual Tasks	PRD18/117

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43
Bushcare/Parkcare Procedure	PRD20/28
Contractor & Volunteer Management	PRD/165
Personal Protective Equipment (PPE)	PRD16/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Provision of landscape materials including plants and mulch as budget permits and advice on types of plants and weed removal

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Generic Plan of Management Parks	2005	Shoalhaven City Council

**11. RECOMMENDED PLANTING SPECIES LIST
(NO VIEWS TO BE IMPACTED)**

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Lomandra	1m	Attract native birds and to maintain the natural look of surrounding area	As required and approved
Illawarra Flame Tree	10m	Aesthetic value, native animal & butterfly attraction	2
Associated low growing plants	Up to 2m	Attract native birds and to maintain the natural look of surrounding area	As required and approved
Associated endemic plants suitable for creek banks	Low	Stabilise the creek bank	As required and approved

12. SITE WEED LIST

Common Name	Extent	Control method used by group
Tradescantia	H	By hand
Morning Glory	H	By hand
Clover	M	By hand
Nettle	L	By hand
Camphor Laurel saplings	M	By hand
Small & large leaf privet	H	By hand
Arum lily	L	By hand
Ivy	M	By hand
Flea bane	L	By hand
Fishbone fern	M	By hand
Agapanthus	L	By hand
Crofton weed	M	By hand
Weeping willow	L	By hand
Pseudocapsicum	L	By hand
Lantana	M	By hand
Verbena	M	By hand
Tobacco plant	L	By hand

Staggerweed	L	By hand
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All works undertaken pursuant to this action plan are to be to the satisfaction of the Open Spaces Assets Coordinator

Parkcare Group Name Sawmill / Queen St Reserve Parkcare Group

Coordinator Name Jennifer Clapham

Signature

Date

DRAFT

CL22.99 - Attachment 2



SHOALHAVEN HEADS MEMORIAL PARK - PARKCARE ACTION PLAN

Document Number: D21/536328 • **Adopted:** Date • **Minute Number:** Minute number • **File:** 31955E • **Produced By:** City Services • **Review Date:** Review Date

CONTACT INFORMATION

Group Name:	Shoalhaven Heads Memorial Park Parkcare Group
Contact:	Brian Curran
Address:	2/133 Scott St, Shoalhaven Heads
Tel:	0409 244 421
Email:	barney4727@gmail.com
Reserve Name:	Shoalhaven Heads Memorial Park
Location:	Shoalhaven Heads
Reserve No:	NSH155
Land Tenure	Crown
Comm Land Type	Park

1. PARKCARE GROUP GOALS

To maintain the visual integrity of the memorial in Shoalhaven Heads Memorial Park.

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

GROUP ACTION	PRIORITY	METHOD	TIMING
Paint Parks infrastructure	M	Hand Tools	Ongoing
Memorial cleaning & maintenance	H	Hand Tools	Ongoing
Keep reserve litter free	M	Hand Tools	Ongoing
Fertilise lawn area around memorial	H	By hand	Ongoing

3. PARKCARE GROUP ACTION PLAN MAP



4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Painting & maintaining park furniture	Park Furnishings and Play Equipment Maintenance	SWMS1201
Litter pickup	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417
Landscape construction & maintenance	Operational Risk Assessment	FM18/139

WHS Document Name	Document No.
Workplace Inspection Checklist	D13/177520
Incident Reporting, Investigation and Corrective Action	PRD18/118
Bushcare/Parkcare Policy	POL18/43
Bushcare/Parkcare Procedure	PRD18/9
Contractor & Volunteer Management	PRD18/165

Personal Protective Equipment (PPE)	PRD16/257
Work Health & Safety Policy	POL20/12
Risk Management	PRD18/135

5. COUNCIL SUPPORT

Provision of cleaning materials and paints as necessary
Provision of fertiliser

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Nil	

9. PLAN WILL BE REVIEWED EVERY SIX YEARS

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Generic Plan of Management - Parks	2001	Shoalhaven City Council

**11. RECOMMENDED PLANTING SPECIES LIST
(NO VIEWS TO BE IMPACTED)**

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Nil – Group not planting			

All works undertaken pursuant to this action plan are to be to the satisfaction of the Open Spaces Assets Coordinator

Parkcare Group Name Shoalhaven Heads Memorial Park Parkcare Group

Coordinator Name Brian Curran

Signature

Date

CL22.99 - Attachment 3



WARATAH PARK – BOMADERRY - PARKCARE ACTION PLAN

Document Number: D21/293970 • Adopted: **Date** • Minute Number:
Minute number • File: 31955e • Produced By: City Services • Review Date:
Review Date

CONTACT INFORMATION

Group Name:	Waratah Park Parkcare Group
Contact:	Terry Barratt
Tel:	4422 1211 / 0439 494 402
Email:	Terrybar2013@gmail.com
Location:	59 Meroo Street, Bomaderry
Land Tenure	Private Licence Agreement with Council

1. PARKCARE GROUP GOALS

Improve the amenity and presentation of Meroo street, Bomaderry by providing a neat and tidy public park for visitors to the shopping precinct
Maintain picnic tables and potted garden plants
Arrange for mowing and brush cutting of lawn areas
Collecting litter and removing/reporting localised graffiti
Improve facilities in the reserve through fundraising programs

2. SHOALHAVEN PARKCARE GROUP ACTIVITIES TABLE

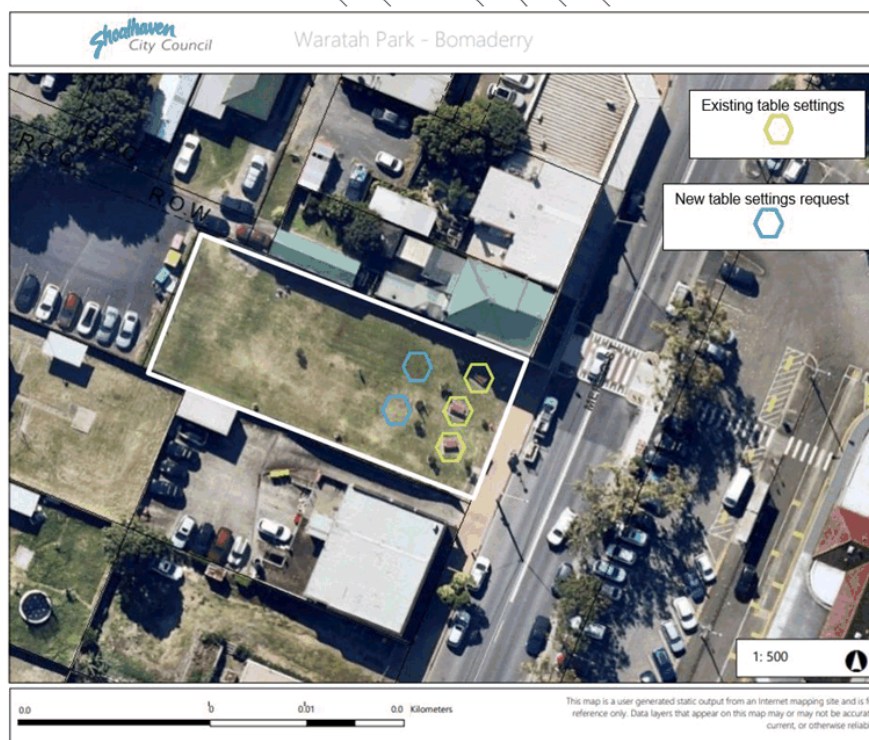
GROUP ACTION	PRIORITY	METHOD	TIMING
Clean and maintain table settings, monitor graffiti	H	Manual	Ongoing
Water and weed potted plantings	M	Manual	Ongoing
Mowing and edging in collaboration with volunteers	H	Mower & whipper	Ongoing

		snipper	
Installation of 2 extra table settings that would include mulching under the setting (as shown in photo below)	H	Manual	Sept



One of the existing tables and mulched area

3. PARKCARE GROUP ACTION PLAN MAP



WARATAH PARK – BOMADERRY - PARKCARE ACTION PLAN
Page 2 of 4

Reserve contains 3 existing table settings and a number of potted plants. The reserve is undeveloped private land, not owned by SCC, so preference is for plantings that are not permanent but can be removed without damage to existing ground infrastructure. Similar constraints will be placed on any structures/table settings to be considered in the future.

4. PARKCARE GROUP WHS DOCUMENTS

Type of Activity	WHS Document Name	Document No.
Mowing	Mower – Walk Behind	SWI51 (v2)
Mowing	Operate & Maintain Ride On Mower / Tractor	SWI50 (v2)
Whipper snipping	Line Trimmer	SWI41 (v2)
Litter collection	Roadside Waste, Biological Waste & Park Litter Collection	SWMS1417

5. COUNCIL SUPPORT

Provide insurance cover for volunteers as per Volunteer Handbook Item 26

Provide horticultural advice and minor tools

6. HAS A SITE HAZARD AND RISK ASSESSMENT BEEN COMPLETED FOR THE PARKCARE SITE?

Risk assessments are completed daily as part of the Site Recording Group Sheet & Site Specific Risk Assessment Form.

7. LIST THE PERSONAL PROTECTION EQUIPMENT REQUIRED FOR VOLUNTEERS WHILST WORKING ON THE SITE

PPE Equipment Required	Date issued
First Aid Kit	As Required
Gloves	As Required
Sunscreen	As Required
Insect repellent	As Required

8. POSSIBLE FUTURE FUNDING

Project	Funding source
Installation of 2 additional table settings	Donation from local business owner via Pride of Bomaderry CCB

9. PLAN WILL BE REVIEWED EVERY SIX YEARS OR UNTIL LICENCE AGREEMENT ENDS AND NO FURTHER LICENCE WILL BE ISSUED DEPENDING ON WHICH COMES FIRST

10. LOCAL OR REGIONAL MANAGEMENT PLANS OR STRATEGIES THAT THIS PLAN RELATES TO

Name of document	Year it was produced	Produced by
Licence – LD7910	2020	Shoalhaven City Council

**11. RECOMMENDED PLANTING SPECIES LIST
(NO VIEWS TO BE IMPACTED)**

Name or type of plant	Maximum Height	Structural Role in the park vegetation	Number
Flexible	N/A	Container planting only	As required & approved

Parkcare Group Name Waratah Park Parkcare Group

Coordinator Name Terry Barratt

Signature

Date

CL22.100 Expression of Interest - Lease, Alternate Site Occupation Requirements by Safe Waters Community Care and Milton Ulladulla Historical Society - 100 St Vincent Street Ulladulla

HPERM Ref: D22/15721

Department: Building Services
Approver: Paul Keech, Director - City Services

Reason for Report

To allow consideration of the negotiated occupation arrangement for 100 Vincent Street Ulladulla.

Recommendation

That in respect to 100 Vincent Street Ulladulla, Council:

1. Agree to the use and occupation of Section B, comprising of the whole building, by the Safe Waters Community Care Inc. (SWCC), for a five (5) year lease term with a five (5) year option, subject to any formal approval.
2. Agree to the use and occupation of Section A, comprising of a shed in the rear of the site, including an insulated office area, toilet and kitchenette, by the Milton Ulladulla Historical Society (MUHS), for a five (5) year lease term with a five (5) year option, subject to any formal approval.
3. Provide the following allocation in the 2022/2023 Building Services Operational Draft Budget:
 - a. Compliance and Improvement works \$390,000
 - b. Annual Maintenance and Operating Costs \$20,000

Options

1. Adopt the recommendation.

Implications:

A Development Application will proceed for the change of use and occupation by both parties, relevant works undertaken and leases finalised, after this approval is obtained.

2. Council could choose not to accept the recommendation.

Implications:

This is not recommended as an extensive evaluation process has been undertaken by undertaking an Expression of Interest for leasing and no other interested parties were identified. It is anticipated that Milton Ulladulla Historical Society may not proceed, which will leave sole occupation of the site to Safe Waters Community Care Inc. This however, will remove Council's obligations to install a shed to the rear of the property at an estimated cost of \$225,000. This amount includes the additional shed works required.

CL22.100

Background

The outcome of the Ordinary Meeting of Council on 26 October 2021 provided the following resolution (MIN21.790C) in relation to the Expression of Interest for the leasing of 100 St Vincent Street, Ulladulla (D21/424596).

That in respect to 100 Vincent Street Ulladulla, Council:

1. *Provide in principle support to the use and occupation of Section B, by the Safe Waters Community Care Inc. (SWCC), for a five (5) year lease term with a five (5) year option, subject to any formal approval.*
2. *Provide in principle support to the use and occupation of Section A, by the Milton Ulladulla Historical Society (MUHS), for a five (5) year lease term with a five (5) year option, subject to any formal approval.*
3. *Provide the following allocation in the 2022/2023 Building Services Operational Draft Budget:*
 - a. *Compliance and Improvement works \$225,000*
 - b. *Annual Maintenance and Operating Costs \$20,000*

Action Items 1 and 2 were discussed individually with Safe Waters Community Care Inc. (SWCC) and Milton Ulladulla Historical Society (MUHS) including the leased area which was being provided and the requirement to share the site and the proposed use by each party.

This resulted in numerous discussions due to safety concerns by both parties regarding the proposed use by SWCC providing accommodation to homeless people. After consideration, SWCC and MUHC both initially advised that they wished to proceed with the Council resolution, however this was later retracted.

In order to progress, an on-site meeting with SWCC, MUHC and Council staff occurred Tuesday 30 November. The Council resolution was discussed, the concerns of both parties and options for the site to be shared in order to provide a suitable outcome.

SWCC and MUHS agreed that they both needed to work together to identify the best option for the shared occupation and that they would have further conversations after the meeting. Council staff requested that both SWCC and MUHS provide a response in writing by Friday, 3 December 2021 for the review, consideration and approval by Council.

Correspondence was subsequently received from both SWCC and MUHS who agreed to proceed on the following basis. It is noted that whilst they responded individually, they had an agreed position on how they jointly wanted to proceed.

- MUHS wish to relinquish to SWCC the front office within the building and remain on the site within the shed to be constructed by Council in the rear. The implications of this include;
 - The size of the shed is increased to approximately 90 square metres and contains an insulated air-conditioned office area, toilet and kitchenette.
 - The insulated office area replaces the office area within the building which is being relinquished.
 - The additional cost as a result of the above is estimated at \$165,000.
 - This increases the 2022/2023 Building Services Operational Draft Budget – Compliance and Improvement works from \$225,000 to \$390,000.
 - Council is to investigate the opportunity to provide an access gate to the Council carpark located to the rear eastern boundary at the back of the site.
- SWCC has advised that they require the front office area in order to provide accessibility to the ground level tenancy, and an area where an onsite Manager and office could be accommodated. The implications of this include;
 - The site will now have an onsite Manager during the week and volunteers on the weekends.

CL22.100

- The building is now proposed to accommodate homeless people on a daily basis rather than providing longer term accommodation resulting in the site not having an onsite Manager.
- This option provides additional security to MUHC and also the operation of the site generally.

The Recommendation provided above however, is consistent with the recent discussions with both Milton Ulladulla Historical Society and Safe Waters Community Care Inc.

Financial Implications

There are additional costs associated with this revised arrangement primarily due to the requirement for a larger shed which will now include an office area. This area will be partly insulated, partitioned, air conditioned and contain a kitchenette, toilet and relevant flooring.

The amount of \$390,000 will be funded from the 2022/2023 Building Services Capital Works Budget Program. A DA for the change of use and for the installation of the shed will be undertaken in the 2021/2022 financial year, however, it is anticipated that works will not commence until the following year. The Annual Maintenance and Operating Costs of \$20,000 will not change.

CL22.100

CL22.101 Tenders - 69016E Construction of Far North Collector Road and Bridges (5 No.)

HPERM Ref: D22/36560

Department: Technical Services

Approver: Paul Keech, Director - City Services

Reason for Report

To inform Council of the tender process for 69016E – Construction of Far North Collector Road and Bridges (5 No.).

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 separated 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

Construction of the Far North Collector Road from Illaroo Road to Moss Vale Road. The contract includes construction of the 1.8 km long Far North Collector Road, 5 bridges, roundabout at Moss Vale Road, connecting roads to Taylors Lane and a shared user path.

Tendering

Council called tenders for Construction of Far North Collector Road and Bridges (5 No.) on 19 November 2021 which closed at 10:00am on 18 January 2022. Four tenders were received at the time of closing. Tenders were received from the following:

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Tenderer	Location
Cleary Bros (Bombo) Pty Ltd	Port Kembla
Delaney Civil Pty Ltd	Bella Vista
JK Williams Constructions Pty Ltd	Penrith
Menai Civil Contractors Pty Ltd	Smeaton Grange

Details relating to 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:

The construction of the Far North Collector Road and associated civil works are fully Federally funded. The Federal Government has provided \$32.8M in funding for the project. \$23M of that funding is apportioned to the scope of works associated with this tender.

Sufficient funds have been allocated in the Far North Collector Road budget for 2021/22. 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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CL22.102 Development Application – DA20/1068 - 189-197 Princes Highway & 2A Parson Street Ulladulla – Lots 1-5 DP21356, Lot 23 DP 1082957.

DA. No: DA20/1068/4

HPERM Ref: D22/17239

Department: Development Services

Approver: Colin Wood, Manager - Certification & Compliance

Attachments:

1. S4.15 Assessment Report (under separate cover) [⇒](#)
2. Draft Development Consent - Bunnings Ulladulla - 189 to 197 Princes Highway Ulladulla (under separate cover) [⇒](#)
3. Shoalhaven Water Development Notice (under separate cover) [⇒](#)
4. Voluntary Planning Agreement (under separate cover) [⇒](#)
5. Voluntary Planning Agreement Explanatory Note (under separate cover) [⇒](#)

Description of Development: Bunnings Warehouse

Owner: ET & ME Oberg, Etmo Pty Ltd & Hogg Property Pty Ltd, Shoalhaven City Council

Applicant: Development Approvals Manager Bunnings Group, Limited

Notification Dates: 26/02/2020 to 28/03/2020 and 11/03/2020 to 1/05/2020

No. of Submissions: 2 (one against by 1 petition)

Purpose / Reason for consideration by Council

This Development Application (DA) is reported to Council given that there is a clause 4.6 variation to a development standard (height) and a Voluntary Planning Agreement (VPA) proposed.

In summary:

- The clause 4.6 variation relates to the Shoalhaven Local Environmental Plan 2014 (SLEP 14) 10m building height limit. There is a 16% departure from the height standard for the Bunnings warehouse building, which is supported for reasons contained in this report.
- A Voluntary Planning Agreement (VPA) is proposed with the developer for the construction of road infrastructure. The road is referenced in the Shoalhaven Contributions Plan 2019. Details are contained in this report.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Approve Development Application, by way of deferred commencement, DA20/1068 for a Bunnings Warehouse incorporating subdivision of Lot 23 DP 1082957 2A Parson Street, Ulladulla and consolidation of the southern portion with Lots 1-5 in DP 21356 189 - 197 Princes Highway and construction of associated infrastructure that includes roadworks (new roundabout, median and entry/exit driveways) in the Princes Highway and partial extension of St Vincent Street, as detailed in the draft conditions of consent, at

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Attachment 2 to this report.

2. Approve the proposed Voluntary Planning Agreement (VPA) with Bunnings Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957, 189 - 197 Princes Highway and 2A Parson Street, Ulladulla for the construction of road infrastructure as outlined in this report and referenced in Attachments 4 and 5 to this report.
3. Delegate authority to Council's Chief Executive Officer, or his delegate, to enter into and register the Planning Agreement consistent with the detailed key terms.

Options

1. That Council approve the recommendation as printed.

Implications: A Deferred Commencement is being recommended. The deferred items require the execution of the VPA and completion of stormwater works and registration of a new easement for the stormwater.

The proposed VPA will result in a positive public benefit through the construction of part of the road and drainage infrastructure earmarked in the Shoalhaven Contributions Plan (CP) 2019 for the Princes Highway and St Vincent Street.

This would permit the construction of a larger Bunnings Warehouse for Ulladulla that would generate significant employment during and post construction.

2. That Council does not support the application.

Implications: This would impact on employment opportunities, delay the provision of civil infrastructure required under the Shoalhaven Contributions Plan 2019, and potentially result in a formal request to review the decision and / or appeal to the Land and Environment Court.

3. Adopt an alternative recommendation.

Implications: This is contingent on what is resolved.

Location Map



Figure 1 - Location

Background

What is a VPA?

Planning agreements are tools allowing planning authorities, including a Council and developers to work together to deliver infrastructure outcomes. They are a legal agreement between a developer and an authority and are typically negotiated when a developer is submitting a DA or a Planning Proposal.

Council's Planning Agreement Policy can be found [here](#).

The Bunnings VPA

Prior to lodging the current application Bunnings sought pre-development advice from both Council and Transport for NSW (TfNSW) in 2019 regarding potential access opportunities to the Princes Highway and St Vincent Street Ulladulla.

TfNSW required the provision of a roundabout, new median on the Highway and the staging of access works to the Highway in two stages.

Initial access for patrons is to be provided direct entry to the Highway with the provision of a roundabout at the junction of Dowling Street and new median works north of the roundabout.

Ultimate access to be provided off the link road between the new roundabout on the Highway and St Vincent Street as foreshadowed by Chapter S10: South Ulladulla of Councils Development Control Plan (DCP) and contribution item 05ROAD4008 in the Council's contributions plan.

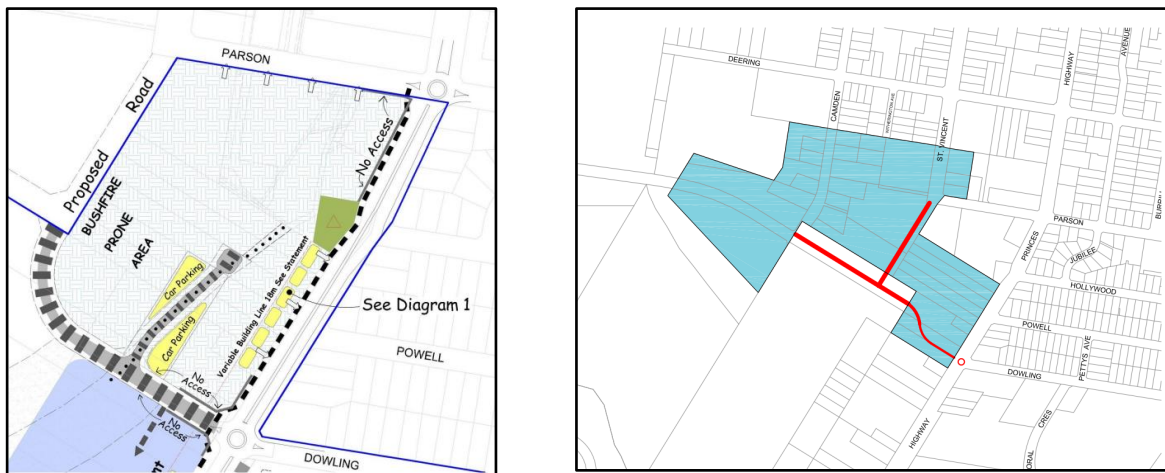


Figure 2 – Extract of proposed link road and roundabout Chapter S10: South Ulladulla (left image) and Extract of 05ROAD4008 Contribution project map Shoalhaven Contributions Plan 2019 (right image).

There is a significant cost in providing a roundabout and associated infrastructure to the Princes Highway together with an extension to part of St Vincent Street. As there is a need to commence the development before Council constructs the remaining road extension of St Vincent Street, the Applicant has offered to enter into a Voluntary Planning Agreement (VPA) with Council for the provision of road infrastructure required under the Shoalhaven Contributions Plan 2019.

Council's Planning Agreement Policy POL19/78 requires a resolution from Council agreeing to enter into a VPA before the Chief Executive Officer (CEO) can execute the agreement.

Building Height Variation

The site is affected by two building height limits of 8m along the Highway frontage and 10m for the majority of the site.



Figure 3 – Extract of Height of buildings map for Bunnings site identified by red border

A portion of the warehouse building is 11.6m which equates to a 16% variation to the 10m height standard. Any variation exceeding 10% requires a clause 4.6 variation. Staff do not have delegation to consider variations over 10%. The matter must be considered by the Council.

What is clause 4.6 and a variation?

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Development is controlled by Environmental Planning Instruments, such as the Shoalhaven Local Environmental Plan 2014 (SLEP14). The SLEP14 sets out what can be built and includes some controls / development standards such as height.

Sometimes a development can achieve the objectives of the SLEP 2014 but cannot comply with a standard for various reasons. In these instances, it is necessary to request a clause 4.6 variation which allow a consent authority to 'relax' the development standard in the particular circumstance. A clause 4.6 variation request must be in writing and address particular matters. Importantly, there must be sound justification for the departure from the development standard.

Clause 4.6 is a mandatory clause contained in all Local Environmental Plans.

Council is also required to report the variations to the Department of Planning and Environment on a quarterly basis and all variations may be subject to an audit.

Clause 4.6 only applies to development standards, not prohibitions.

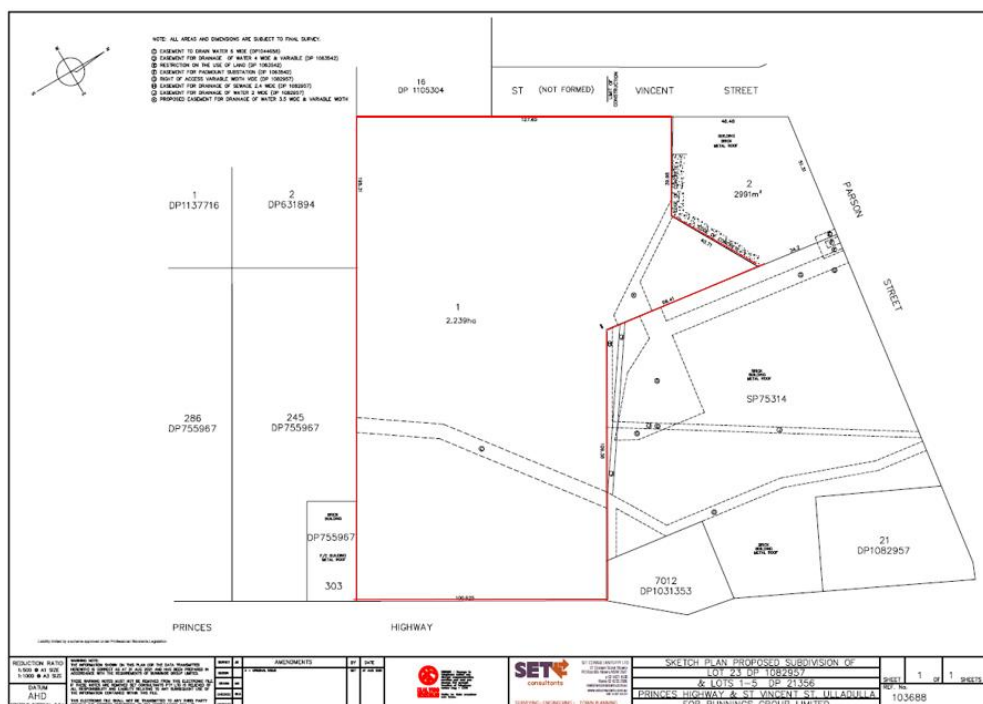
The Proposed Development

The development is classed as 'Integrated'. This means, an approval is sought from an external agency in addition to Council's development consent. The additional approval is under the Water Management Act 2000 given that works will be within 40m of a watercourse on the development site.

The development will include the consolidation of Lots 1-5 DP 21356 and subdivision of the consolidated land and Lot 23 DP 1082957 into 2 lots. Proposed Lot 1 (2.239Ha) for the new Bunnings development and proposed Lot 2 (2991m²) containing Project Lighting. Figure 14 shows the 'Project Lighting' site and the land to be included into the Bunnings site.

The development also includes the demolition of existing structures over proposed Lot 1, and construction of a new hardware, building supplies and garden centre including car parking and signage.

A Draft Voluntary Planning Agreement and Explanatory Note (Refer to **Attachments 3 and 4**) for associated civil works including a road upgrade portion of St Vincent Street and new roundabout/median works on the Princes Highway and Dowling Street Ulladulla forms part of the proposal.



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Figure 4 – Proposed Subdivision Plan – see also Figure 14 which shows the land to be incorporated into the Bunnings site. The subdivision cuts a portion of 2A Parson Street (Project Lighting) off and consolidates it with 5 long blocks lots 1-5 in DP 21356 into one large development lot suitable for the proposed development as shown outlined in red.

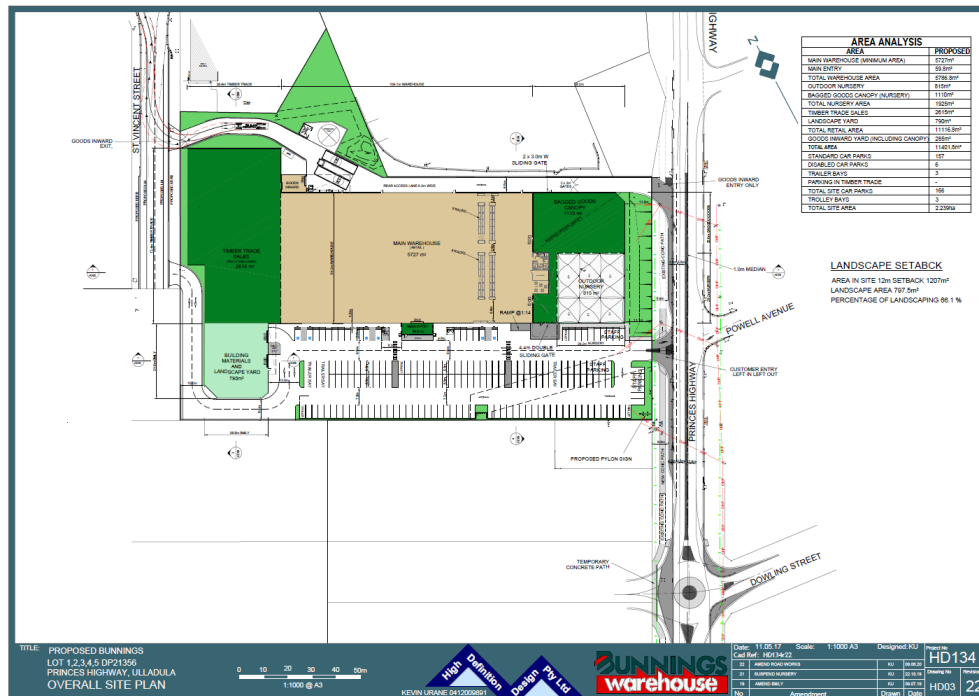


Figure 5 - Overall site plan showing staged access direct from Princes Highway with provision of roundabout, median and entry/exits to Highway and St Vincent Street.

Heavy vehicle access is to be provided direct from the north eastern end of the site facing the highway that exits onto St Vincent Street.

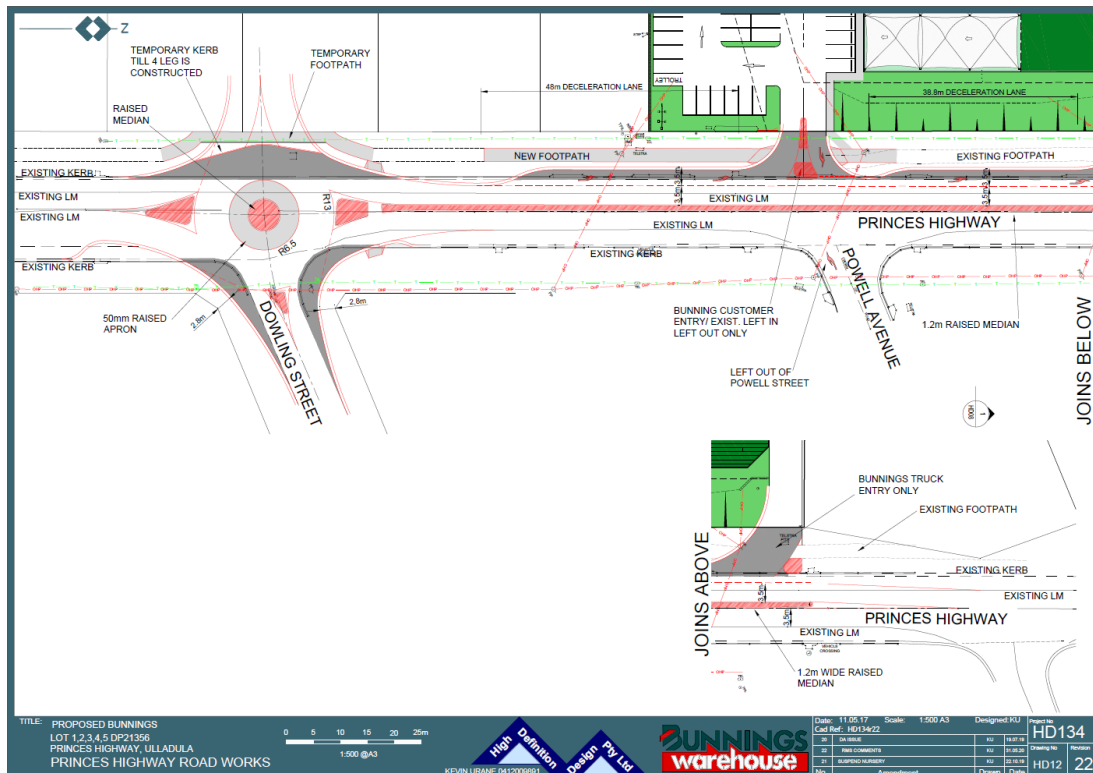
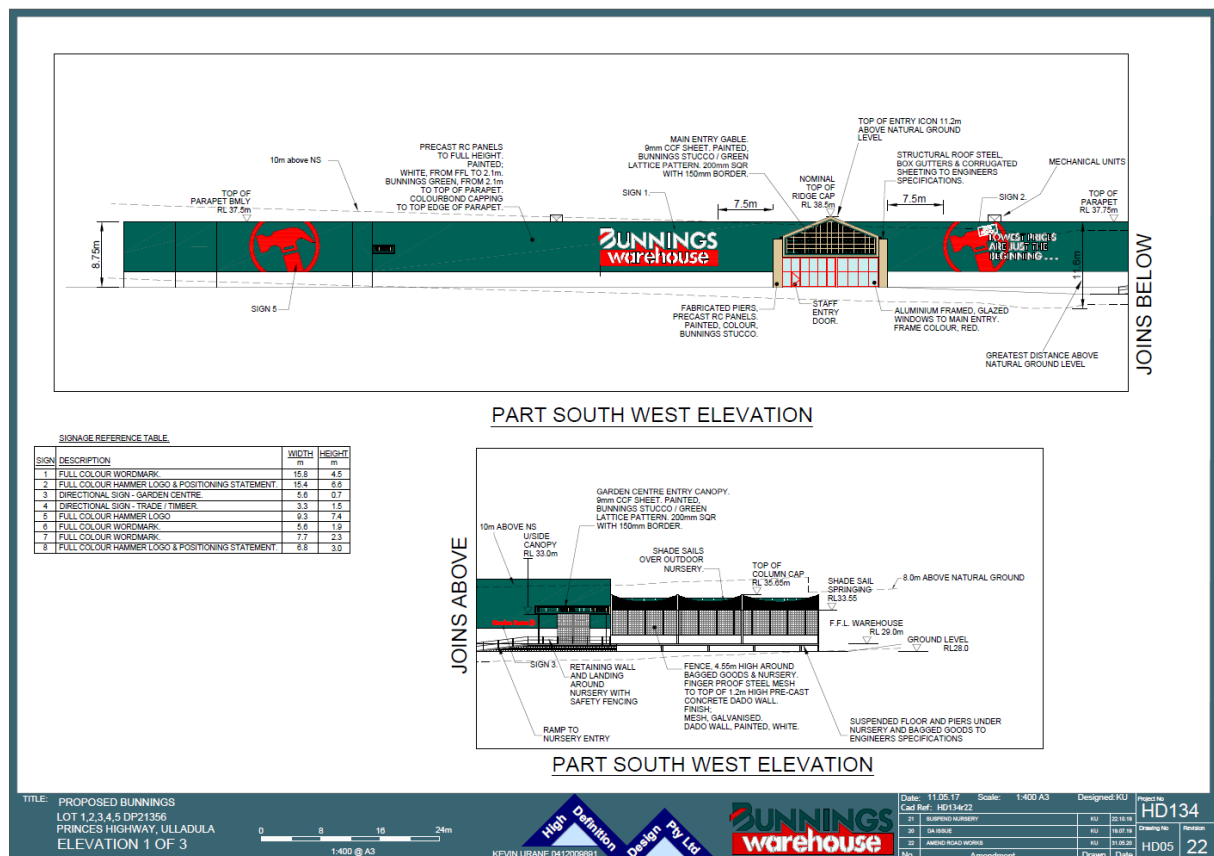
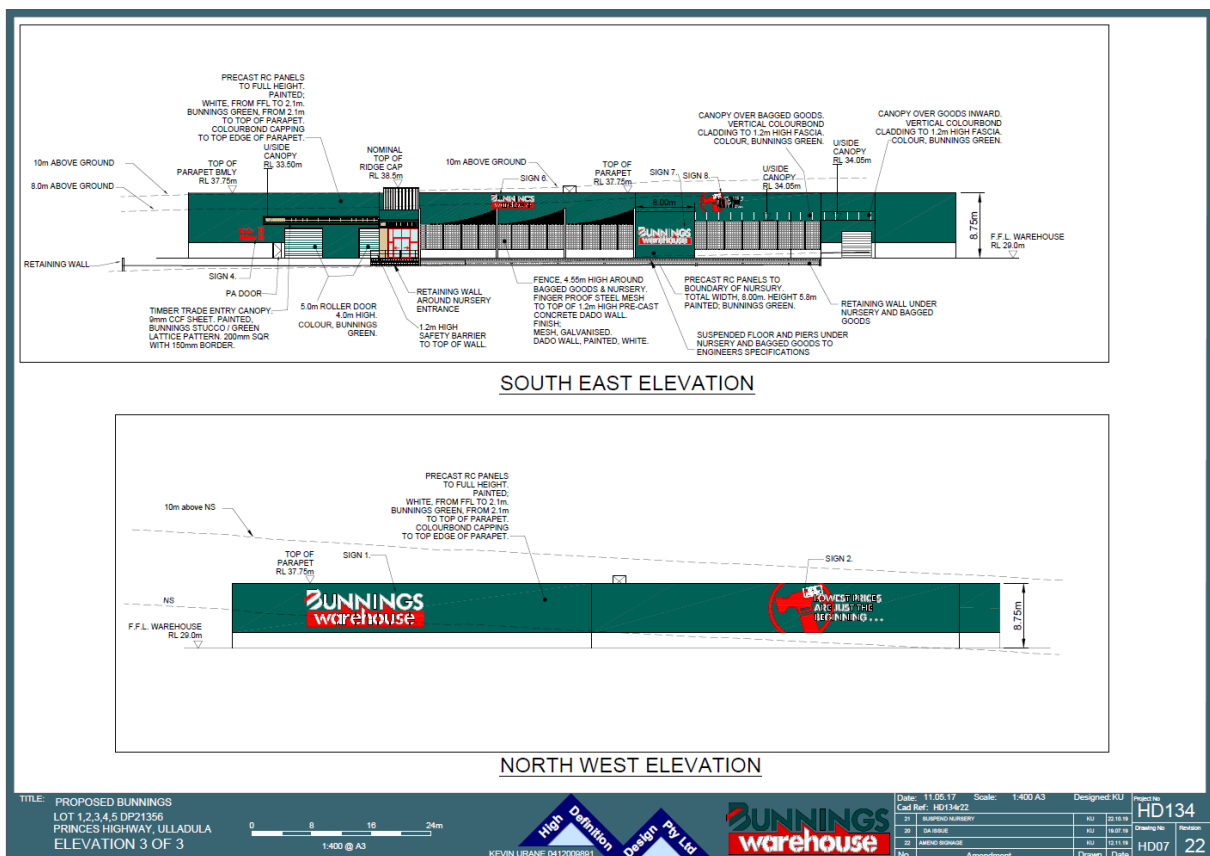
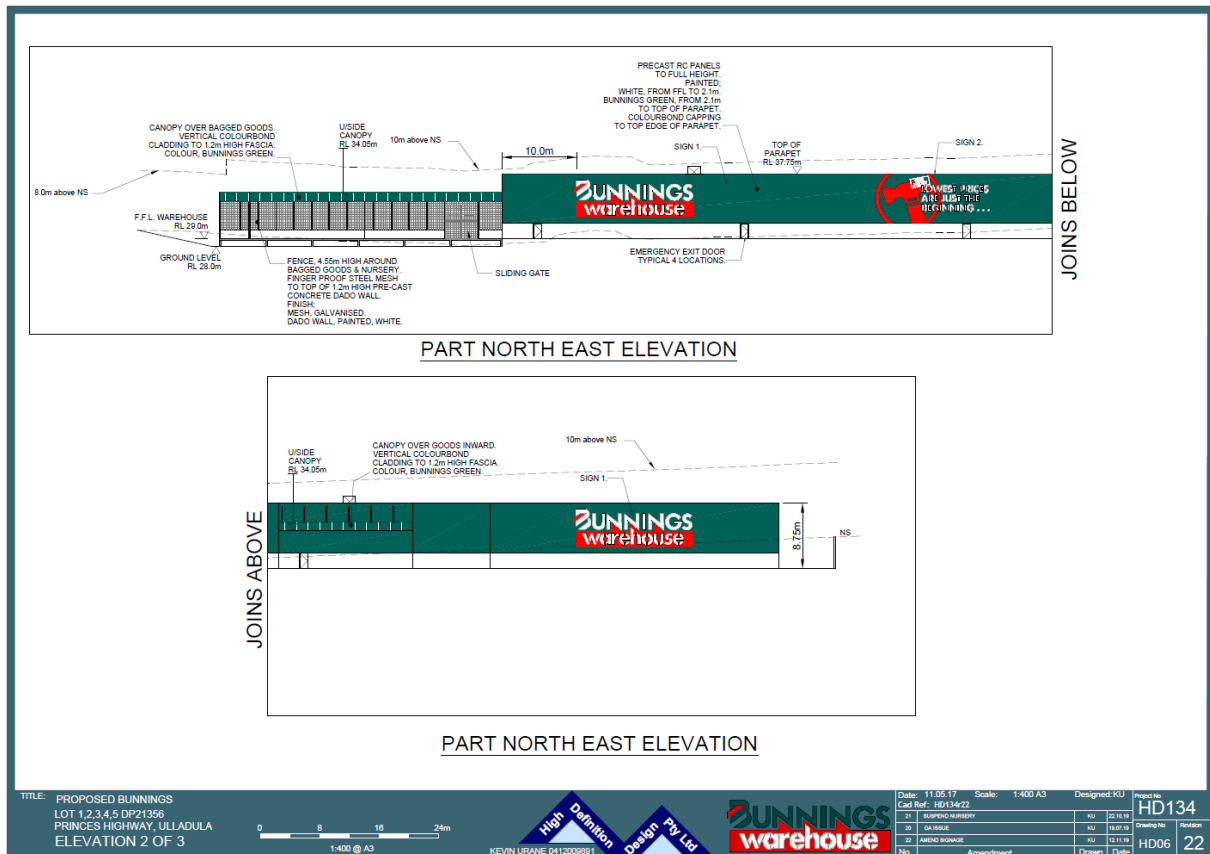


Figure 6 - Proposed Civil infrastructure works to Princes Highway

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CL22.102



CL22.102

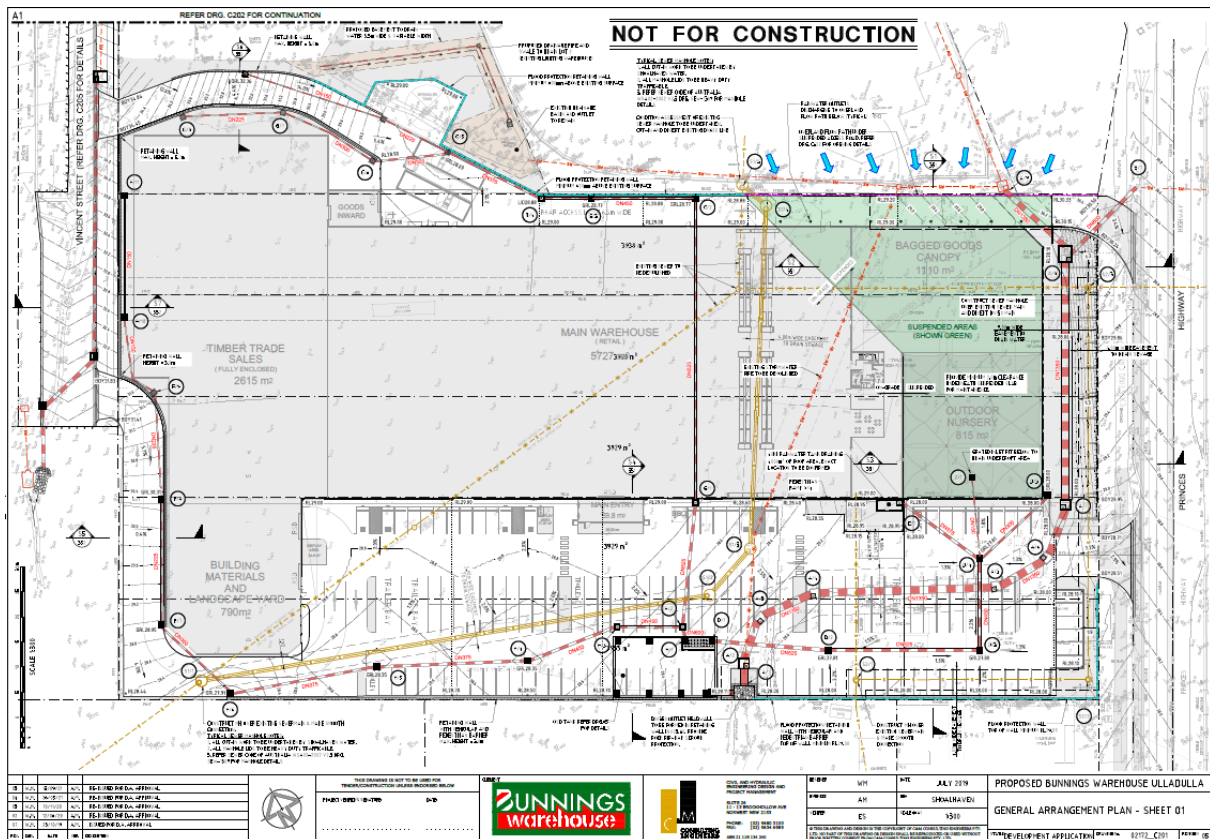


Figure 11 - Civil layout plan detailing water, sewer and stormwater infrastructure proposed for the development. Note – yellow line = sewer, red dashed line = stormwater & blue lines = water supply. Light green shading indicates a suspended slab designed to allow overland stormwater to flow beneath the building.



Figure 12 – Landscape Plan

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Figure 13 - Photo montage of proposed development. As viewed from the Princes Highway looking north west.

Subject Land

The site comprises six (6) allotments and is legally described as Lots 1-5 in DP 21356 and part of Lot 23 DP 1082957 and is known as 189 - 197 Princes Highway, Ulladulla and 2A Parson Street, Ulladulla.

The site is irregular shaped and has a total area of 25,381 m². The lots which comprise 189-197 Princes Highway (Lots 1- 5 DP 21356) are rectangular in shape, each with an area of around 3,930 m² and the total site area of 189-197 Princes Highway is 19,657 m². 2A Parson Street (Lot 23 DP 1082957) is located on the southeast corner of the intersection of Parson Street and St Vincent Street and has an area of 5,724 m². Refer to Figure 1.

Site & Context

The subject site is located approximately 950m south of the Ulladulla Post Office adjacent to the western side of the Princes Highway.

- It is zoned B5 Business Development.
- Contains a riparian corridor is identified within the southern half of the site that follows the stormwater flow path through the site.
- Is part flood and bush fire affected with the 2 southern most lots potentially contaminated (service station use).
- The site has multiple existing access points to the Princes Highway.

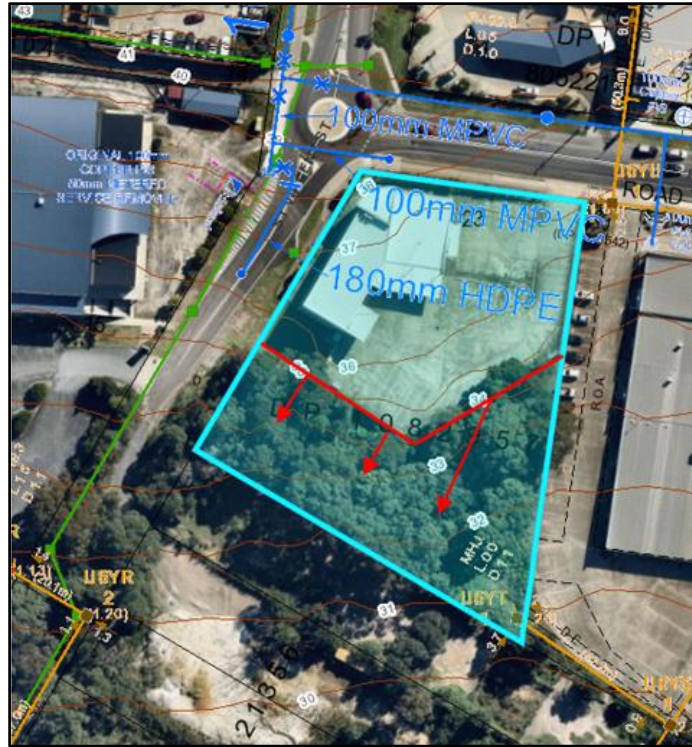


Figure 14 – 2A Parson Street

(‘Project Lighting’ site part of which is to be included in the Bunnings site)

Lot 23 DP 1082957 is known as 2A Parson Street, Ulladulla and it is occupied by a commercial building (Project Lighting) and at grade parking on the northern portion of the site. Land identified south of the red line is proposed to be consolidated with proposed Lot 1 (Bunnings Site) with the residue (proposed Lot 2) left for Project Lighting. This portion of the site is undeveloped and vegetated.



Figure 15 – 189 Princes Highway

Lot 1 DP 21356 - 189 Princes Highway contains a single storey fibre cement clad dwelling with a metal roof. Two detached sheds are located to the rear of the site. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.

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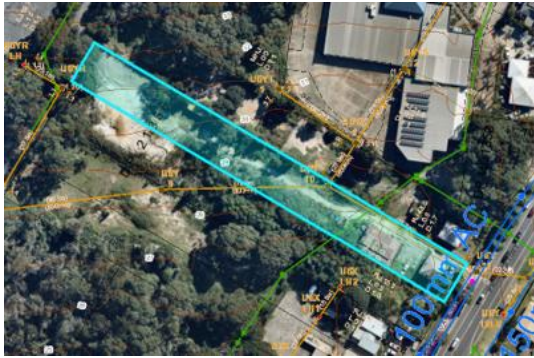


Figure 16 - 191 Princes Highway

Lot 2 DP 21356 - 191 Princes Highway contains a single storey fibre cement clad dwelling and a detached Colourbond shed trading as an automotive radiator mechanical workshop (DA92/1748) that are separated by a central, open car parking area. The lot is burdened by a stormwater easement and sewer main that both traverse the lot from north to south.



Figure 17 – 193 Princes Highway

Lot 3 DP 21356 - 193 Princes Highway is currently vacant as the former dwelling was demolished under (DA17/1623).



Figure 18 – 195 Princes Highway

Lot 4 DP 21356 - 195 Princes Highway contains a single storey fibre cement clad dwelling and hard stand area ancillary to adjacent service station. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.

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Figure 19 – 197 Princes Highway

Lot 5 DP 21356 - 197 Princes Highway contains a service station (DA84/2766 & DA88/1687) and ancillary infrastructure with an awning and signage extending over the front setback. The lot is burdened by a stormwater easement and (2) sewer mains that traverse the lot from north to south.

Zoning

The site is zoned B5 Business Development under the SLEP-2014. The proposal is best characterised as hardware and building supplies and garden centre under the SLEP-2014. The proposal is permitted within the zone with the consent of Council. The objectives of the zone are:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

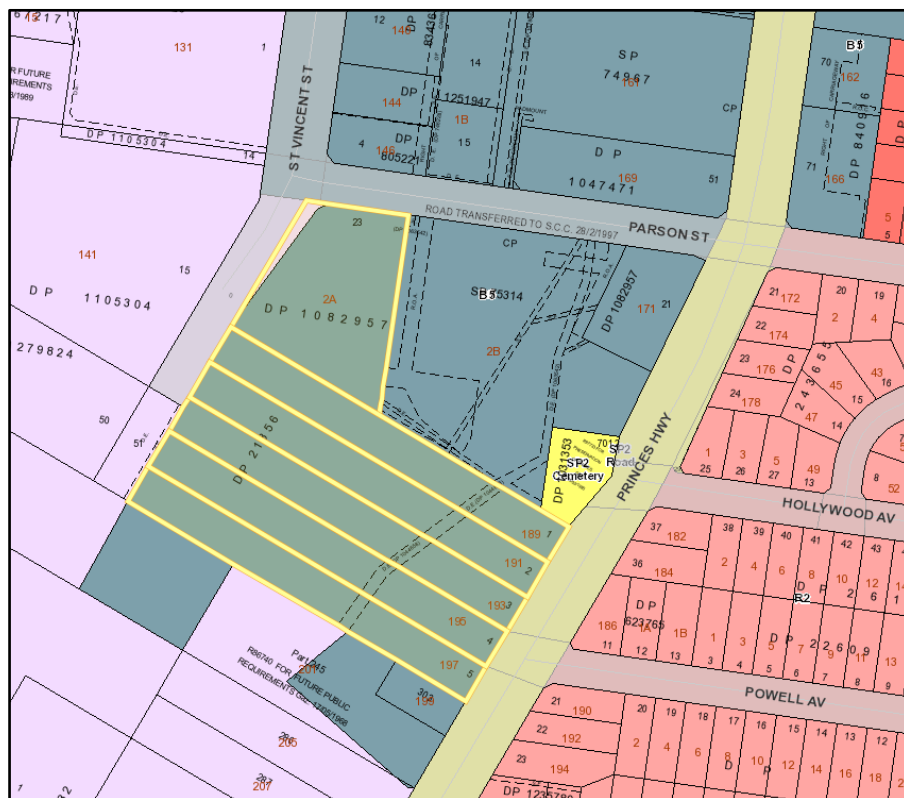


Figure 20 – Zoning Extract (SLEP 14)

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Issue 1

Clause 4.3 Height of Buildings (SLEP 14)

The objectives of this clause are:

- “(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;*
- (b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
- (c) to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.”*

The SLEP 14 includes a Height of Buildings Map, which overlays different maximum building heights for land throughout the LGA.

Two (2) maximum building heights apply to the subject development. A maximum building height of 8m (I1) applies to a narrow strip parallel and adjacent to the Princes Highway frontage and the remainder of the site has a maximum building height of 10m (K).



Figure 21 – Extract Building Height Map (SLEP 14)

Development Standard to be Varied

The application seeks a variation to clause 4.3 Height of Buildings in accordance with clause 4.6 of SLEP 14.

Clause 4.3 (2) states:

- “(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map;”*

Subclause (2) of clause 4.3 establishes the building height of 10m for the warehouse building

Extent of the Variation

The development does not comply with this development standard as it will have a maximum height of 11.6m for a portion of the parapet and 11.2m for the main entry gable. This represents a minor variation to the numerical standard of 16% for the parapet and 12% for the main entry gable.

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The extent of the height breach is demonstrated in the elevation plans shown in Figures 22 and 23.

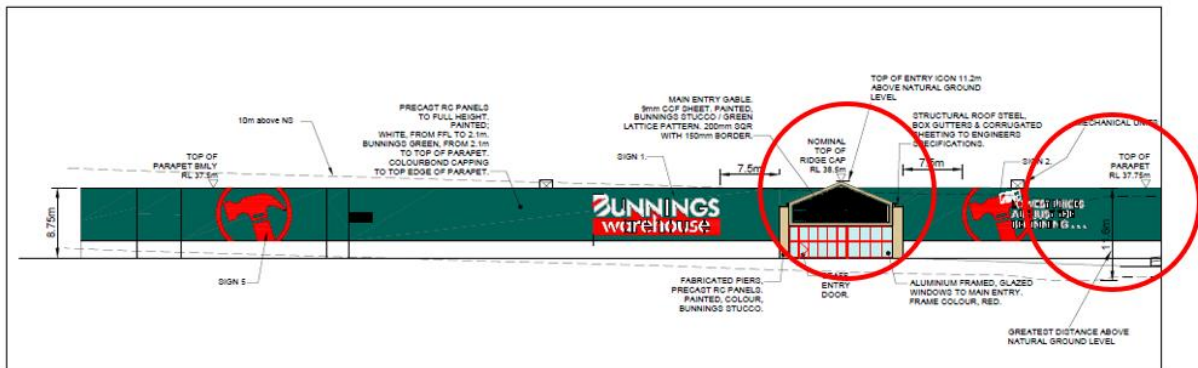


Figure 22 - Part Southwest elevation height breaches

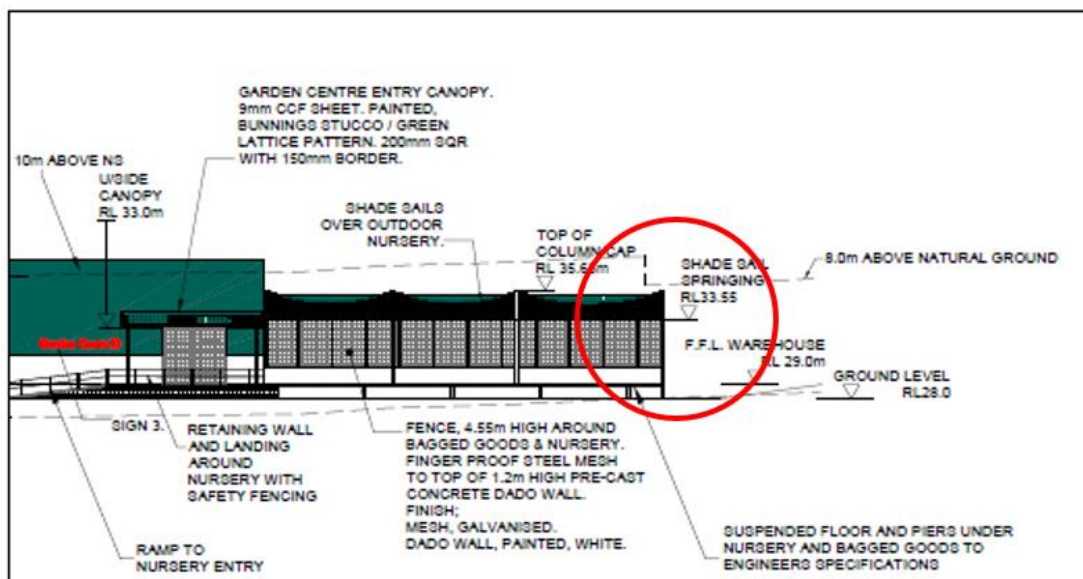


Figure 23 - Part Southwest elevation (eastern end) height breaches

Written Request provided by the Applicant

The applicant has submitted a written request to justify the contravention of the development standard. Council is required to consider subclauses (3), (4) and (5) of Clause 4.6. Clause 4.6(3)-(5) are extracted from SLEP 14 below:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

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- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Secretary must consider:
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Secretary before granting concurrence.*

Council must be satisfied that clause 4.6(4)(a)(i) and (ii) have been addressed prior to granting development consent.

Clause 4.6(3)(a) – Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

To assess whether compliance with a development standard is unreasonable or unnecessary, the Land and Environment Court (LEC) has provided guidance in the required assessment. This guidance has particular reference to the accepted "5 Part Test" for the assessment in *Wehbe v Pittwater Council* [2007] NSWLEC 827 noting also the principles outlined in *Winten Developments Pty Ltd v North Sydney Council* [2001] NSWLEC 46 and further clarified by *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

The "5-part Test" is outlined as follows:

1. The objectives of the development standard are achieved notwithstanding non-compliance with the standard.
2. The underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. The underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
4. The development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. The zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary.

The applicant, does not rely on part 4 of the '5 Part Test' as it is not considered applicable. The argument put forward is focussed on parts 1 – 3.

The objectives of clause 4.3 are repeated below:

- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of a locality;*
- (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
- (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

The following is an extract from the applicant's request (italicised font). Evaluation of reasoning is in the following section.

The proposal is consistent with the above objectives for the following reasons:

1 the objectives of the standard are achieved notwithstanding non-compliance with the standard;

- a) *“Careful consideration has been given to the location, size and design of the proposed development to ensure that a high-quality outcome will be achieved which will sit comfortably within the streetscape. The property’s presentation in a streetscape context will be enhanced as a consequence of the proposed development given the setbacks and extensive landscaping across a large proportion of the frontage to the Princes Highway. The proposed height is generally consistent with that which is anticipated by the height control and will not result in an incompatible relationship with the context surrounding the site.*
- b) *The proposal presents as an appropriate scale to the condition of the site and its context and does not result in any unreasonable visual impact, disruption of views, loss of privacy and loss of solar access to existing development surrounding the site. The visual impact of the development has been successfully mitigated by setbacks which provide opportunity for landscaping along the boundaries of the site and in particular the front setback to Princes Highway.*
- c) *The site is not identified as a heritage item nor is it located in a heritage conservation area pursuant to clause 5.10 and Schedule 5 of the SLEP 14. The site is in the vicinity of the former Ulladulla Cemetery to the north which is identified as a local heritage item in Schedule 5 of the LEP (Item No. 490). The heritage inventory for the item describes the statement of significance for the item as follows:*

*Important site associated with the prominent nineteenth century Millard family.
Good examples of the stonemasons art. Historic, social and scientific values.
Local significance (Shoalhaven).*

The development proposes a driveway along the northern boundary of the site which adjoins the former Ulladulla Cemetery. The proposed 11 metre landscaped setback to the front of the building generally aligns with the length of the cemetery boundary. The development complies with the 8-metre height limit that applies to the site, adjacent to the cemetery. The non-complying element of the building is setback 50 metres from the front (south-east) boundary, behind the cemetery. The noncomplying element of the building also relates to the south-west side of the building. For these reasons the non-complying element of the building will not impact on the heritage significance of the heritage item as the open setting of the cemetery will be maintained.

2 the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

The underlying objectives and purpose of the height control are relevant to the proposed development. However, the proposed development is consistent with those objectives on the basis that the proposed height is compatible with the existing and future scale of the surrounding buildings and will sit comfortably with the context of the site with no significant adverse impacts to adjacent properties.

3 the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objectives and purpose of the standard is relevant to the proposed development. However, the proposed development is consistent with the objectives on the basis that the proposed development achieves an appropriate height on the site which is compatible with the context of the site and results in minimal difference to views across the site when compared with a compliant height, provides a transition

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to adjacent properties and does not negatively impact on the amenity of adjacent properties. Strict compliance with the height control would not meaningfully reduce the impact of the development on the streetscape or neighbouring properties but would result in significantly reduced efficiencies in terms of the ongoing operation of the warehouse. Accordingly, it is considered that strict compliance would likely result in the defeat of the underlying object and purpose of the height control because it would encourage a less desirable outcome for the site.”

Clause 4.6(3)(a) Evaluation of the written request relating to Clause 4.6(3)(a)- Compliance with the development standard is unreasonable or unnecessary.

The consent authority, must form the positive opinion of satisfaction that the applicant's written request(s) have adequately addressed those matters required to be demonstrated by clause 4.6(3)(a). The applicant has applied the first test established in *Wehbe v Pittwater Council* to argue that the development standard is unreasonable or unnecessary in the circumstances of the case because the objectives of the development standard are achieved notwithstanding non-compliance with the standard. The following justifications are made by the applicant:

“Strict compliance with the 10m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:

- The noncomplying element of the building does not result in any adverse visual impact on the public domain or the adjoining properties given the non-complying element of the building is setback 50 metres from the Princes Highway frontage of the site and 40 metres from the south-west boundary. The building elements within the 50-metre setback of the building fully complies with the 8 and 10 metre height limits.*
- The visual impact of the building is also significantly ameliorated with regard to the Princes Highway given the development provides a generous landscaped setback of 11 metres. The development provides over 60% of the front setback as landscaped space where the DCP only requires 5% of the setback to be landscaped.*
- The proposed variation will have no impact on the heritage significance of the adjoining heritage term as detailed above.*
- The proposed variation of the height control is required to maintain the necessary internal specifications for the proper and efficient functioning of the Bunnings model and any reduction to the ceiling height will have a significant detrimental operational impact.*
- The variation to the height of buildings control does not result in any privacy, solar or view loss impacts on the adjoining properties.*
- Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.”*

Comment: The justifications are accepted.

Clause 4.6(3)(b) Evaluation - There are sufficient environmental planning grounds to justify contravening the development standard

The consent authority, must form the positive opinion that the applicant's written request has adequately addressed those matters required to be demonstrated by clause 4.6(3)(b).

To demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, held that the grounds relied upon by the applicant in the written request under cl 4.6 must be “environmental planning grounds” by their nature: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [26]. The adjectival phrase

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“environmental planning” is not defined but would refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in s 1.3 of the EPA Act.

The environmental planning grounds relied on in the written request under cl 4.6 must be “sufficient” (*Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [24]). In [24] of the judgment, Preston CJ outlined the two methods for demonstrating that a Clause 4.6 is “sufficient at paragraph [24] of case as follows:

“First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15].

Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 at [31].”

The applicant’s clause 4.6 variation request must provide a written justification that there are sufficient environmental planning grounds to justify contravening the development standard.

Applicant’s response:

The objects specified in section 5(a)(i) and (ii) of the EP&A Act are:

“to encourage:

- i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- ii) the promotion and co-ordination of the orderly and economic use and development of land...”*

The proposed development is consistent with the aims of the Policy and the objects of the EP&A Act in that:

- “Strict compliance with the development standard would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public.*
- The proposed variation allows for the most efficient and economic use of the land.*

The height of the building only represents a relatively minimal breach of the height control which does not result in any adverse impact and still achieves a similar scale to that which is anticipated by the height control for the site. Whilst the height of the entry feature is marginally higher than the parapet, this feature in fact serves to modulate the architectural form and create visual interest for the building and is considered a positive attribute.

On the basis of the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed height non-compliance in this instance.”

Comment: The justifications are accepted.

Clause 4.6(4) (a)(i) Have the matters set out in section 4.6(3) been adequately addressed?

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Comment: Yes

Clause 4.6(4)(a)(ii) Evaluation – Public Interest

Clause 4.6(4)(a)(ii) states that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to the provisions of the SLEP-2014 the land is zoned B5 Business Development, the objectives of which are:

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To allow a diversity of activities that do not significantly conflict with the operation of existing or proposed development.

The proposal being a Bunnings Warehouse with nursery and cafe is not inconsistent with the B5 zone or the relevant objectives of the particular standard. Additionally, there will be public benefits as a result of the provision of additional infrastructure and employment opportunities. Consequently, the proposed development is in the public interest.

Clause 4.6 (b) – Concurrence of the Secretary

The Council assumes the concurrence of the Secretary in this instance, when considering the application.

Clause 4.6(5)(a) - Matters of Significance for State or Regional Planning

The non-compliance with the maximum building height development standard will not raise any matter of significance for State or Regional planning.

Clause 4.6(5)(b) - Public Benefit of Maintaining the Planning Control Standard

In the judgement of *Ex Gratia P/L v Dungog Council* [2015] (NSWLEC 148), Commissioner Brown of the NSW LEC outlined that the question that needs to be answered in relation to the application of clause 4.6(5)(b) is “whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

Comment: The applicant has demonstrated that the breach of the building height will provide a better planning outcome as opposed to strict compliance with the development standard or amending the application to reduce or remove the extent of the variation.

Clause 4.6(5)(c) - Other matters

No other matters need to be taken into consideration by the Secretary.

Summary

The clause 4.6 Request adequately address the requirements of the clause and provides relevant justifications for numerous statements made in support of the exceedance of the building height standard. The clause 4.6 exception can be justified because:

- the applicant has demonstrated how the proposal is compatible with the height, bulk and scale of the existing and desired future character of the locality and therefore meets the objective 1(a) of Clause 4.3;
- the applicant has demonstrated how the proposal minimises visual impact to existing development and therefore meets the objective 1(b) of clause 4.3;
- the applicant has demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and

- the proposal has been demonstrated to be consistent with the objectives of the standard, the proposed development is in the public interest; and
- The building and use require a type of building and height reflecting the purpose and materials, stored, displayed and sold.

The clause 4.6 variation request is therefore supported.

Issue 2

Draft planning agreement

The applicant has requested a Voluntary Planning Agreement (VPA) under s7.4 of the EPA Act which will require the Developer to provide road infrastructure. Specifically, the Developer has offered to make the following contributions of material public benefit:

1. Bring forward the construction of a roundabout and associated civil infrastructure at the intersection of Princes Highway and Dowling Street.
2. Bring forward the construction of approximately 170m of median and associated civil infrastructure within the Princes Highway road reserve from the northern alignment of the development site to the intersection of Dowling Street; and
3. Bring forward the construction of approximately 75m extension of St Vincent Street and associated civil infrastructure across the western boundary of the development site / land.

Contributions Project 05ROAD4008 (CP) requires the provision of internal access roads connecting a new roundabout at the intersection of Dowling Street and the Princes Highway to Camden Street and St Vincent Street. **Figure 24** shows the proposed internal access roads and roundabout (red lines & circle).



Figure 24 – Extract SCC CP 05ROAD4008 Project

The roundabout and median works on the Princes Highway and the extension of St Vincent Street **Figure 25** (red bordered areas) form part of contribution item 05ROAD4008 in the Council's Contributions Plan that is addressed by the VPA.

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Criteria	Comment
Is the proposed Planning Agreement directed towards a proper and legitimate planning purpose having regard to its statutory planning controls and other adopted planning policies and the	<p>Satisfied</p> <ul style="list-style-type: none"> Promotes and co-ordinates the orderly and economic use and development of the Land

circumstances of the case?	<p>to which the Agreement applies.</p> <ul style="list-style-type: none"> Allows for the delivery and coordination of roads and traffic facilities for the area surrounding the development. Provides and coordinates roads and traffic facilities in connection with the Development. <p>The VPA brings forward roadworks required under Council's Contribution Plan 05ROAD4008 and future roadworks identified under Chapter S10 South Ulladulla of Council's DCP</p>
Does the Planning Agreement result in a public benefit?	<p>Yes in that:</p> <ul style="list-style-type: none"> the VPA promotes the objects of the EPA Act set out in sections 1.3(a), (c) and (j); and it will be delivering road infrastructure and facilities which benefit the local and wider community.
Does the Planning Agreement provide for a reasonable means of achieving the relevant purpose?	<p>The Developer will carry out and complete road works for the Council, to facilitate the development of the Land in connection with the provision of necessary infrastructure and community facilities.</p>
Can the Planning Agreement be taken into consideration in the assessment of the relevant development application?	<p>Yes - The Draft Planning Agreement conforms with the Council's capital works program, Shoalhaven Contributions Plan 2019 and Chapter S10 South Ulladulla of Council's DCP to provide community infrastructure as a component of the DA.</p>
Will the Planning Agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?	<p>The Draft Planning Agreement promotes the elements of the Council's charter by:</p> <ul style="list-style-type: none"> enabling Council to work with others to secure appropriate services for local community needs, namely working with the Developer to secure the provision of roads infrastructure and facilities, enabling Council to manage lands and assets so that current and future local community needs can be met in affordable ways, namely by requiring the Developer to carry out the road works which will become assets of the relevant road's authority, enabling Council to actively engage with its local community through the public exhibition of this planning agreement.
Does the Planning Agreement promote Council's strategic objectives in relation to the use of Planning Agreements?	<p>Yes</p>
Does the Planning Agreement conform to the fundamental principles governing the Council's use of Planning Agreements?	<p>Yes the Planning Agreement consists of road work listed in Shoalhaven Contributions Plan 2019 and s7.11 is excluded, but only in relation to s7.11 which are for the same category of</p>

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	infrastructure as the works and land to be provided under the Planning Agreement.
Are there any relevant circumstances that may operate to preclude Council from entering into the proposed Planning Agreement?	No

Public Exhibition of VPA

The draft VPA and Explanatory Note (Attachment 4) were exhibited with DA20/1068 from 26/02/2020 to 28/03/2020 and 11/03/2020 to 1/05/2020 in accordance with the EP & A Act.

No submissions were received during exhibition that related to the draft VPA and Explanatory Note.

Whether the Draft Planning Agreement specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

This Draft Planning Agreement specifically requires:

1. the practical completion of the works, obtaining of a Certificate of Practical Completion from a road's authority, and the provision of that Certificate of Practical Completion to the Council before the first Occupation Certificate is issued for the Development,
2. the provision of the required bank guarantee prior to the issuing of the first Construction Certificate for the Development,
3. the registration of the Planning Agreement on the whole of the Development Land prior to the issuing of any Construction Certificate for any building in the Development, and
4. the submission of detailed design of the works to the Council and roads authority, obtaining their written approval to the detailed design and, if required by a road's authority, the entering into a works authorisation deed for the works, prior to the issuing of any Construction Certificate for any building in the Development.

Planning Assessment

The DA has been assessed under s4.15 of the Environmental Planning and Assessment Act 1979. Please refer to **Attachment 1**. The planning assessment has concluded the development to be satisfactory and capable of support, subject to the imposition of conditions of consent, notably referencing the VPA.

Consultation and Community Engagement:

Two (2) public submissions were received in relation to Council's notification of the development. One (1) was in objection to the development. One (1) was in support of the development. The notification was made in accordance with Council's Community Consultation Policy with letters being sent to every property surrounding the development site, and every property adjoining the Princes Highway between Parson Street and Pitman Ave, every property in Dowling Street and Petty Ave and the western end of Hollywood and Powell Ave.

Newspaper advertisements were placed in the Milton Ulladulla Times on 26/02/2020 and 11/03/2020. The notification was for the following periods 26 February to 28 March 2020 and 11 March 2020 to 1 May 2020. The DA was and remains uploaded on Council's tracking website.

Key issues raised as a result of the notification are provided below.

Traffic and safety impacts to the Princes Highway during construction and operation particularly for periods of school drop off and pickup and holiday periods.

Comment: Transport for New South Wales (TfNSW) as the road's authority for the classified road (Princes Highway) and council engineers for St Vincent Street have reviewed the

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potential impacts and safety of the proposed design on the operation of the Highway and St Vincent Street and have provided their conditions of consent.

All heavy vehicle access/egress to be conducted off St Vincent Street.

Comment: The TfNSW supported design provides for semitrailer vehicle queueing *within* the site east of the unloading area that is efficient and safe.

If Highway access points are approved as submitted would request a solid wall and hedge screening to stop noise and lights

Comment: The submitted landscape plan provides for significant screening along the road frontages that will minimise light spill impacts from car headlights. Given the existing background noise on the Highway there is no evidence justifying the need of an acoustic barrier wall along the Highway frontage and such a wall would be ineffective with breaks for vehicle entry/exits.

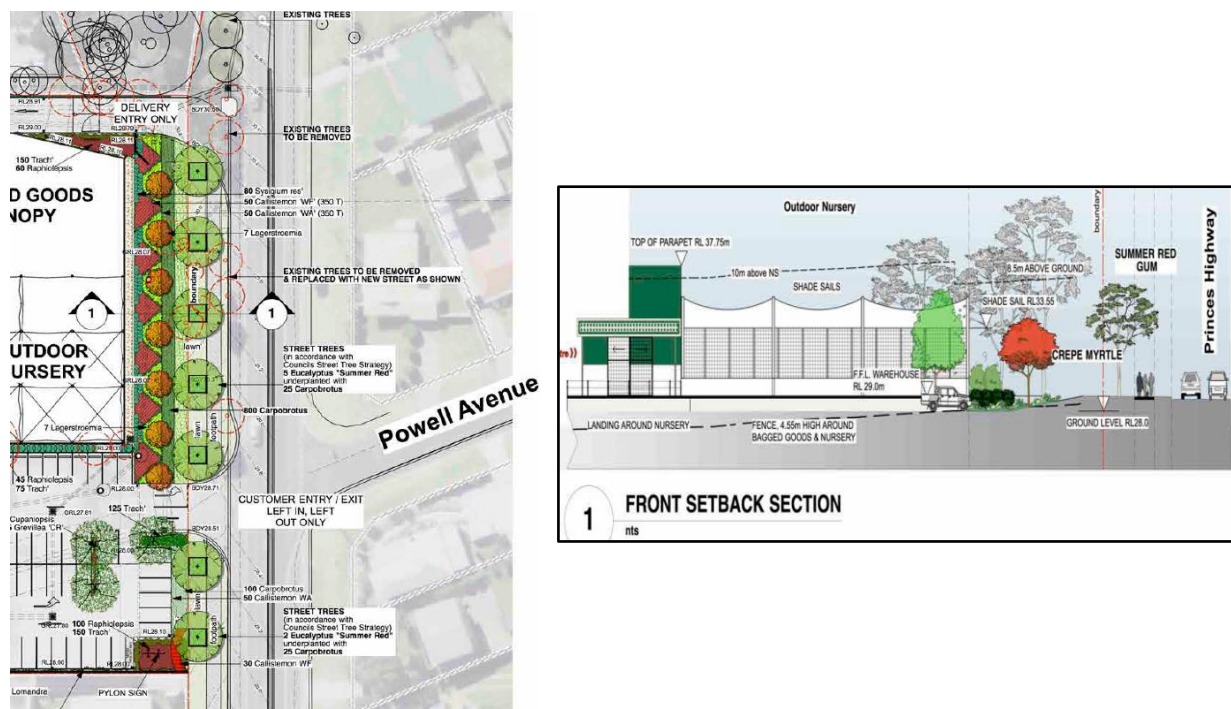


Figure 27 – Extracts from Landscape Plans

Light spill from afterhours security lighting

Comment: The applicant advised:

"...can accept a DA condition that any lighting of signage be turned off outside of store operating hours. Our car park lighting however ought to remain on to minimise anti-social activity in our car park outside of trading hours, e.g. late at night. Our standard car park lights are hooded to reduce glare and light spill. The impacts of light spill can be addressed in a DA condition which requires a design certificate be provided to the PCA from a qualified and experienced lighting designer that all external lighting shall comply with AS4282-1997 Control of Obtrusive effects of outdoor lighting."

Accordingly, a condition is provided in the draft consent addressing the above comments.

Request lowering of the pylon sign to 6.0m

Comment: The sign is to be 'conditioned' to be lowered from 12.0m to 8.0m in line with the building height limit for the sign location as agreed with the applicant.

Trading hours to be notified

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Comment: Proposed hours of operation are detailed on pg16 of the SEE which states - 6.00am to 10.00pm Monday to Friday and 6.00am to 7.00pm Saturdays, Sundays and Public Holidays. Internal activities outside of these hours, such as restocking are proposed.

Delivery hours for Bunnings stock and construction materials need to be notified

Comment: The Applicant has advised:

"Delivery hours will align with store operating hours and will normally occur on weekdays only during store trading times (i.e. between 6am-10pm Monday to Friday). Any noisy activities associated with unloading have been confined to the far western end of the site away from the Princes Highway frontage. We consider that at this distance there will be no audible noise impacting nearby residents' created by Bunnings' trucks (above existing traffic noise on the Highway), or from unloading activities associated with the proposed store.

Traffic movements associated with demolition and construction will be addressed under the Traffic Management / Control Plans for the two s138 approvals required for the development of the site. The delivery hours for stock can be conditioned.

(Note: a [section 138 approval](#) is required for works / activities in the Road Reserve, under the Roads Act 1993.)

Site contamination and verification of clean-up

Comment: A Detailed Site Investigation accompanies the application. The report recommends a Remediation Action Plan be prepared for the site outlining underground petroleum storage systems (UPSS) removal requirements and procedures in conjunction with a soil remediation plan. Council's environmental health officers have reviewed the Site investigation report and provided conditions of consent.

Financial Implications:

The Draft Planning Agreement is prepared on the basis that:

1. No s7.11 contributions will be imposed on the Development in respect of contribution item 05ROAD4008, and only up to the estimated costs of constructing the roundabout at the intersection of Princes Highway and Dowling Street and the extension of St Vincent Street as determined by an independent quantity surveyor.
2. If the estimated costs for those works exceed the s7.11 contributions for 05ROAD4008 that would otherwise have been required to be paid, Council will, after receiving a request from the Developer, pay the Developer the difference from funds collected by the Council from other developers for contributions item 05ROAD4008. This payment is only required after the road works are completed and any rectification notices are complied with.
3. Council is not required to make any payment to the Developer after 31 December 2039.

Summary and Conclusion

This application has been satisfactorily assessed having regard for section 4.15 (Evaluation) under the Environmental Planning and Assessment Act 1979.

Additionally, there is a material public benefit that would be realised from the ultimate construction of the road infrastructure under the VPA, it is in Council's interest to support the proposal as recommended and proceed to enter into and register the Planning Agreement consistent with the detailed key terms.

The clause 4.6 variation of the height is considered acceptable and as such, it is recommended that Development Application No. DA20/1068 be approved in accordance with the recommendation.

CL22.103 Tenders - Fire Service Upgrade - Nowra Showground

HPERM Ref: D21/526966

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

Reason for Report

To inform Council of the tender process for Fire service upgrade – Nowra Showground.

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 separated 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 Panel in accordance with the Tender Evaluation Plan

Details

Project Description

Council intends to upgrade the firefighting infrastructure on the campground at Nowra Showground. The upgrade is required to meet the current Australian Standards and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Tendering

Council called for Request for Tenders for Fire Service Upgrade – Nowra Showground on 15 September 2021 which closed at 10:00am on 7 October 2021. Two (2) tenders were received at the time of closing. Tenders were received from the following:

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Tenderer	Location
Complete, Plumbing & Fire Pty Ltd	Newington, New South Wales
Hirotec Maintenance Pty Ltd	Wollongong, New South Wales

Details about 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:

Funds have been allocated in the Fire Service Upgrade – Nowra Showground budget for 2021/2022. Further details are contained in the confidential report.

Risk Implications

If the works are not undertaken compliance with the current Australian Standards and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 will not be met.

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CL22.104 Acceptance of Grant Funding - Stronger Country Communities Fund Round 4 - Bob Proudfoot Pavilion, Sanctuary Point and Shoalhaven Indoor Sports Centre, Bomaderry

HPERM Ref: D22/40880

Department: Community Planning & Projects

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

To inform Council of successful funding applications to the Stronger Country Communities Fund (Round 4) for:

- Delivery of the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point
- Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre, Bomaderry

Recommendation

That Council:

1. Accept successful funding applications from the Stronger Country Communities Fund (Round 4) for:
 - a. Delivery of the Bob Proudfoot Pavilion at Francis Ryan Reserve, Sanctuary Point in the amount of \$398,000.
 - b. Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre, Bomaderry in the amount of \$51,482.
2. Make arrangements to forward letters of thanks to the Minister of the Department of Regional New South Wales (DRNSW) The Hon Paul Toole MP.

Options

1. Adopt the recommendation.

Implications: In line with community expectations, this will allow for progression of:

- Delivery of the Bob Proudfoot Pavilion
- Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre
- Provides additional sporting options at Shoalhaven Indoor Sports Centre.

2. Council adopts an alternative recommendation.

Implications: Depending on the nature of the alternative recommendation, this may not meet community expectations and could potentially result in insufficient funds and delay the delivery of the Bob Proudfoot Pavilion and purchase of additional sporting equipment for the Shoalhaven Indoor Sports Centre.

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Background

In June 2021, applications under the Stronger Country Communities Fund (Round 4) were made for the following projects:

- Delivery of the Bob Proudfoot Pavilion - \$398,000
- Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre - \$51,482

In February 2022, Council was advised that these applications were successful, and Council is now required to formally accept the grant funding. Details of each project follows:

Bob Proudfoot Pavilion

The Bob Proudfoot Pavilion's grant application is for funding to contribute towards the overall cost of the project which includes the demolition of existing amenities and construction of a new amenities building for Francis Ryan Reserve, Sanctuary Point. The building will include public amenities including accessible / ambulant and will include four unisex change rooms for users of the sports field. The inclusion of four change rooms provides for flexible use of the space, allowing field assignment to be equally distributed across female and male sporting teams.

Storage areas, a kiosk, referee rooms, communications room and a fitness / conditioning space are also incorporated into the design. The upgrade will be utilised by Rugby League, Junior Rugby, Touch, Cricket and Athletics as well as the general public.

Shoalhaven Indoor Sports Centre - Purchase of Additional Sporting Equipment

Shoalhaven Indoor Sports Centre's grant application is for sporting infrastructure for Multiball and volleyball equipment. Multiball is a mixed virtual reality sports and interactive gaming system, which transforms all forms of ball sports into a connected sports experience, providing easy and fun access to sport at all ages, skill levels and accessibility through technology.

The Multiball Program will deliver a clear public benefit by introducing customers, particularly female, to various sporting activities in a non-traditional setting. The interactive software provides customers the opportunity to experience sporting activities which they may not have been interested in or exposed to previously. This will be incorporated into birthday party packages and school holiday programs to provide a sport specific focus, which is a fun way to incorporate sport into daily activities for children. The equipment will also be promoted to existing user groups / school groups to promote accessibility and inclusion in sporting activities for females and those with disabilities.

The grant will also allow for the purchase two sets of volleyball equipment to enable a larger use of volleyball for the community.

Stronger Country Communities Fund

The Stronger Country Communities Fund has provided \$500 million for more than 1,900 local projects in regional communities. The Fund continues to deliver grassroots projects which reinvest in our rural communities in Local Government Areas in regional NSW.

Round 4 of the Stronger Country Communities Fund opened in May 2021 and applications were due by 25 June 2021. Funding available for individual infrastructure projects ranged from \$50,000 to \$50,000,000.

Funding received from Stronger Country Communities requires the project to be completed within two years of the funding announcement.

Community Engagement

Bob Proudfoot Pavilion

Council staff worked in collaboration to consult with the community and sporting groups to communicate the concept design of the Bob Proudfoot Pavilion. The consultation aimed to determine the community's needs and desires for the new facility.

Consultation results were used to prepare the Bob Proudfoot Pavilion concept design. Further consultation was conducted during public exhibition, to determine the level of support for the draft concept design. As a result of the exhibition, it was concluded that there was a high level of support for the facility and the design was adopted.

Shoalhaven Indoor Sports Centre - Purchase of Additional Sporting Equipment

There has been significant community consultation during construction and commissioning of Shoalhaven Indoor Sports Centre and staff continue to liaise with user groups and the wider community on a regular basis.

Policy Implications

Bob Proudfoot Pavilion

The Community Infrastructure Strategic Plan (CISP) identifies Francis Ryan Reserve as a District Sports Park and recommends that Council *"Encourage passive recreation of the park to compliment active users and to continue to Master plan the site as a youth precinct."* The Bob Proudfoot Pavilion design is in line with the CISP.

Shoalhaven Indoor Sports Centre - Purchase of Additional Sporting Equipment

There are no policy implications for purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre

Financial Implications

The combined grant funding for both projects is as follows:

Contribution towards delivery of the Bob Proudfoot Pavilion	398,000
Purchase of additional sporting equipment for Shoalhaven Indoor Sports Centre	51,482
Total grant funding	\$449,482

Bob Proudfoot Pavilion

Funding for the Bob Proudfoot Pavilion is identified the 2021/2022 DPOP and in the draft 2022/2023 DPOP budgets for construction of the amenities building, including an estimated cost for Project Management. The base design for the building evolved through several iterations as a result of feedback through the community consultation and engagement process with additional inclusions requested by Council.

This left a budget shortfall of \$398,000 based on the Quantity Survey which is now addressed by the successful funding submission. It should be noted that the market price to

construct the Bob Proudfoot Pavilion will be determined through the request for tender process, the outcome of which will be reported to a future meeting of Council.

The operational financial implications for the Bob Proudfoot Pavilion are minimal as cleaning requirements are already undertaken at this location and are funded.

Shoalhaven Indoor Sports Centre - Purchase of Additional Sporting Equipment

Use of the electronic Multiball system will not incur additional charges to patrons. As stated above, the equipment hire will be packaged as part of casual or general hire, within birthday party packages and will be available to all users. The operational costs of the Multiball system are negotiable and will not require additional relevant funding.

The addition of the Multiball system and volleyball equipment may lead to increased patronage / bookings and therefore an increase in income.

Next Steps

Bob Proudfoot Pavilion

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

Shoalhaven Indoor Sports Centre - Purchase of Additional Sporting Equipment

Upon approval and finalisation of the funding agreement, Council staff will proceed with purchase, installation, commissioning, and promotion of the new equipment.

CL22.105 Open Space Master Planning - Upcoming Projects and Prioritising the Way Forward.

HPERM Ref: D22/7253

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

Reason for Report

To update Council on the current Master Plans for Council owned or managed parks, active and passive open space, or sports grounds and reserves, and to seek Council's direction on the way forward regarding the prioritisation and timing for these Master Plans.

Recommendation

That Council

1. Adopt the priority list of Master Plans for Council owned or managed parks and reserves as proposed in Table 1 below

Masterplan	Categorisation	Timeframe / Year	Supported by	Priority
Huskisson Foreshore Precinct, (Voyager Park to Moona Moona Creek) Huskisson	Destination Park	22/23	CISP	1
Mollymook Beach Reserve, Mollymook	Destination Park	22/23	CISP	2
Ulladulla Foreshore and Apex Park, Ulladulla	Destination Park	22/23	CISP	3
Culburra Beach Community Centre, Culburra Beach	Local Community Centre	23/24	MIN21.826	4
Greenwell Point Foreshore Reserve, Greenwell Point	District Recreation Park	23/24	MIN21.406	5
Francis Ryan Reserve, Sanctuary Point	District Sports Park	23/24	CISP	6
Elliott Reserve, Currarong	District Sports Park	24/25	Community	7
Wool Lane Sporting Complex, Sanctuary Point	District Sports Park	24/25	CISP	8
Huskisson Sportsground, Huskisson	District Sports Park	24/25	Community/Staff	9
Greys Beach, North Nowra	District Recreation Park	25/26	Nowra Bridge Project	10
Harry Sawkins Park, Nowra	District Recreation Park	25/26	CISP	11

CL22.105

Plantation Point Reserve, Vincentia	District Recreation Park	25/26	Community	12
Edwards Avenue Reserve, Bomaderry	Local Recreation Park	26/27	CISP	13
Barker Reserve, Burrill Lake	Local Recreation Park	26/27	MIN20.754 Community led MP	14
Callala Bay Sports Park, Callala Bay	District Sports Park	27/28	Community/Staff	15

2. Consider an annual recurrent funding request of \$300,000 +CPI within the City Lifestyles budget to facilitate the development and completion of Master Plans for Council owned or managed parks and reserves (as proposed in Table 1).
3. Receive an annual report recommending the priority schedule of Master Plans.

Options

1. Adopt the recommendation

Implications: A priority list of Master Plans will allow Council Officers to systematically deliver Master Planning projects across the city. A Council approved Master Planning list will provide Council with an understanding on the timing and resources associated with delivering a Master Plan for parks and reserves.

2. Adopt the recommendation with amendment

Implications: As advised by Council.

3. Not adopt the recommendation and provide direction to staff.

Implications: This would not provide a strategic direction on the delivery of Master Plans for Council owned and managed parks and reserves. Council would not have an adopted way forward in the prioritisation and scheduling of Master Plans for parks and reserves. The absence of a priority list may allow other future Master Plans to take the place of other high priority areas without justification.

Background

Creating a Master Plan for Council owned or managed public open space provides direction for how a particular area can develop into the future. Master Plans are a high-level strategic plan, intended to set out objectives and strategies to manage development and change over time. The Master Planning process defines what is important about a place and how its character and quality can be conserved, improved, and enhanced to meet the current and future needs of users, the community, and relevant stakeholders.

Master Plans assist Council in determining upcoming work programs and financial plans and are essential for grant funding applications. In a best-case scenario, Master Planning is completed before any significant project works or capital investment is delivered. Master Planning is the first stage of progressing a project to 'shovel ready'.

A Master Plan is a long-term plan that provides a vision and framework for how an area can grow and develop. Master Plans include future projects, as well as addressing the upcoming

needs from the community and stakeholders. A Master Plan is different to a Plan of Management (POM).

A Plan of Management (POM) is a statutory instrument that provides strategic planning and governance for the management and use of land. Plans of Management set out objectives and performance targets for community land and provide for active land management and use, including the issuing of tenures over the land.

Council has hundreds of open space areas under its ownership and / or management. The Shoalhaven Community Infrastructure Strategic Plan (CISP) is the guiding document that drives Council's Delivery Program for social infrastructure projects. Council actively develops Master Plans for these high profile public open spaces, and a range of Master Plans have been completed in recent years. It is good practice to include the delivery of elements of a Master Plan into the future works programs for the open space, park, or land to ensure the agreed planning outcomes remain relevant and to allow this to inform the budget planning process to enable funding and resources to be allocated to projects.

Below are the Council owned/managed open spaces that have recently had Master Plans completed:

- Boongaree, Berry – completed in 2019 – currently in staged delivery.
- Marriott Park, Nowra – completed in 2020 – project shovel ready and awaiting funding.
- Shoalhaven Community & Recreation Precinct – concepts adopted 2017.
 - Artie Smith Reserve – funding secure and work commenced 2021/22.
- Sanctuary Point Library – completed 2021 – DA lodged.
- Francis Ryan Reserve & Bob Proudfoot Pavilion – completed in 2021 with delivery in 2022/23.
- Paringa Park, Nowra – completed in 2016 (implementation on hold as this is being considered alongside the broader planning for the Nowra River Foreshore development).
- Mollymook Beach Reserve - Livvi's All-Inclusive Play Space.

Master Plans for Council owned / managed open space that are currently in progress include:

- Ulladulla Sports Park – to be completed by June 2022.
- Nowra Showground – to be completed by June 2022.
- Berry Showground – to be completed by June 2022.
- Shoalhaven Heads Township Landscape Master Plan – to be completed by June 2022.

There is currently no funding allocation for Master Plans in the budget. The above Master Plans that have been undertaken to date are as a result of:

- A Notice of Motion or resolution of Council that have been given a specific allocation of funding;
- Funding being approved via Quarterly Budget Review; or
- Budget included in future Capital Works Programs.

Council utilises a categorisation system to identify the profile and scope of their parks and reserves. This system defines the scale of the park or reserve and identifies the provision of infrastructure provided within the space.

The hierarchy system of Council's sports grounds, parks and reserves is as follows:

- Destination Park
- Regional Park
- District Park
- Local Park
- Regional Sports Ground
- District Sports Ground
- Local Sports Ground

It is intended that this hierarchy system will be the basis for prioritising upcoming Master Plans, as well as Master Plans that have been previously identified for completion under the Community Infrastructure Strategic Plan (CISP) or via Notice of Motions.

The current review of the CISP will also include the integration of adopted Master Plans to ensure the continuity of planning and delivery of community infrastructure in a consistent and cost effective way.

Master Planning Process

To undertake a simple Master Plan with community consultation, delivered by internal Council staff or utilising external consultants is normally a minimum 6-month process. A large, detailed, or complex site can take over 12 months to complete.

This process requires

- Procurement (consultants for plans, studies etc)
- Research
- Site investigations
- Studies such as environmental, traffic etc.
- Internal and external stakeholder engagement and community consultation
- Drafting of plans/options
- Development of objectives and strategies
- Briefings
- Exhibitions
- Reporting.

Currently, all Master Plans are being developed by consultants due to internal resources being at capacity. The cost of these typically range from \$50,000 for a simple Master Plan to \$100,000 or higher depending on the scope, scale, complexity and detail of the Master Plans.

Master Plan Priority List

The Social Infrastructure Planning (SIP) team have a list of Master Plans on their work program. The request or need for Master Planning can arise via different circumstances including; being identified in the Community Infrastructure Strategic Plan, Notice of Motions, park hierarchy, and community requests.

Below is a list of outstanding Master Plans yet to be completed, listed in alphabetical order:

- Barker Reserve, Burrill Lake
- Callala Bay Sports Park, Callala Bay
- Culburra Beach Community Centre, Culburra Beach

- Edwards Avenue Reserve, Bomaderry
- Elliott Reserve, Currarong
- Francis Ryan Reserve, Sanctuary Point
- Greenwell Point Foreshore Reserve, Greenwell Point
- Greys Beach, North Nowra
- Harry Sawkins Park, Nowra
- Huskisson Foreshore Precinct, Huskisson
- Huskisson Sportsground, Huskisson
- Mollymook Beach Reserve, Mollymook
- Plantation Point Reserve, Vincentia
- Ulladulla Foreshore and Apex Park, Ulladulla
- Wool Lane Sporting Complex, Sanctuary Point

Table 1 identifies the proposed priority list and timings for upcoming Master Planning.

This priority list was established by Social Infrastructure Planning team using the criteria that included park or sports ground hierarchy, the Community Infrastructure Strategic Plan, Notice of Motions, community requests and feedback from Asset Custodians. After considering all this feedback, the below list was created. This list is provided to Council for discussion, debate, and potential reprioritisation.

Masterplan	Categorisation	Timeframe / Year	Supported by	Priority
Huskisson Foreshore Precinct, (Voyager Park to Moona Moona Creek) Huskisson	Destination Park	22/23	CISP	1
Mollymook Beach Reserve, Mollymook	Destination Park	22/23	CISP	2
Ulladulla Foreshore and Apex Park, Ulladulla	Destination Park	22/23	CISP	3
Culburra Beach Community Centre, Culburra Beach	Local Community Centre	23/24	MIN21.826	4
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Wool Lane Sporting Complex, Sanctuary Point	District Sports Park	24/25	CISP	8
Huskisson Sportsground, Huskisson	District Sports Park	24/25	Community/Staff	9

Greys Beach, North Nowra	District Recreation Park	25/26	Nowra Bridge Project	10
Harry Sawkins Park, Nowra	District Recreation Park	25/26	CISP	11
Plantation Point Reserve, Vincentia	District Recreation Park	25/26	Community	12
Edwards Avenue Reserve, Bomaderry	Local Recreation Park	26/27	CISP	13
Barker Reserve, Burrill Lake	Local Recreation Park	26/27	MIN20.754 Community led MP	14
Callala Bay Sports Park, Callala Bay	District Sports Park	27/28	Community/Staff	15

Table 1 – Master Plan Priority List

The SIP team will be reviewing the Community Infrastructure Strategic Plan which is an important strategic document for the organisation and community and is a major project in the Teams work program over the next 18 months.

Three (3) Master Plans are proposed to be completed in the 2022/23 financial year as noted in Table 1. Assuming a continuing capacity of the Social Infrastructure Planning Team to complete 3 Master Plans per year and the annual budget requested to deliver these is approved by Council, the above list of 15 Master Plans will establish a 5-year program to guide the planning and allocation of resources.

Should Council request the inclusion of other or new locations to be Master Planned which are not currently identified in Table 1, for example through Notices of Motion or Community Requests, this may result in the need to reprioritise Table 1 or require an allocation of further funding to undertake.

Should Council wish to accelerate the preparation and completion of Master Plans this could be facilitated through outsourcing the work with an appropriate allocation of funding for the engagement of these services or increasing the resources of the SIP team, or both, depending on the level of increase in workload.

Community Engagement

All Master Plans involve significant community engagement. The engagement method is designed to suit the site that is being planned but at a minimum would include:

- Consultation with internal staff, external users of a site, advisory committees, Local Aboriginal Land Councils, Councillors, and the general public through a number of platforms
- Development of a Get Involved page on Council website
- Community Survey
- Public exhibition of draft Master Plan

Financial Implications

A simple Master Plan costs approximately \$50,000 but could be over \$100,000 depending on the complexity of the site. The SIP team has the capacity to manage 3 to 4 Master Plans being delivered by consultants, each financial year.

The SIP Team has submitted forward funding requests for the development of the prioritised and listed Master Plans as part of the upcoming budget process. If the budget submissions are approved, the SIP team will deliver the proposed Master Planning of three destination parks including Ulladulla Foreshore and Apex Park, Mollymook Foreshore and White Sands Voyager Park in 22/23.

Council's approval of this priority list of Master Plans will provide the framework for the SIP Team to prepare budget submissions to deliver the improvements and infrastructure identified in the adopted Master Plans in the forward budget out years. Based on the list on Table 1, it is anticipated that there will be a requirement of approximately \$250,000 - \$300,000 indexed each year to complete the nominated Master Plans.

With the allocation of funding, staff can progressively and systematically commence the Master Planning process for the active and passive open spaces noted in table 1. This places Council in a much stronger position to secure external funding through grant funding applications as it provides a strategic approach, rigour in the planning process and that community engagement and consultation have been undertaken.

It should be noted that funding bodies are now requesting copies of endorsed Master Plans for grants funding community infrastructure. Having an endorsed Master Plan for a site would increase the chances of attracting grant funding to deliver community infrastructure.

It is proposed to review the priority schedule of Master Plan annually and re-submit to Council to inform the work program for the upcoming financial years and assist in allocation of resources. This will also allow for new and emerging priorities to be considered along with any Council resolutions.

Risk Implications

An endorsed priority list with allocated funding will enable Council to be better prepared for grant funding opportunities, and well placed to deliver and achieve its strategic direction and meet community expectations for the future planning of its public open spaces.

Approving and funding a prioritised list of Master Plans also supports a transparent and systematic approach for the development and completion of Master Planning for the various locations across the City.

CL22.105

CL22.106 Tenders - Architectural Design Services - Development Application, Construction Certificate, Tender & Construction Documentation - Bay & Basin Leisure Centre Extensions and Sporting Precinct

HPERM Ref: D22/7887

Department: Community Planning & Projects

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

To inform Council of the tender process for Architectural Design Services – Development Application, Construction Documentation for Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia, known as Bay and Basin Community Hub.

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 for tender process of Architectural Design Services – Development Application, Construction Documentation for Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia, known as Bay and Basin Community Hub in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993.

Options

1. Accept the recommendation

Implications: Consider a separated confidential report on the matter.

2. Council adopt an alternate 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 designing for extensions to the Bay and Basin Leisure Centre and Sporting Precinct (Bay and Basin Community Hub) in line with MIN18.710:

That Council agree to progress on the Bay and Basin Hub by:

1. *Endorsing the revised concept plans; and*

CL22.106

2. *Proceed to detail design for the Bay and Basin Hub featuring the inclusions of a learn to Swim/Therapy pool and exclusion of library facilities.*

The Hub will ensure that the facility can cater for the current users as well as future needs for the growing Bay and Basin Areas. The Hub design will include the already designed Skatepark of which construction will commence in mid-2022.

This project is to extend the existing Bay and Basin Leisure Centre to include:

- Additional learn to swim pool
- Extension to the existing gym
- Provide 24hr access to the gym
- Provide multipurpose community spaces and meeting rooms
- Modernise the current pool, water play and slides
- Update the changing facilities, entrance, office space and functionality of the space
- Incorporating the design for the skate park
- Provide outdoor netball courts and associated facilities
- Upgrade the existing sporting amenities at Vincentia Oval

This project is being delivered with Council identified funds.

Tendering

Council called tenders for Architectural Design Services – Development Application, Construction Documentation for the Bay and Basin Leisure Centre Extensions and Sporting Precinct, Wool Lane Vincentia. on 28 October 2021 which closed at 10:00am on 2 December 2021. Five (5) tenders were received at the time of closing. Tenders were received from the following:

Tenderer	Location
Ignite Architects	Sydney
Facility Design Group Pty Ltd	Cambewarra
CO-OP Studio Pty Ltd	Sydney
Conybeare Morrison International Pty Ltd	Sydney
Brewster Hjorth Architects	Sydney

Details of the tender evaluation are contained in the confidential report.

Community Engagement:

This project has had extensive community consultation through the development of the draft plan and exhibition processes and was well received by the community. Council have incorporated the Learn to Swim/Therapy pool as part of the scope as it was identified during the community consultation.

There will be opportunities for additional consultation for internal and external stakeholders and the broader community after the concepts have been approved by Council. It is anticipated that the concept designs would be displayed on public exhibition for further feedback.

Policy Implications

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 21/22 and 22/23 budget for this project.

Risk Implications

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

CL22.107 Narrawallee Beach Access Areas for Dogs

HPERM Ref: D22/38915

Department: Community Planning & Projects

Approver: Jane Lewis, Director - City Lifestyles

Reason for Report

This report is to provide the Council with the opportunity to consider a confidential report for the Access Areas for Dogs at Narrawallee Beach.

Further information is provided in a separate confidential report in accordance with Section 10A(2)(g) of the Local Government Act 1993; being advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Recommendation

That Council, in accordance with Section 10A(2)(g) of the Local Government Act 1993, consider a separate confidential report in relation to Access Areas For Dogs at Narrawallee Beach.

Options

1. Proceed in accordance with the recommendation

Implications: Consider a separate confidential report in relation to Access Areas For Dogs at Narrawallee Beach.

2. Not adopt as recommended.

CL22.107

CL22.108 Ongoing Bushfire Outreach Community Support and Ulladulla Civic Centre Recovery HUB Services

HPERM Ref: D22/44740

Department: Community Connections

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. A Snapshot of Conversations - Ulladulla Recovery Hub (Confidential - councillors information folder) [⇒](#)

Reason for Report

To update Council on the provision of services currently being provided by Council to support communities impacted by the 2019/2020 Bushfires and seek direction from Council on the way forward for Bushfire Outreach Services and the Recovery HUB.

Recommendation

That Council

1. Maintains the current level of recovery support being provided to the Shoalhaven Bushfire affected community to December 2022 by approving:
 - a. The allocation of funds of \$105,000 to continue with the provision of the services to the end of December 2022 for the:
 - i. Outreach Service and recovery hotline
 - ii. Bushfire Recovery HUB - 2 days per week at the Ulladulla Civic Centre
2. Continues to monitor grant funding opportunities and prepare funding submissions where eligible.

Options

1. Current level of support to the Bushfire affected community is maintained until December 2022

Implications:

- This is consistent with the support shown to the community by the Shoalhaven City Council throughout the Recovery since the 2019/2020 bushfires.
- Allows time for Council to identify additional grant funding opportunities to continue the recovery program and support the bushfire affected community.
- Allows Council to develop a transition strategy noting that the Recovery journey will start to move towards a preparedness and resilience approach.

2. Current level of support to the Bushfire affected community not maintained beyond April 2022

Implications:

- Community members will not have a point of contact with Council that they know and trust.

CL22.108

- This could have a significant effect on the health & wellbeing of some members of the community as they will have lost points of contact.
 - Significant Council and recovery knowledge and expertise that sits with the current Bushfire Recovery Officers will be lost.
 - Reputational damage to Council in not providing ongoing support may occur.
3. Current levels of support to the Bushfire affected communities are maintained for a three (3) month or six (6) month period.

Implications:

- Funding for a three-month extension of existing services would be \$40,000.
- Funding for a six-month extension of existing services would be \$80,000.
- This is consistent with the support shown to the community by the Shoalhaven City Council throughout the Recovery since the 2019/2020 bushfires.
- Allows Council to develop a transition strategy noting that the Recovery journey will start to move towards a preparedness and resilience approach.

Option 1 is the preferred option.

Background

The 2019/20 Currowan Bushfires significantly affected the Shoalhaven region. As part of the recovery efforts Outreach Services are currently being provided by Council to support impacted communities. This includes:

- The Recovery Hotline,
- Regular telephone check-ins / case management / case referrals.
- Services through the Bushfire Recovery HUB at Ulladulla Civic Centre.

The Bushfire Recovery HUB at the Ulladulla Civic Centre is open two days per week on a Thursday and Friday to provide a space for community to attend, to participate in community activities/workshops and connect with the Outreach Bushfire Officers together with agencies and providers who can offer additional support services.

These services are currently funded through a grant under the Bushfire Resilience & Recovery Fund – Phase 2 (BCRRF). Current funding is forecast to run out at the end of April 2022 at which point the Bushfire Outreach Service and the Recovery HUB services will need to cease.

To enable the Bushfire Outreach Service and Recovery HUB services to continue for a further 8-month period – to the end of December 2022 - funding of \$105,000 is required.

Outreach Service

The Outreach Officers have a database of 1570 bushfire affected community members. This information was derived from the time of the emergency, from data from the Disaster Recovery Centre registrations and has been refined over the last 24 months as residents are contacted or make contact to request assistance.

Outreach Calls commenced in March 2020, due to Recovery Centres being closed with the COVID-19 outbreak and subsequent lockdowns across Australia, this transitioned to an ongoing telephone outreach to community.

These calls have continued as an ongoing service from March 2020 to date notwithstanding changing Public Health Orders.

Continued Telephone Support.

Outreach calls have identified community members who need extra support and have enabled staff to offer a referral pathway to the appropriate support services. The team have continued to contact affected members of the community and have found that needs have changed over time as the impact of the fire event has begun to be processed. Individuals that reported that everything was fine 12 months ago, are now requiring significant support.

Residents are not required to explain their own experience again and again as the staff have remained consistent and have built relationships and rapport. This constant has allowed residents to speak without judgement, to reveal their fears and their hopes, to guide them through grant opportunities, to support them in gaining further support e.g., emotional health, financial support, computer skills, to be that person that understands and as the journey progresses allay fears, celebrate small gains, and to be there when things fall apart and to celebrate their moving on in their journeys.

Support has varied from chasing up medals, passports, proof of citizenship, helping with navigating Council processes, DAs, BAL ratings, rate enquiries, and helping with access to funding of incidentals, things that have been forgotten in the rebuilding of lives.

There is a perception that recovery is a short-term journey. With the added complexity of the COVID-19 pandemic the recovery journey has been very difficult for many. COVID-19 has interrupted the recovery journey as community gatherings, one of the most important aspects of recovery, has not possible.

Noting that this journey is a long one we are now seeing more community reaching out and calling the hotline or visiting the recovery HUB. The depth of despair and pain and the toll that it has taken on peoples' lives can be staggering. As the recovery progresses, more complex cases are being presented, including those with mental health issues, alcohol, and other dependencies.

In recent months staff are noticing a trend towards assistance being required with the social recovery and in particular health & wellbeing recovery.

It's no longer about rebuilding the bricks and mortar, it's no longer about incidentals. It is now about the journey and the challenges that brings.

In the final quarter of 2021, there were 282 calls made to the Recovery Hotline, 458 calls made by the team, and this resulted in 34 individuals being referred to other services for support.

Recovery HUB

The Shoalhaven Recovery HUB is located in Ulladulla and is playing an important role in the social connection, healing and health and wellbeing of our community by bringing the community together in a safe and open space that is a constant. Often community members just want someone to listen, and this is the place that they know they can come to.

Activities held during 2021 and continuing into 2022 are well received and include:

- High Tea's – Community Get Togethers
- Art/Craft Therapy

- Flower Making
- Sound Therapy
- Grant Workshops
- Seasons Of Growth Workshops (Mental Health)
- Legal Workshops

The HUB has become a meeting space for agencies and providers to talk directly with clients away from their home environment which can be helpful in some stressful home situations.

Agencies that regularly attend the HUB include:

- Salvation Army Chaplains
- Shoalhaven Mental Health (ISLHD) - Bushfire Recovery Co-ordinator (Shoalhaven) Bushfire Clinicians
- Rural Adversity Mental Health Coordinator - RAMHP (ISLHD)
- Aboriginal Medical Service
- Shoalhaven Recovery Support Services, Barnardo's
- Anglicare
- Catholic Care
- Department Primary Industries, Rural Recovery Support Services
- Shoalcoast Community Legal – Legal Aid
- St. Vincent's De Paul

To put the trauma and the need in context there is a confidential attachment with a snapshot of some of the difficult conversations that have occurred through Council's outreach activities.

Whilst we have had success with our HUB events, there has still been hesitancy in community attendance due to COVID. With the easing of COVID restrictions and a return to a more normal life the HUB and Outreach Services are expecting further contact with members of the community who, to date, have not sought help and assistance.

Community Engagement

The outreach calls have allowed trust to build between Council and the community. The simple fact that someone from Council is calling and saying *"Hi, I am just checking in on you to see how you are"* means a lot to community members and should never be underestimated.

As we are able to pull community groups/gatherings together, that trust relationship between the Outreach Officers and communities is helping to facilitate next steps. These relationships will prove invaluable as we move forward into the preparedness and resilience phase of recovery

The cases we are now seeing are complex with a significant overlay of stress created by COVID-19. It is doubtful that without these ongoing conversations that the appropriate support could be identified and provided.

Financial Implications

These services are currently funded by a Funding Agreement for a Grant under the Bushfire Resilience & Recovery Fund – Phase 2 (BCRRF). (NSW & Commonwealth funding – scheme administered by NSW Resilience).

This funding is forecast to be expended by April. Funding to date under this Funding Agreement are:

Funding granted	\$250,000
Funding expended by 31.12.21	\$167,000
Funding remaining	\$ 83,000

The grant is intended to provide support to communities through 4 separate streams which are:

1. Community Grants
2. Recovery Hotline and Outreach
3. Ulladulla Recovery Hub
4. Support for the Shoalhaven Health & Wellbeing Networks Plan

Grant Status:

Stream No	Grant Stream Title	Allocation	Expended	Remaining as of 1 January 2022
1	Community Grants	\$65,000	\$50,000	\$15,000
2	Recovery Hotline & Outreach	\$143,000	\$98,000	\$45,000
3	Ulladulla Recovery HUB	\$34,000	\$19,000	\$15,000
4	Support for the Shoalhaven Health & Wellbeing Network Plans	\$8,000	\$0	\$8,000
Totals		\$250,000	\$167,000	\$83,000

A grant application for \$300,000 had been submitted to the Federal Agency – National Resilience & Recovery Agency (NRRA) under the Commonwealth grant program for the Black Summer Bushfire Grants. This application was not successful as confirmed by announcements made by the NRRA on 15 February 2022.

Further grant opportunities continue to be explored as they arise. There are no open grant opportunities available as at the date of this report.

The funding of \$105,000 required to continue operations until December 2022 has been identified in the CEO's Directorate. The \$26,000 required for May and June 2022 is able to be funded from the existing Disaster Recovery Project and the residual \$79,000 for July to December 2022 will be provided for in the in the draft 2022-23 budget.

Risk Implications

If Council declines to support the request for funding the risks for removing the Outreach Support and the HUB services are as follows:

- Reputational Damage to Council –Bushfire Recovery funding is running out for supporting agencies and not for profit organisations. There is a gradual transition to business as usual for our support agencies and there is a gap emerging where professional recovery support is required. The community could feel that the removal of Council Outreach Support and loss of the HUB is reducing help seeking avenues as services such as the Shoalhaven Recovery Support Services (Barnardo's) close in April 2022
- Community will be unaware of where to seek help and support including mental health services. This is particularly so for community who are reaching out now for the first time. The Outreach Team have provided personalised referrals which will no longer be available. Importantly a friendly voice to talk with will be lost. With the loss of the HUB the community will have lost a safe place where they can have open discussions and feel supported.
- Some in the community continue to suffer mental health issues from the trauma of the fires and the ongoing recovery journey, particularly with COVID-19 playing a role exacerbation of community mental health issues due to loss of support may affect ongoing community healing and the social recovery of a community group.

CL22.109 Shoalhaven District Football Association - Regional Sport Facility Fund (Round 2) - Amenities Building

HPERM Ref: D22/50676

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

Reason for Report

This report is to:

- Acknowledge that the Shoalhaven District Football Association (SDFA) has been successful in obtaining \$1,000,000 from the NSW Government - Office of Sport - Regional Sport Facility Fund (Round 2), to build a new amenity building at Ison Park Browns Road South Nowra.
- Acknowledge SDFA's request to Council for assistance to deliver the project.

Recommendation

That Council consider a separate confidential report for Shoalhaven District Football Association – Regional Sport Facility Fund Round 2 – Amenities Building Grant.

Options

1. Accept the recommendation

Implications: In accordance with the *Local Government Act - Section 10A(2)(c)* Council will consider information in a separate confidential report and make a determination with respect to support for the project.

2. Council makes a different resolution

Implications: It is not recommended.

Background

The Shoalhaven District Football Association (SDFA) applied for grant funding under the NSW Government's Office of Sport Regional Sport Facility Fund Round 2, for the demolition and construction of an amenity building on the existing footprint on their main field.

SDFA were successful and have secured \$1,000,000 grant funding for the project.

The existing amenities building is at the end of its useable life and new amenities will ensure that the Association can continue to provide fit for purpose sporting facilities to the community. Photos of the current building are provided below.



Front of existing buildings

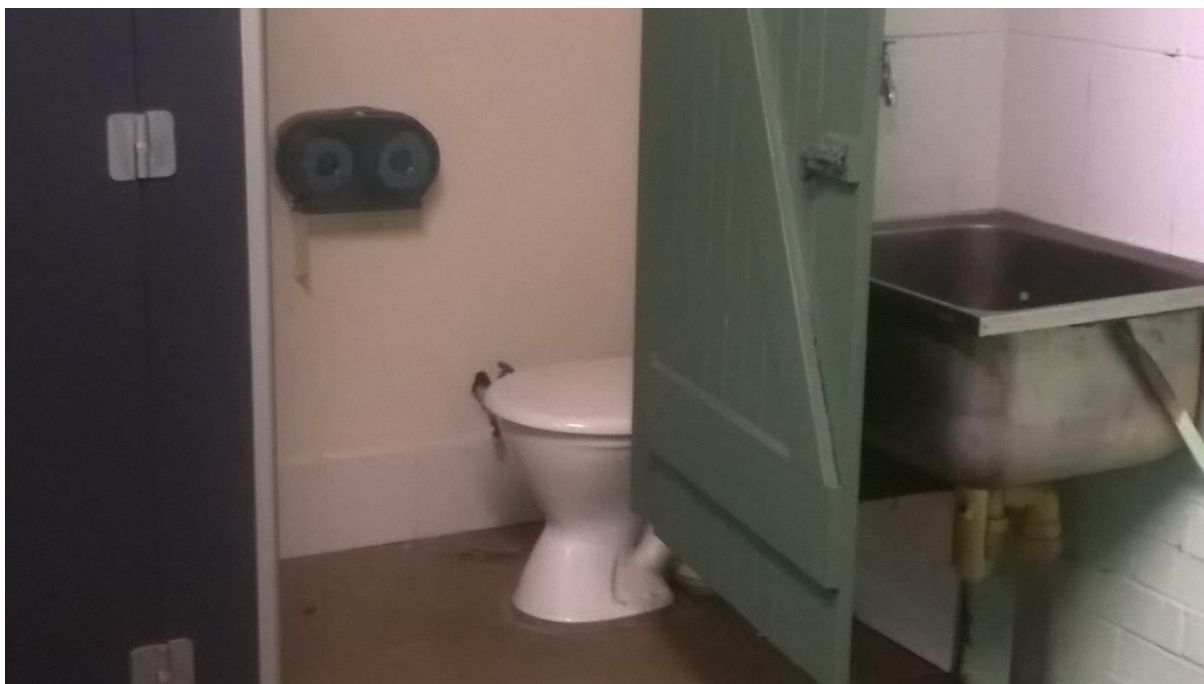


Southwest Elevation of existing building

CL22.109



Change room and cracked walls



Change room toilet and hand basin

CL22.109



Referees Change Room

SDFA have committed funding to the project and have been working with Council Officers since the successful grant was announced. The confidential report outlines options for Council to assist SDFA to successfully deliver the project.

Community Engagement

This is a community led project by the Shoalhaven District Football Association for the fields at Ison Park South Nowra that they lease from Council. Council provided landowners consent to apply for the grant.

Financial Implications

Financial details are outlined in the confidential report.

Risk Implications

Projects risks are outlined in the confidential report.

CL22.109

CL22.110 Moss Vale Road Urban Release Area - Water Reticulation Infrastructure - Commencement of Tendering and Construction Phases

HPERM Ref: D21/548097

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

The purpose of this report is to advise Council of the commencement of the Tendering and Construction phases of the Major Water Reticulation Project at Moss Vale Rd Nowra. The approvals process is now complete and as such, the project can progress to tendering and construction phases. This package of works represents Stage 4 of the overall infrastructure program to support the Moss Vale Road Urban Release Areas.

Recommendation

That Council note that the approvals process for the Moss Vale Road Urban Release Area, Water Reticulation Infrastructure has been completed and that the tendering and construction phases will now commence.

Options

1. Adopt the recommendations.

Implications: This is recommended as the project will deliver the required water supply infrastructure to the Moss Vale Road Urban Release Area in an appropriate timeframe.

2. Council could determine not to proceed with provision of water infrastructure delivery to the Moss Vale Road Urban Release Area.

Implications: All proposed development within the Urban Release Area would be required to provide an alternative water source, for the provision of potable water onsite.

Background

The subject of this report is the proposed construction of water reticulation infrastructure to support the development of the Moss Vale Rd Urban Release Areas (URAs).

The proposal would include the following works:

- Construction of approximately 10.5km a water main pipeline between Cambewarra, Bomaderry and North Nowra with scour valves, air valves and hydrants. A combination of trenching and trenchless installation methods will be used:
 - Dedicated Supply Main (diameter 355 PE100) between Hockeys Lane and Cambewarra Reservoir (approx. 2,690m)
 - Distribution Main (dia. 400 PE100) from Cambewarra Reservoir to Main Rd Cambewarra (approx. 2,250m)
 - Reticulation Water Main (dia. 125 PE100) in two sections on Hockeys Lane (approx. 1,010m)

CL22.110

- Reticulation Main (dia. 180 PE100) for fire-fighting flows (Illaroo Rd) (approx. 2,297m)
- Distribution Main (dia. 355 PE100) Moss Vale Rd to Bomaderry WSZ (approx. 2,278m)
- Construction of a new Water Pumping Station (WPS) at existing WPS site on Illaroo Rd, North Nowra.
- Demolition of existing WPS on Illaroo Rd, North Nowra.
- Existing Asbestos-Cement (AC) Main in location of the proposed Fire-fighting Reticulation Main on Illaroo Rd to be removed in accordance with asbestos removal procedure.
- Associated vegetation removal including for access and construction.

Shoalhaven City Council (SCC) is the proponent and the determining authority under Part 5 of the EP&A Act. The environmental assessment of the proposed activity and associated environmental impacts have been undertaken in the context of Clause 228 of the Environmental Planning and Assessment Regulation 2000. In doing so, the Review of Environmental Factors (REF) helps fulfil the requirements of Section 5.5 of the Act that SCC examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The completed REF concludes as follows:

Based on the information in this REF, it is concluded that:

1. *The proposed safeguards and mitigation measures identified in the report (Section 6) shall be adopted and implemented.*
2. *It is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is not required for the proposed works.*
3. *The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement / BDAR is not required.*
4. *No additional statutory approvals, licences, permits and external government consultations are required.*

The proposed activity is recommended to proceed subject to the implementation of the measures to avoid, minimise or manage environmental impacts listed in this REF.

The mitigation measures outlined in the REF will be incorporated in the construction contract documents.

Location

The proposed activity would be undertaken within Council managed road reserves (Main Rd, Faulks Place, Reservoir Lane, Hockeys Lane and Illaroo Rd), within Council owned land, privately owned lots (easements to be established over privately owned lots), and within the future road reserve of Moss Vale Rd (currently private and Council land).

Refer to Figure 1, which shows the locations of the proposed infrastructure.

An overview of affected properties has also been presented in Table 1.

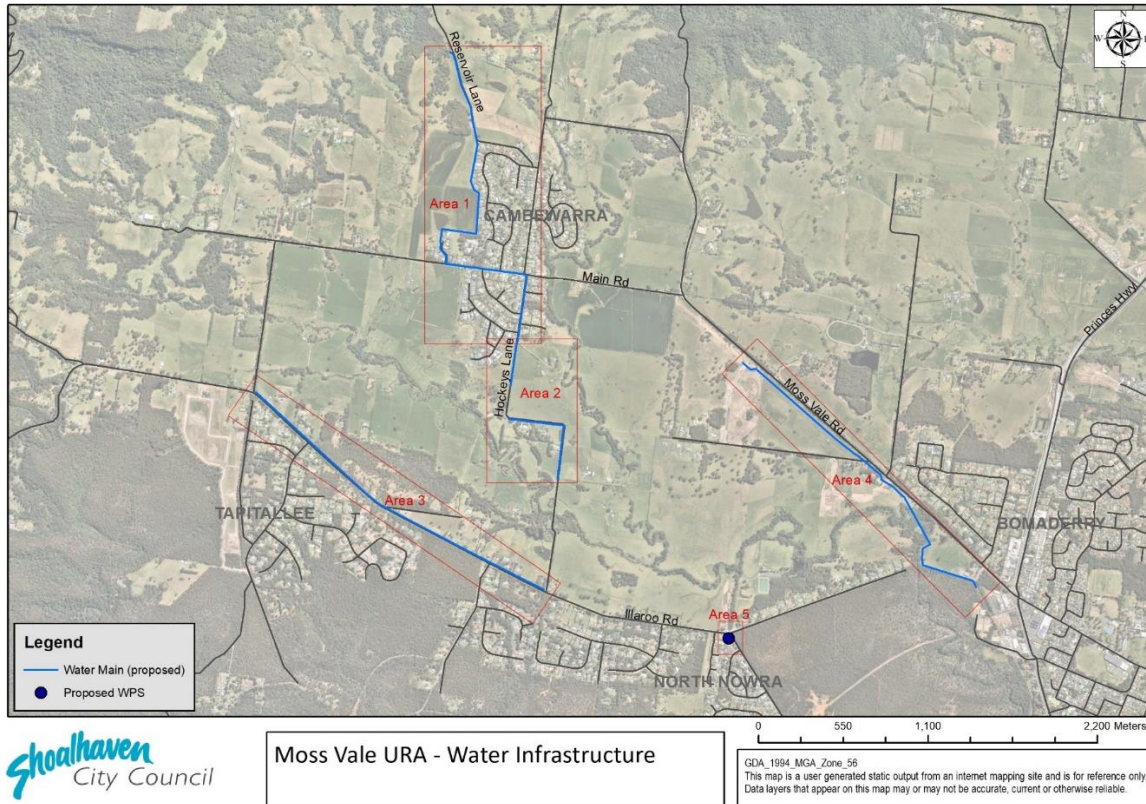
Table 1. Affected Property

Lot / DP	Description	Owner / Land Manager	Comments
-	Hockeys Lane	SCC	Works would occur in road verge
Lot 7 DP 1256748	49 Hockeys Lane	Private land	Creation of a services easement required
-	Main Rd	SCC	Works would occur in roadway (trenchless) and road verge
-	Faulks Place	SCC	Works would occur in road verge
-	Reservoir Lane	SCC	Works would occur in road verge
Lot 3 DP 595695	109 Main Rd, Cambewarra	Private land	Creation of a services easement required
Lot 203 DP 883494	14 Reservoir Lane	Private land	Creation of a services easement required
Lot DP 618527	Illaroo Reservoir	SCC	Operational Land - Connection to reservoirs
-	Hockeys Lane	SCC	Works would occur in road verge and roadway
-	Illaroo Rd	SCC	Works would occur in road verge
-	Moss Vale Rd	SCC	Works would occur in future road verge. NB: Moss Vale Rd is a classified road in this location. Authorisation from TfNSW may be required.
Lot 3 DP 851823	104 Taylors Lane	Private land	Creation of a services easement required if works preceding Moss Vale Rd reserve widening
Lot 1 DP 949932	Taylors Lane	Private land	Creation of a services easement required if works preceding Moss Vale Rd reserve widening
Lot 122 DP 3060	Moss Vale Rd	Private land	Creation of a services easement required if works preceding Moss Vale Rd reserve widening
Lot 261 DP 794245	5 Taylors Lane	Private land	Creation of a services easement required if works preceding Moss Vale Rd reserve widening
Lot 262 DP 794245	125 Moss Vale Rd	SCC	Operational Land
Lot 28 DP 773615	Cambewarra Rd	SCC	Community Land – Natural Area (Bushland). Construction would be trenchless pipe installation (underbored) passing through the land only.
Lot 5 DP 258745	Moss Vale Rd	SCC	Community Land – Natural Area (Bushland). Construction would be trenchless pipe installation (underbored) passing through the land only.
Lot 129 DP 3060	Moss Vale Rd	Private land	Creation of a services easement required
Lot 110 DP 131219	Moss Vale Rd	Private land	Creation of a services easement required
-	West Cambewarra Rd	SCC	Works would occur in unformed section of road reserve
Lot 108	West Cambewarra	SCC	Community Land – Natural Area

CL22.110

DP 131063	Rd		(Bushland). Construction would occur within a cleared transmission line easement connecting to an existing water main.
Lot A DP 420566	Illaroo Rd	SCC	Operational Land. Construction of a new Water Pump Station (WPS) and demolition of the old WPS would occur.

Figure 1. Site Location (note that delineated areas are for the purpose of this assessment)



CL22.110

Community Engagement

The REF for this project was placed on public exhibition between 23 November 2021 to 20 December 2021, during which time submissions were invited. Notification via mail to properties along the proposed alignments were issued informing the community of the REF being placed on Public Exhibition and inviting Community feedback; three (3) responses were received during the exhibition period.

The first respondent sought further clarification on the proposed works as summarised below, however was generally in favour of the works proposed:

- Enquiry 1: General questions on the extent of the water main pipework upgrades along Illaroo Road.
 - Confirmed water main pipework proposed between Hockeys Lane intersection and Tapitallee Road intersection.
- Enquiry 2: General question of size of proposed pumping station.
 - Confirmed per Appendix A to be approximately 8.5m x 6.5m.
- Enquiry 3: General question if existing Cambewarra Reservoir would be removed when new reservoir is built?

- Confirmed that the new 3.5ML reservoir would be in addition to the existing.
- Enquiry 4: Indicated his property was recently (2019 Bushfires) under threat from bushfire attack and questioned if proposed water infrastructure would assist in future events?
 - Confirmed project objectives were to provide water supply to proposed Moss Vale Road Urban Release Areas, improved fire resilience of community via new Asset Protection Zone now implemented around the Cambewarra Reservoir Site, improved mains along Illaroo Road, and improvements to water pressure in the Bomaderry Water Zone Network via extension of main along Moss Vale Road to connect Cambewarra and Bomaderry networks.

The second respondent was Endeavour Energy and simply provided details of their existing infrastructure in close proximity to that of the Council's proposed water infrastructure.

The third respondent was WaterNSW who thanked Council for the REF notification letter, and highlighted that WaterNSW had no comment or special requirements for this project at this time.

Further notifications to properties along the proposed alignment will also be undertaken prior to the commencement of works onsite, with a dedicated Webpage established to provide a central portal for project updates being: https://getinvolved.shoalhaven.nsw.gov.au/planning-for-growth-nowra-and-bomaderry/news_feed/project-update-2

Financial Implications

Adequate funds have been allocated in the water budget for the construction of the project in 2021/22 and 2022/23 financial years.

Risk Implications

A project risk assessment for the project has been established, after consideration of mitigation measures the residual risks are considered to be low. The successful contractor will be required to further develop the risk register upon their appointment.

CL22.111 South Nowra Surcharge Main – Major Upgrades - Commencement of Tendering and Construction Phases

HPERM Ref: D22/8441

Department: Water Asset Planning & Development

Approver: Robert Horner, Executive Manager Shoalhaven Water

Reason for Report

The purpose of this report is to advise Council of the commencement of the Tendering and Construction phase of the major sewerage project (current estimate approximately \$12 million) at South Nowra. The approvals process is now complete and as such the project can progress to tendering and construction phases. It is proposed to deliver the project in five separate construction packages over the next few years.

Recommendation

That Council note that the approvals process for the South Nowra Surcharge Main – Major Upgrades has been completed and that the tendering and construction phases will now commence.

Options

1. As recommended.

Implications: This is recommended as the project, will deliver upgraded and improved sewer infrastructure to the South Nowra area, significantly reducing future risks of wastewater surcharge/overflow and system odour generation.

2. Council could determine not to proceed with the South Nowra Surcharge Main Major Upgrades.

Implications: The South Nowra Surcharge Main would not meet the operational needs and as local growth continues, the system would be placed under increased hydraulic pressure, causing public and environmental health risks and odour generation. This option is not considered feasible and thus has not been considered in detail.

Background

The proposed upgrades to the existing South Nowra Surcharge Main, is required to address the increase in growth which has created two key risks for Council, namely surcharge (a public and environmental health risk) and odour generation which poses a public nuisance.

By implementing this proposal, the South Nowra Surcharge Main will be able to meet its operational needs. The upgrades will provide increased storage during high flows, improved pumping efficiencies and a reduction in sewage retention times which will reduce the quantity of odour being produced by the existing system.

The proposal would generally entail the following works

- Installation of circa 635m of diameter nominal (DN) DN300 Rising Main along Old Southern Road;

CL22.111

- Installation of circa 1,300m of DN225 and/or DN300 Rising Main, to improve the performance of sewer pumping station (SPS) 24;
- Decommission SPS 28, diverting flows to SPS 24 gravity sewer network via circa 80m of DN150 gravity sewer main;
- Construction of a new SPS in the reserve to the south of Greenpoint Road (Ratcliff Park);
- Replacement of the existing DN300 asbestos cement (AC) surcharge main with:
 - Circa 685m of DN375 gravity sewer to be installed from the rear of 44 Warrigal St to the injection of SPS 24.
 - Circa 325m of DN525 gravity sewer from the injection/discharge of SPS 24 to flow to the new SPS.
 - Circa 1,200 m of DN500 rising main connecting the new SPS to the DN500 main installed as part of the construction of the new Nowra Sewage Treatment Plant (STP); and
- Upgrading of all identified pump stations to meet peak wet weather flow (PWWF) requirements and maximise operational efficiencies.
- Identify environmental impacts and mitigating measures accordingly.

Shoalhaven City Council (SCC) is the proponent and the determining authority under Part 5 of the EP&A Act. The environmental assessment of the proposed activity and associated environmental impacts has been undertaken in the context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*. In doing so, a Review of Environmental Factors (REF) helps fulfil the requirements of Section 5.5 of the Act, that SCC examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity. Council engaged consultant Cardno to complete the REF on Council's behalf

The completed REF concludes as follows:

Based on the information in this REF, it is concluded that:

1. *The proposed safeguards and mitigation measures identified in the report (Section 6) shall be adopted and implemented.*
2. *The proposal is unlikely to significantly affect the environment and an environmental impact statement is not required.*
3. *The proposal would be unlikely to cause a significant impact on the environment. Therefore, it is not necessary for an environmental impact statement to be prepared and approval to be sought from the Minister for Planning under Division 5.2 of the EP&A Act. A Biodiversity Development Assessment Report or Species Impact Statement is not required.*
4. *No additional statutory approvals, licences, permits and external Government consultations are required.*

The proposed activity is recommended to proceed subject to the implementation of the measures to avoid, minimise or manage environmental impacts listed in this REF.

The mitigation measures outlined in the REF will be incorporated in the construction contract documents.

Location

The proposed activity would be undertaken within Council managed road reserves (Old Southern Rd, Sullivan St, Peppermint Dr) within Council owned land, privately owned lots (with easements to be established). See Figure 1 below for location of proposed works.

CL22.111

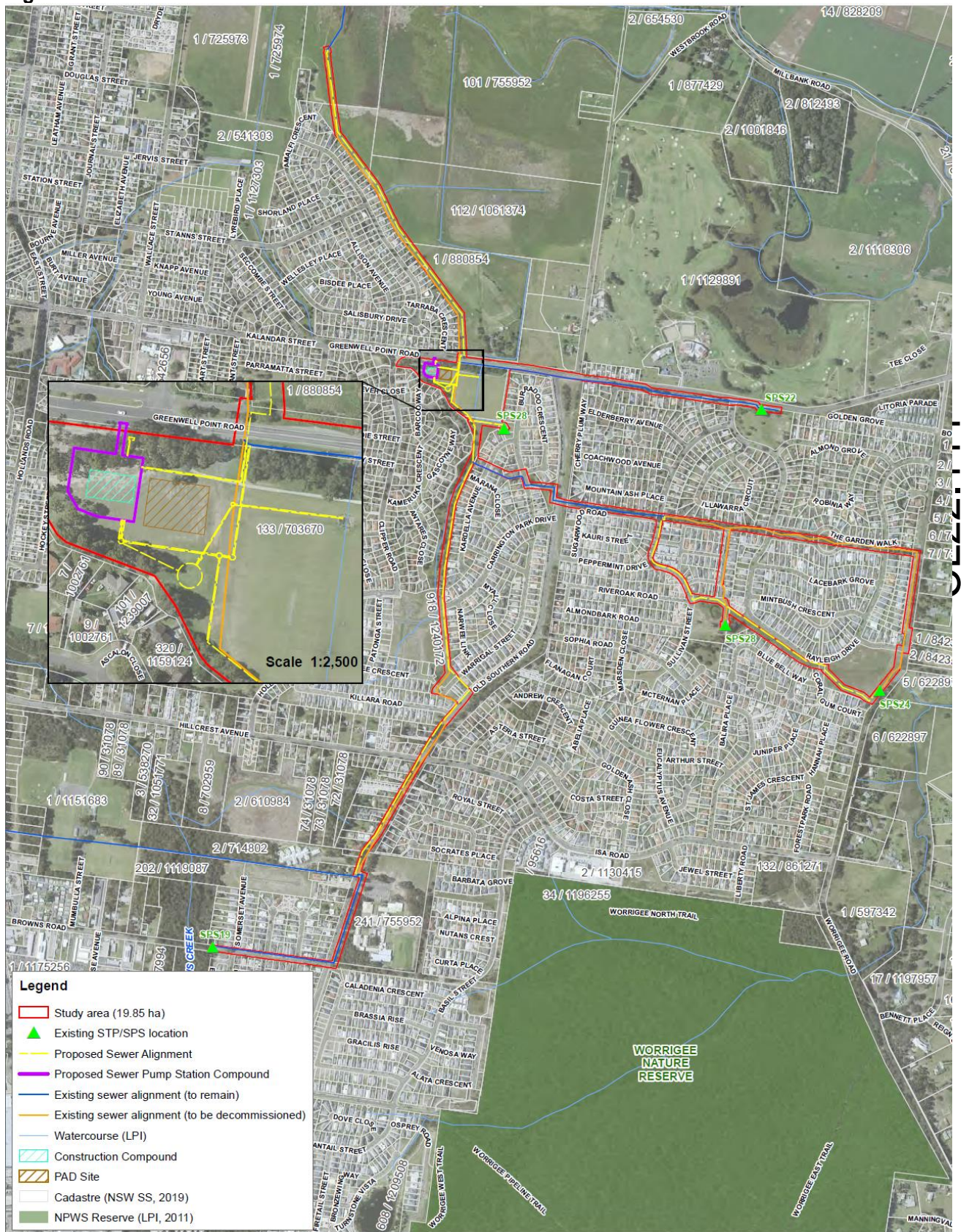
An overview of the properties that may be affected by the proposed works have been presented in Table 1 below.

Table 1. Summary of Main Properties Anticipated to be Affected by the Proposal

Lot / DP	Description	Owner / Land Manager	Comments
Lot 1 DP 725965	Amalfi Cr, Nowra	SCC	Operational Land – Easement exists (DP 644934)
Lot 2 DP 725975	Amalfi Cr, Nowra	SCC	Operational Land – Easement exists (DP 644934)
Lot 112 DP 1061374	Westbrook Rd, Nowra	SCC	Operational Land – Easement exists (DP 644934)
Lot 1 DP 880854	51 Greenwell Point Rd, Nowra	Private Land	Easement to Pump water, pump sewage and drain sewage (DP 644934)
Lot 2 DP 880854	Greenwell Point Rd, Nowra	SCC	Public Land – Sewage Pumping Station No. 12
Lot 133 DP 703670	Greenwell Point Rd, Ratcliffe Park	SCC	Community Land – Land classification changes in process. New Sewage Pumping Station and switch room to be built on site with connecting new sewer surcharge mains.
Lot 2 DP 1245988	27 Burradoo Cr, Nowra	SCC	Community Land – Sewer Easement exists
Lot 1 DP 1245988	4 Kardella Av, Nowra	SCC	Operational Land
Lot 1 DP 1119599	Old Southern Rd	SCC	Community Land
Lot 918 DP 1240172 (now Lot 541 DP 1276147)	Holloway Rd, Nowra	Private	Sewer Easement exists
Lot 379 DP 1077197	Sullivan St, Worrigee	SCC	Community Land
Lot 241 DP 755952	194 Old Southern Rd, Nowra, Nowra Community School	Private	
Lot 206 DP 1060103	16 Kardella Ave, Nowra	Private	Sewer Easement exists
Lot 254 DP 1060103	9 Kardella Ave, Nowra	Private	Sewer Easement exists
Lot 8 DP 1048562	15 Burradoo Cr, Nowra	Private	Sewer Easement exists
Lot 58 DP 1048562	83 Burradoo Cr, Nowra	Private	Sewer Easement exists
Lot 59 DP 1048562	10 Burradoo Cr, Nowra	Private	Sewer Easement exists
Lot 7318 DP 1177129	The Garden Walk	Crown Lands Office	
Lot 300 DP 1086791	Rayleigh Dr, Worrigee	SCC	Community Land
Lot 350 DP 1068794	59 Warrigal St, Nowra	Private Land	Creation of a services easement required

CL22.111

Figure 1. Site Location



Community Engagement

The REF for this project was placed on public exhibition from 24 November 2021 to 24 December 2021, during which time submissions were invited. Notification via mail to properties along the proposed alignments were issued informing the community of the REF being placed on Public Exhibition and inviting Community feedback; zero (0) responses were received during the exhibition period.

Further notifications to properties along the proposed alignment will be undertaken prior to the commencement of works onsite.

Financial Implications

Adequate funds have been allocated in the DPOP for the construction of the project in stages throughout the 2022/23, 2023/24 and 2024/25 financial years.

Risk Implications

A project risk assessment for the project has been established, after consideration of mitigation measures the residual risks are considered to be low. The successful contractor will be required to further develop the risk register upon their appointment.

CL22.111

CL22.112 Notice of Motion - Maintenance of Community Open Spaces

HPERM Ref: D22/60445

Submitted by: Cllr Serena Copley
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. Acknowledge that due to a range of extenuating circumstances including above average rainfall, and impact by COVID-19 to the Shoalhaven City Council workforce the maintenance of community open spaces across the city has been significantly impacted and many open spaces are not in an appropriate condition for community use.
2. Investigates the option to engage external contractors for a determined period to assist Council staff to undertake the task of addressing the backlog of lawnmowing and general maintenance to ensure safe and usable facilities.
3. Engaged any contractors from locally registered businesses in the city.

Background

The City has recently experienced weather conditions that has provided optimum growth conditions for grass and weeds in outdoor recreational and open green spaces, which has rendered many open spaces unusable. In addition, the Shoalhaven City Council outdoor workforce has been impacted like every other business by COVID-19, which has reduced the availability of workers in the field and impacted on mowing and maintenance rosters.

Some open spaces have grass and weeds near water courses that provide haven for vermin and a hazard to the community. Some of these open spaces have play equipment that attract children.

As time passes, the condition of these open spaces is deteriorating and creating a more significant issue to resolve.

In some parks and nature strips, residents themselves have mown a path through knee-high grass for children to be able walk to and from school bus stops. Mothers with infants and walking with toddlers are sometimes forced onto roads as the long grass makes it impossible to push a pram.

I am requesting support from all Councillors as this is a City-wide issue.

CL22.112

CL22.113 Notice of Motion - Bay and Basin Revitalisation Workshop

HPERM Ref: D22/60630

Submitted by: Cllr Paul Ell
Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council:

1. Organise a "Bay and Basin Revitalisation Workshop" to be facilitated by Mrs Fran Mooney (2022 Shoalhaven Citizen of the year) within one month from the date of adoption of this resolution, The purpose of the workshop is to engage local community organisations and stakeholders to recommend proposals to Council to improve amenities in the Bay and Basin area.
2. Send invitations to participate in the workshop to the following:
 - a. The Mayor,
 - b. All Ward 2 and Ward 3 Councillors,
 - c. Director City Lifestyles (or nominee); and
 - d. Other local individuals, community organisations, CCBs, Businesses Chambers Of Commerce and sporting groups as determined by the CEO in consultation with Fran Mooney.
3. Directs that the workshop is to address the following matters:
 - a. Consultation on the update to the Community Strategic Plan.
 - b. Achieving the objectives of the Bay & Basin Community-Led Strategic Plan.
 - c. Revitalisation of Frances Ryan Reserve to compliment the delivery of the Bob Proudfoot Pavilion and new library.
 - d. Delivery of the planned revitalisation of the Sanctuary Point shops including addressing the appearance of the rear of the shops.
 - e. a pump track to be located in the Sanctuary Point area.
 - f. Improved active transport infrastructure to facilitate greater connections between Frances Ryan Reserve and Clifton Park.
 - g. Improved sporting and other community facilities for local young people.
 - h. Improving public transportation between the villages and the broader Shoalhaven.
 - i. The application for grants to achieve the community's goals.
 - j. Any other matters that relate to improving amenities and the lifestyle of local residents.
4. Directs that a report be prepared by the CEO about the outcomes of the workshop which includes options about future workshops on an annual, biannual or quarterly basis.

CL22.113

Background

There are many dedicated groups and individuals working tirelessly across the Bay and Basin community to improve local amenities and facilities. The community owes so much to organisations such as Sanctuary Point Community Pride for the delivery of projects to improve amenities for local residents. Whether it is the work of the Community Champions or all those involved in the community-led Strategic Plan, there are many projects and priorities the residents of this part of the Shoalhaven want to see progressed.

The convening of a workshop is intended to bring the community together to speak with one voice and to give the key stakeholders a seat at the table to work with Council directly. Our 2022 Shoalhaven Citizen of the Year, Fran Mooney, has kindly agreed to facilitate this Workshop if the motion is supported by Councillors. Fran brings a wealth of experience and insight having worked very hard with other local leaders to promote the interests of the community.

Council's work with this community to date should be commended. This initiative builds on the work of Jane Lewis and her team, including Monica Kincade, around building stronger capacity in the community.

CL22.113

CL22.114 Notice of Motion - Hello Huey Mobile Food Van

HPERM Ref: D22/60755

Submitted by: Clr Patricia White
Clr John Wells
Clr Greg Watson

Purpose / Summary

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

Recommendation

That Council provide a temporary Permit/License to Hello Huey Mobile Food Van for a period of 6 months to operate from Matron Porter Drive Reserve Narrawallee (opposite Bangalow Street).

Note by the CEO

Council considered this matter at the Ordinary Meeting Monday, 7 February 2022 and resolved as follows:

RESOLVED (Clr Ell / Clr White)

MIN22.55

That Council:

- 1. Undertake a full review of the Mobile Food Vending Vehicles on Council Land or Managed Land Policy within the next 6 months.*
- 2. A draft Review of the Policy be reported to Council prior to public exhibition and to provide policy options for flexibility for exemptions*
- 3. The draft Policy Review be placed on public exhibition for a period of 28 days and reported back to Council following the exhibition.*
- 4. Investigate Surfers Avenue as an alternate location for "Hello Huey".*

FOR: Clr Findley, Clr Christen, Clr Norris, Clr Butler, Clr D'Ath, Clr Copley, Clr Ell, Clr Kotlash, Clr White, Clr Wells, Clr Watson, Clr Kitchener and Clr Gray

AGAINST: Nil

CARRIED

The motion as outlined in this report was not voted on at the above-mentioned meeting and is available for Council to reconsider.

CL22.114

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

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.