

Ordinary Meeting

Meeting Date: Monday, 28 November, 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, recorded and made available on Council's website, under the provisions of the Code of Meeting Practice. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

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

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

Statement of Ethical Obligations

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

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

Agenda

1. **Acknowledgement of Country**
2. **Moment of Silence and Reflection**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 14 November 2022
6. **Declarations of Interest**
7. **Presentation of Petitions**

8. Mayoral Minute

Mayoral Minute

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10. Call Over of the Business Paper

11. A Committee of the Whole (if necessary)

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Notices of Motion / Questions on Notice

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Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

MM22.29 Mayoral Minute - Statewide Road Emergency

HPERM Ref: D22/483441

Recommendation

That:

1. Shoalhaven Council joins with Local Government NSW and the Country Mayors Association of NSW in declaring a Statewide Road Emergency.
2. The Mayor write to the Prime Minister of Australia, The Hon, Anthony Albanese MP and the Premier of New South Wales, The Hon. Dominic Perrottet MP, pleading for immediate action.

Details

Councillors, we are all well aware the Shoalhaven has been hit by a seemingly relentless wave of flood events in the past 12 months.

We are not alone. A total of 126 of New South Wales' 128 local government areas have had natural disaster declarations within the last 12 months, according to the President of Local Government NSW, Darriea Turley.

On 3 November 2022, Local Government NSW declared a Statewide Roads Emergency.

The declaration, and urgent call for the NSW and Federal Governments to increase their existing road funding commitments in the wake of the floods, comes on the back of an estimated \$2.5 billion in road damages and a collapse of the local and regional road network.

I call on Shoalhaven City Council to show our support for this move and whole-heartedly endorse the Local Government NSW declaration of Statewide Road Emergency.

The declaration has already been publicly supported by our peak regional body, the Country Mayors Association of New South Wales.

As part of the Statewide Roads Emergency, LGA NSW and the Country Mayors Association of NSW are calling for:

- An acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government
- A boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government
- New funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government.

Shoalhaven feels like it is fast becoming the States Natural Disaster Capital a dubious title based on the ten natural disaster declarations over the last three years.

We also acknowledge that flooding is dynamic and that other parts of the East Coast are being battered including in Queensland and Victoria, with our friends in many western Councils underwater as we consider this minute.

This is an emergency, and it is time to seek help, and by supporting this Mayoral Minute you are endorsing that I write to the Prime Minister of Australia Anthony Albanese and the Premier of New South Wales Dominic Perrottet pleading for immediate action.

MM22.29

MM22.30 Mayoral Minute - Milton Ulladulla By Pass

HPERM Ref: D22/492227

Recommendation

Council receives an urgent briefing with Transport for NSW in respect to their recent announcement about the preferred route for the Milton Ulladulla By Pass and the entry/exit points.

Details

The NSW Government recently announced to the community, its preferred alignment and entry/exit points for the Milton Ulladulla By Pass (Sub Arterial). It appears that Transport for NSW are now moving ahead with this project despite the community's concerns, discussion and previous planning. As part of this it appears that a single point of entry/exit has been allowed for at the mid point of the alignment at Bishop Drive. I do not believe that this is the best option for the community and would like to understand how this decision was arrived at and how it corresponds with any strategic planning that has been done for the local area.

MM22.30

CL22.604 Report of the Shoalhaven Arts Board - 9 November 2022

HPERM Ref: D22/488365

Attachments: 1. Public Art [↓](#)

AB22.50 Policy - Public Art Policy

HPERM Ref:
D22/447489

Recommendation

That Council adopts the revisions to the Public Art Policy POL18/69 as endorsed by the Shoalhaven Arts Board.

CARRIED

CL22.604

Public Art Policy

Adoption Date:	19/04/2013
Amendment Date:	27/06/2017
Minute Number:	MIN13.178, MIN17.564
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL18/69

Public Art Policy

1. Purpose

To provide a policy ~~for the~~that supports the development, planning, acquisition, maintenance, de-accessioning and integration of ~~public art that supports the development of~~ a diverse range of permanent, temporary and ephemeral artworks in public places which contribute to the social, cultural, environmental and economic value of the Shoalhaven region.

2. Statement

Shoalhaven City Council recognises that public art is as diverse as the ~~people and~~ landscape of the region in which it is presented. Public Art is inspired and informed by a multitude of environments – the cultural, physical, political, emotional and spiritual. Shoalhaven City Council is committed to establishing a standard of excellence that underpins the implementation of public art throughout the region. This Policy ~~will~~ refers to art that is distinctly separate from the Shoalhaven City Council Art Collection.

2.1. Scope

For the purposes of this policy, public art typically refers to contemporary artwork occurring in public spaces, in both public and private developments, away from the confines of traditional galleries and museums. Public arts can be comprised of diverse art forms and materials to produce both permanent ~~and~~ temporary ~~and ephemeral~~ works that enrich the City's public spaces, assist in the creation of a 'sense of place' and are created by highly experienced public artists, young and emerging artists and artists working in a community setting.

A best practice approach, particularly in integrated public art, involves close collaboration between artists, professionals or designers who work in the built environment, key project stakeholders and community. Examples ~~of integrated public art~~ might include street furniture (chairs, tables, gates etc), playground equipment, bike racks, signage, lighting, pavements as well as components in buildings, bridges and major asset developments.

The *Public Art Policy* outlines strategies and procedures relevant to the achievement of public art projects and cover areas such as maintenance, conservation, archiving ~~and~~ de-accessioning of works ~~and professional development for the artist/s~~.

2.2. Background

The development of public space portrays interactions within and between communities. As a contributing element in the shaping of public space, public art signifies its local and regional identity - revealing aspects of community history, character and aspirations. Public art provides opportunity to forge an environment of inclusiveness through careful selection, maintenance and appropriateness to the context of place.

Shoalhaven City Council seeks to build a strong vital arts and heritage culture that acknowledges, promotes and reflects the diversity of its people through the exchange of ideas and responsible urban planning that enhances the quality of public space for residents, ratepayers and visitors.

3. Provisions

To achieve this commitment, and in partnership with stakeholders and relevant agencies, Shoalhaven City Council will put into practice the following specifications:

3.1. Key Principles for Public Art Approval

Public Art Policy

Evaluation and implementation of all public artworks will be based on the following criteria:

- Standards of excellence and innovation
- Appropriateness of the work relative to purpose and context of its site
- ~~Relevance to the Arts Board Strategic Plan 2020~~
- Consistency with current planning, heritage and environmental policies and plans of management
- Consideration of public safety; the public's access to and use of the public domain
- Consideration of sustainability and maintenance requirements
- Evidence of funding source and satisfactory budget including an allocation for ongoing maintenance if appropriate
- Evidence of formal agreement between Council and artist/s specific to the acquisition being undertaken
- Non-duplication of monuments commemorating the same or similar events

3.2. Approval Process for Public Art

New Public Art Projects can be developed and approved through the following means:

- Commissioning by Shoalhaven City Council of a specific artist for a project
- Purchase by Shoalhaven City Council of a suitable work
- Loan of a work by an artist / collector to Shoalhaven City Council for a specific time period
- Gift or donation to Shoalhaven City Council by an artist or collector
- Application to Shoalhaven City Council by an artist or group for the development and installation of a new work.

Where an application, loan, gift or donation is made to Shoalhaven City Council approval for the Public Art project will require:

- Application made to council in writing, describing the project or work, and demonstrating how it meets the Key Principles for Public Art (3.1)
- If a development approval is deemed to be required, this must be submitted prior to any further approval processes being undertaken
- Details of the proposal must be advertised publicly and response sought from interested citizens
- Comment should be sought from the ~~Unit~~ Manager – Arts and Culture; the Shoalhaven Arts Board; relevant ~~Group~~ Directors as appropriate, Council's Insurance Officer and Council's WHS Unit Manager.
- The ~~Unit~~ Manager – Arts and Culture will be responsible for informing the applicant of the outcome of their application but will not be responsible for justifying the decision.

4. De-accessioning of Public Art

Where a work has been severely damaged, has lost the original intent or relevance, has reached its agreed lifespan or Council is redeveloping the site, Council has the right to de-accession the work.

De-accessioning of a work can only be undertaken following an assessment and documented review process which considers:

- The historical, cultural and artistic value of the work

Public Art Policy

- The origins and acquisition status of the work
- Options and cost to repair or restore the work
- Opportunities to relocate or rehome the work at an alternate Council site.

Where the decision is made to de-accession a permanent public artwork, Council shall undertake the following process:

- The work shall firstly be offered for return to the artist / donor or next of kin
- The work shall then be offered to another council, cultural institution or community group
- Only if no other option is available shall the work be sold and the proceeds from the sale shall be added to the Art Collection Reserve

5. Public Art Collection Responsibility

The Public Art Collection is administered by Council's designated arts unit, in consultation with other Council units/departments as appropriate.

All items of public art shall be placed on the public art data base, administered by the Arts & Culture Unit/Department and insured in accordance with Council's asset management plans and catalogued with details including title, image, size, and medium, artist, and provenance, date of purchase, value, storage place and description.

6. Funding

The following sources of funding should be considered and pursued as appropriate:

- Council's annual capital works and operational budgets.
- Donations and sponsorships from the private sector.
- State and Federal Government funding.
- Public funding for projects and "in kind" support from the community and commercial sector.

7. Implementation

The Finance Corporate and Community Services Group/City Lifestyles Directorate is allocated overall responsibility for the administration and implementation of this policy.

Internal departments tasked with responsibilities relating to public art will jointly implement the Public Art Policy to maximise opportunities, coordinate efforts, ensure efficiencies and reduce costs.

8. Review

To be reviewed within 1 year of the election of a new Council.

CL22.605 Policy - Loans (Advances) to Community Groups Policy

HPERM Ref: D22/460495

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. DRAFT - Loans (Advances) to Community Groups Policy [↓](#)

Reason for Report

The attached Policy is presented for adoption.

Recommendation

That Council adopt the Loans (Advances) to Community Groups Policy.

Options

1. Adopt the recommendation as written

Implications: Updated Policies will be adopted within the 12-month timeframe of a newly elected Council

2. Not adopt the recommendation

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

Background

The Loans (Advances) to Community Groups Policy was adopted by Council on 15/08/2017 for the purpose of providing guidelines on financial assistance to community groups and organisations who occupy facilities on Council managed land by way of interest free, or low interest loans.

Policy Implications

This Policy is proposed for reaffirmation as the nature of the changes are minor and therefore have no implications or deviation from the existing intent of the current approved Policy.

CL22.605

Loans (Advances) to Community Groups Policy

Adoption Date:	15/08/2017
Amendment Date:	2/11/2022
Minute Number:	MIN17.707
Review Date:	2/11/2025 ²
Directorate:	City Performance
Record Number:	POL22/80

Loans (Advances) to Community Groups Policy

1. Purpose

To provide financial assistance to community groups and organisations who occupy facilities on Council managed land by way of interest free, or low interest, loans.

2. Statement

Council will consider providing financial assistance by way of interest free, or low interest, loans to community organisations and groups within the Shoalhaven Local Government Area for the purpose of exercising Council functions of providing community, sporting and recreational projects, services and facilities.

This policy is in accordance with section 356 of the NSW Local Government Act.

3. Provisions

- 3.1. The community project or facility which is subject to the application for financial assistance is approved by Council and is located on Council owned or managed land;
- 3.2. The community group must be a 'not for profit' organisation and have an incorporated status;
- 3.3. The period for repayment of loans will be within a term of not more than 10 years;
- 3.4. Priority will be given to applications for financial assistance from community groups and organisations that:
 - Provide community, recreational projects, services and facilities which are available to all persons or a significant number of persons within the Council area and;
 - Include the contribution of funds by the community group or organisation, either cash or in kind. These must represent 33% of the capital cost of the project
- 3.5. Requests associated with meeting ongoing salary, rent, day to day operating costs or commercial undertakings will not be considered;
- 3.6. Council will undertake a due diligence review to establish the ability of the applicant to service loan interest and principal repayments;
- 3.7. Applications by community groups and organisations for loans from Council must provide a full description of the project, service or facility for which the loan is sought and include with the application the following:
 - Annual audited income and expenditure statements for the last 2 years;
 - A copy of the community group or organisation's constitution ~~or if not an incorporated association documentation detailing their legal authority and ability control funds~~
 - A copy of the minute passed at a meeting of the community group or organisation seeking a loan from Council
 - Plans, approvals quotes and other relevant documentation enabling the project to be undertaken
- 3.8. Applications will not be considered if a current liability exists to Shoalhaven City Council;
- 3.9. Applications should align with the Community Infrastructure Strategic Plan

Loans (Advances) to Community Groups Policy

- 3.10. Provision of a loan does not affect the ability of the applicant to seek additional grant funding from other organisations. Council would encourage seeking grants / funding from other organisations
- 3.11. A report will be prepared for Council prior to any monies being loaned

4. Implementation

| The ~~Finance, Corporate and Community Group~~ City Performance Directorate will administer this policy.

5. Review

To be reviewed within 1 year of the election of a new Council.

CL22.606 2022/2023 Council Borrowings - Loan Agreement - Holiday Haven

HPERM Ref: D22/458453

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Letter of Offer - Holiday Haven Borrowings 21/22 \$9,190,484
(Confidential - under separate cover)

Reason for Report

To seek Council approval to enter into a loan agreement with the Commonwealth Bank of Australia for Holiday Haven's borrowing requirements that have previously been endorsed by Council.

Recommendation

That Council:

1. Enter into a loan agreement with the Commonwealth Bank of Australia for the amount of \$9,190,484 (to be repaid over 10 years with an indicative interest rate of 5.71%) to cover Holiday Haven's borrowing requirements that have been previously endorsed by Council and included in the 2021/22 and 2022/23 Delivery Programs and Budgets.
2. Delegate authority to the Chief Executive Officer to execute the loan agreement.

Options

1. Adopt the recommendations in the report.

Implications: Council will be able to take up loans and fund capital projects in accordance with the adopted 2021/22 and 2022/23 Delivery Programs and Budgets.

2. Not adopt the recommendations and make an alternative resolution.

Implications: Council will need to seek borrowings from other financial institutions and pay higher interest on loans or delay capital works.

Background

The Holiday Haven borrowings outlined in this report were approved in principle by Council as part of the 2021/22 and 2022/23 Delivery Program and Operational Plans (2021/22 \$5,264,300 and 2022/23 \$3,926,184).

Please note these borrowings are the Holiday Haven portion outlined in CL22.522 (Council meeting 10 October 2022) to be sourced from commercial financial institutions as TCorp's loan facilities are not available for a Council-run business in competition with existing privately-run businesses.

Council requested quotes from four financial institutions. The lowest quote received was from the Commonwealth Bank of Australia with a fixed rate of 5.71% over a 10-year term. Principal and Interest Repayments will be made semi-annually over 10 years (rate fixed for 10 years).

CL22.606

These borrowings will be used to upgrade cabins, amenities, recreation and other infrastructure across multiple Holiday Parks as shown in the table below:

Loan	Capital Project	Loan Amount \$'000	Total Interest over Life of the Loan \$'000
2021/22	Bendalong Holiday Park Cabins, Amenities and Recreation	1,306	427
2021/22	Burrill Lake Holiday Park Cabins and Recreation	100	33
2021/22	Currarong Holiday Park Cabins and Recreation	232	76
2021/22	Huskisson Beach Holiday Park Cabins, Amenities and Recreation	129	42
2021/22	Huskisson White Sands Holiday Park Cabins	48	16
2021/22	Kangaroo Valley Holiday Park Cabins and Amenities	102	33
2021/22	Lake Conjola Holiday Park Cabins, Amenities and Recreation	1,716	561
2021/22	Lake Tabourie Holiday Park Cabins and Amenities	1,316	430
2021/22	Shoalhaven Heads Holiday Park Cabins, Amenities and Recreation	158	51
2021/22	Swan Lake Holiday Park Cabins, Amenities and Recreation	68	22
2021/22	Ulladulla Holiday Park Cabins and Amenities	89	29
	Total Borrowings 2021/22 Budget (b/fwd)	5,264	1,720

Loan	Capital Project	Loan Amount \$'000	Total Interest over Life of the Loan \$'000
2022/23	Bendalong Holiday Park Cabins, Amenities, Other Infrastructure and Recreation	1,780	581
2022/23	Culburra Holiday Park Recreation	84	27
2022/23	Currarong Holiday Park Amenities and Other Infrastructure	184	60
2022/23	Huskisson Beach Holiday Park Cabins and Amenities	330	108
2022/23	Lake Conjola Holiday Park Cabins, Amenities and Recreation	490	160
2022/23	Lake Tabourie Holiday Park Cabins and Other Infrastructure	240	78

CL22.606

2022/23	Shoalhaven Heads Holiday Park Cabins and Amenities	470	154
2022/23	Swan Lake Holiday Park Cabins	220	72
2022/23	Ulladulla Holiday Park Cabins	128	42
	Total Borrowings 2022/23 Budget	3,926	1,282
	Total Holiday Haven Borrowings 2022/23	9,190	3,002

Financial Implications

Based on the indicative rate, the total interest cost over the 10-year term for the total loan of \$9,190,484 is \$3.0M. A final interest rate will be provided by the Bank in an updated letter of offer immediately prior to it being executed by the Chief Executive Officer. Principal and interest repayments will be funded from Holiday Haven revenue.

CL22.606

CL22.607 Investment Report - October 2022

HPERM Ref: D22/470897

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Shoalhaven Monthly Investment Report - October 2022 (under separate cover) [⇒](#)

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 October 2022.
2. Note that Council's total Investment Portfolio (excluding the Long-Term Growth Fund) returned 2.14% per annum for the month of October 2022, underperforming the benchmark AusBond Bank Bill Index (2.89% pa) by -75 basis points (-0.75%).
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 October 2022 be received for information.

Implications: Nil

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

Implications: Nil

3. The report of the Record of Investments for the period to 31 October 2022 be received for information, with any changes requested for the Record of Investments to be reflected in the report for the period to 30 November 2022.

Implications: Nil

Background

Please refer to the attached monthly report provided by Council's independent Investment Advisor, Imperium Markets Pty Ltd.

Portfolio Return

The overall portfolio (excluding cash) returned a positive 7.22% p.a. for the month of October 2022, due to the positive movement of the growth fund.

The investment returns excluding growth fund were a stable 2.14% p.a., underperforming the benchmark AusBond Bank Bill Index (2.89% p.a.) by -75bp p.a (-0.75%).

CL22.607

The Reserve Bank increased the official cash rate by 25 basis points in October to 2.60%, then increased again by 25bp to 2.85% on 1 November. This means the cash rate has increased by 2.75% since its low of 0.10% in May.

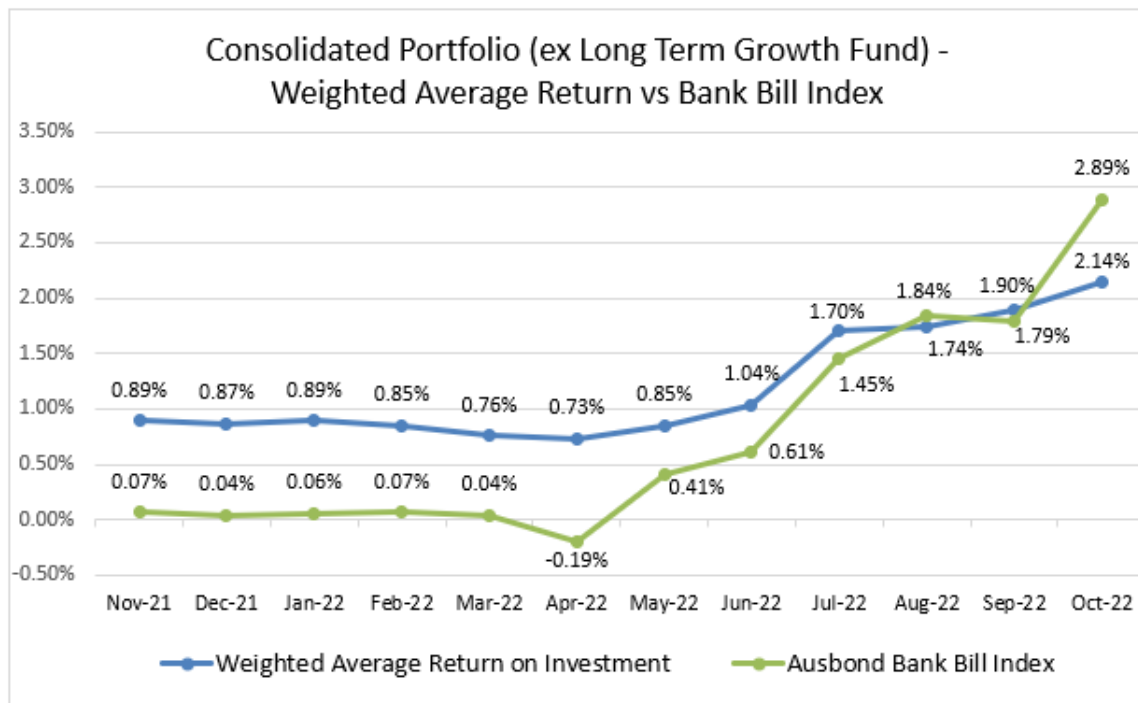
According to the Australian Bureau of Statistics retail price sales are at record levels in most states and territories in Australia placing further pressure on inflation and consequently interest rates. However, economists believe that the high sales are the result of high prices rather than an increase in volume.

Retail growth is now expected to slow, along with lower house prices influenced by the Reserve Bank increasing the cash rate by the additional 25 basis points. The Reserve Bank believes that while September quarter inflation was higher than expected it believes that it will return to its preferred rate of 2-3% in the medium term.

Investments (Excluding Long-Term Growth Fund)

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

The Bank Bill Index has responded sharply to increasing interest rates rising from 1.79% to 2.89% in the month of October. Due to Council's previous limitations with reinvesting term deposits with lower interest rates the maturing returns have been below benchmark. As Council reinvests its maturing term deposits with current increased interest rates, its returns will improve back above the benchmark.



CL22.607

Investment Interest Earned – October 2022

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

Fund	Monthly Revised Budget \$	Actual Earned \$	Difference \$
General	110,114	126,782	16,668
Water	64,208	109,352	45,144
Sewer	30,519	64,172	33,653
Total excluding Long-Term Growth Fund	204,841	300,306	95,465

The interest earned for the month of October, excluding changes in the fair value of the TCorp Long-Term Growth Fund was \$300,306 compared to the monthly budget of \$204,841.

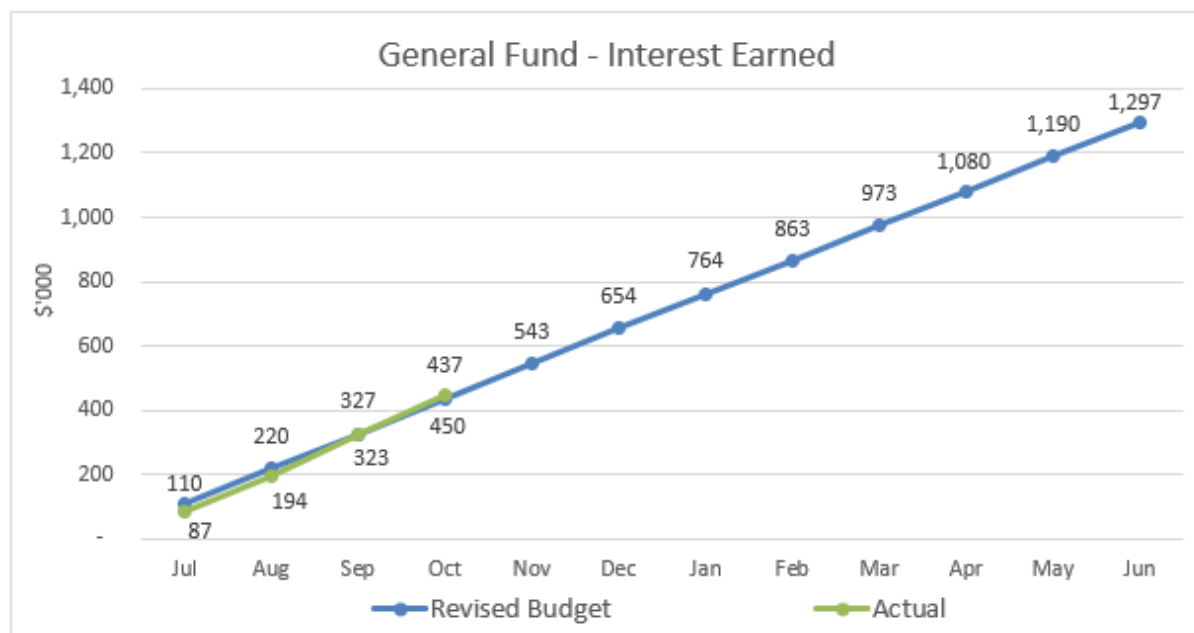
Investment Interest Earned - Year to Date

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

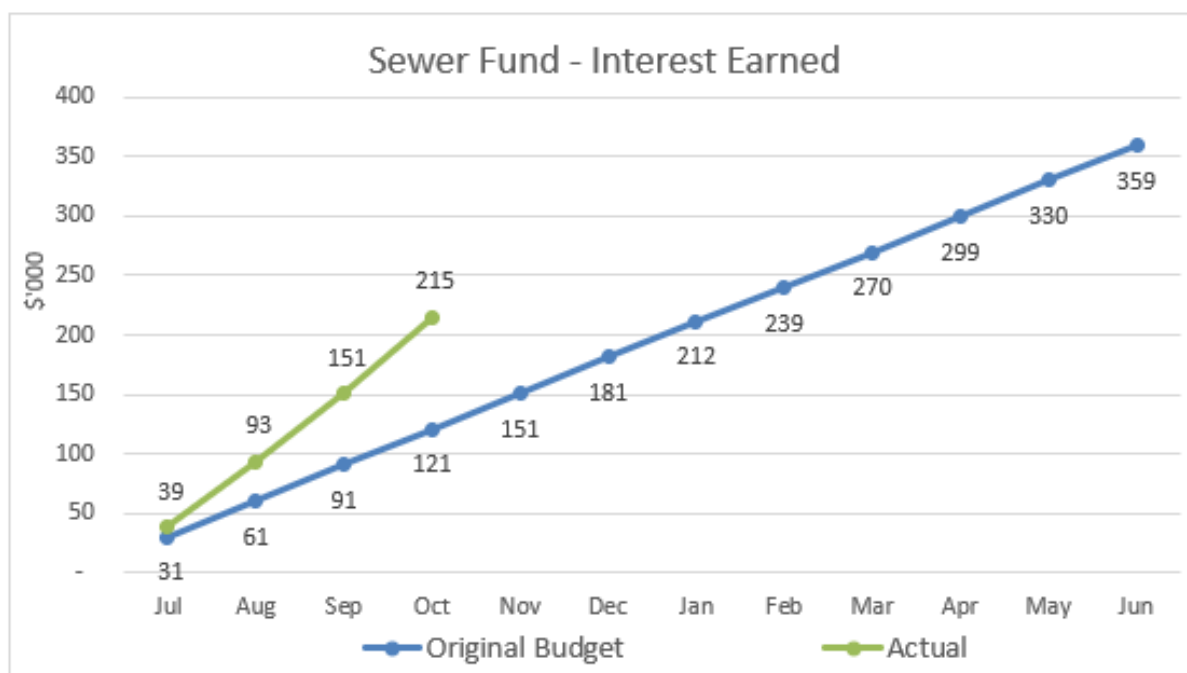
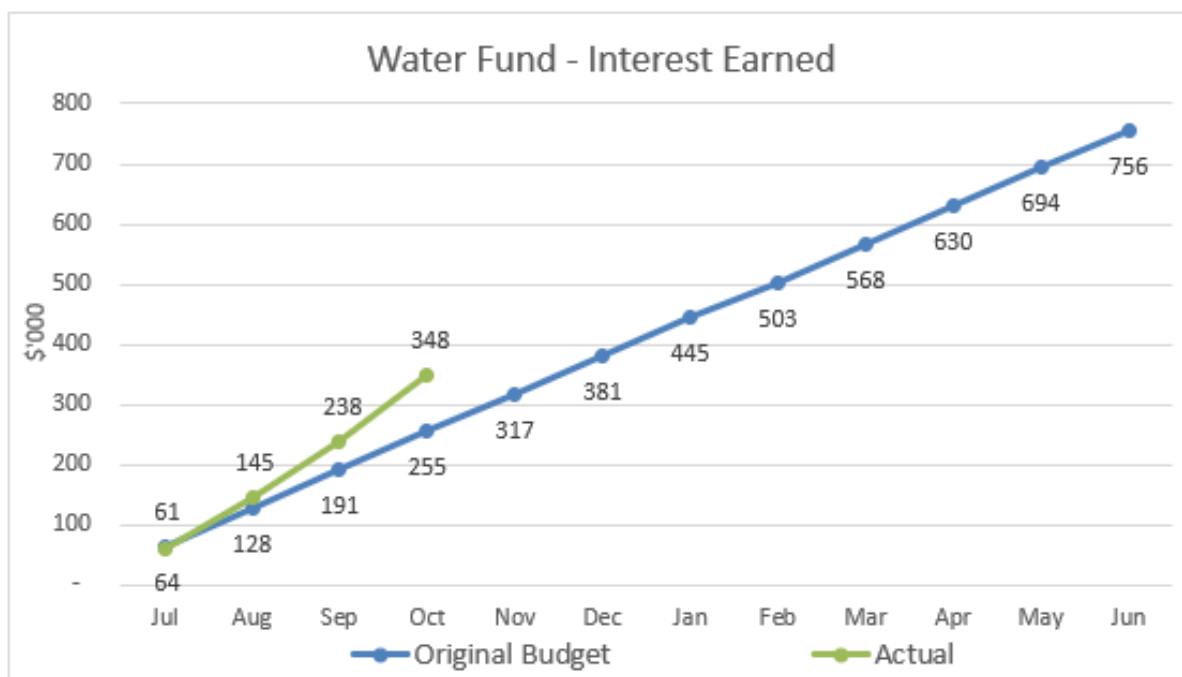
Fund	Revised Total Annual Budget \$	Actual YTD \$	% Achieved
General	1,296,500	450,004	34.71%
Water	756,000	347,507	45.97%
Sewer	359,333	214,831	59.79%
Total excluding Long-Term Growth Fund	2,411,833	1,012,342	41.97%

The cumulative interest earned for the year (July to October), excluding the change in fair value of TCorp Long-Term Growth Fund was \$1,012,342 which is 41.97% of the current full year budget.

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



CL22.607



CL22.607

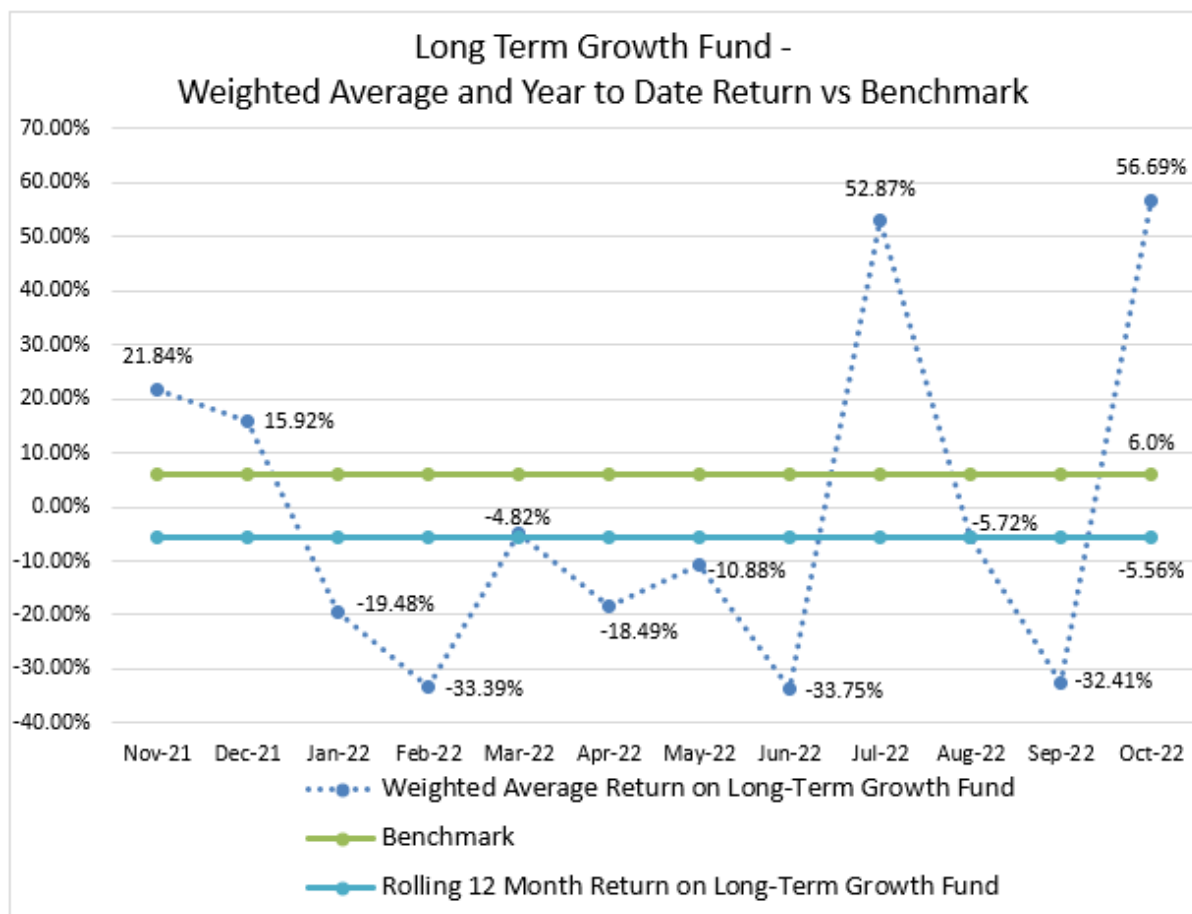
Long-Term Growth Fund

Council's investment in TCorp's Long-Term Growth Fund returned a positive \$718,315 or 56.69% (annualised) for the month of October 2022, bringing the financial year-to-date return to a positive 11.60% and rolling 12 months return to a negative -5.56%.

It is important to note that TCorp has a target of 3.5% above inflation of 2.5%, therefore the long-term target is expected to return an average of 6.0% per annum (benchmark) over a seven-year cycle with positive months outweighing the negative months over the long-term.

This month's positive return reduced Council's rolling 12 months below benchmark gap from 15.45 to 11.56 (September -9.45% and October -5.56%).

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



CL22.607

Cash and Restricted Assets

Record Of Investments		
Cash and Investment Balances		
	\$	\$
	October 2022	September 2022
Cash and Investments Held		
Cash at Bank - Transactional Account	19,653,716	4,530,024
Cash on Hand	20,191	20,191
Other Cash and Investments	190,536,166	186,893,140
	210,210,073	191,443,355
Fair Value Adjustment	(303,165)	(204,441)
Bank Reconciliation	151,995	186,567
	(151,170)	(17,874)
Book Value of Cash and Investments	210,058,903	191,425,481
Less Cash & Investments Held in Relation to Restricted Assets		
Employee Leave Entitlements	5,880,448	7,049,913
Critical Asset Compliance	463,064	464,738
Other Internal Reserves	3,449,277	3,397,642
Section 7.11 Matching Funds	278,689	278,906
Strategic Land Development Reserve	6,397,562	6,357,661
Plant Replacement	512,487	1,106,981
S7.11 Recoupment	550,474	535,511
Water Communication Towers	5,065,635	4,784,422
Commitment To Capital Works	1,901,234	2,012,742
Property Reserve	783,107	0
Total Internally Restricted	25,281,977	25,988,516
Loans - General Fund	4,071,439	5,150,831
Self-Insurance Liability	4,430,959	3,250,591
Grant reserve	33,490,896	25,427,494
Section 7.11	19,268,552	19,105,589
Special Rate Variation	4,382,471	5,062,408
Storm Water Levy	418,712	374,535
Trust - Mayors Relief Fund	108,098	107,899
Trust - General Trust	4,720,316	4,780,380
Waste Disposal	11,471,013	3,642,347
Sewer Fund	30,629,771	31,943,738
Sewer Plant Fund	4,884,084	4,990,627
Section 64 Water	19,594,156	20,944,056
Water Fund	29,501,097	29,982,686
Water Plant Fund	6,815,826	7,226,528
Total Externally Restricted	173,787,390	161,989,709
Total Restricted	199,069,367	187,978,225
Unrestricted Cash Balance - General Fund	10,989,536	3,447,256

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Restricted Asset Movements

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

Total Cash	18,633,421	October is not a rate instalment month. Expenditure on major capital projects. Receipt of TCorp Loan funds.
Employee Leave Entitlements	(1,169,465)	Transfer to fund increase in self-insurance liability.
Plant Replacement	(594,495)	Fleet operations and Fleet vehicle purchases.
Property Reserve	783,107	Jervis Bay Road Intersection.
Loans - General Fund	(1,079,391)	Delivery of major capital projects funded by loans including Boongaree, Materials Recovery Facility and Lake Conjola Entrance Road.
Self-Insurance Liability	1,180,368	Transfer from Employee Leave Entitlements to fund increase in self-insurance liability.
Grant reserve	8,063,402	Boongaree, Stage 2 Road Reserve Clearing, Flinders Roadworks stage 10, Special Local Roads & Murramarang Road - Shared user path.
Special Rate Variation	(679,938)	Various capital projects.
Waste Disposal	7,828,666	Materials Recovery Facility project and receipts from ratepayers.
Sewer Fund	(1,313,967)	Various capital projects.
Section 64 Water	(1,349,900)	Various capital projects.
Unrestricted cash	7,542,276	Receipts from ratepayers.

Liquidity Indicators

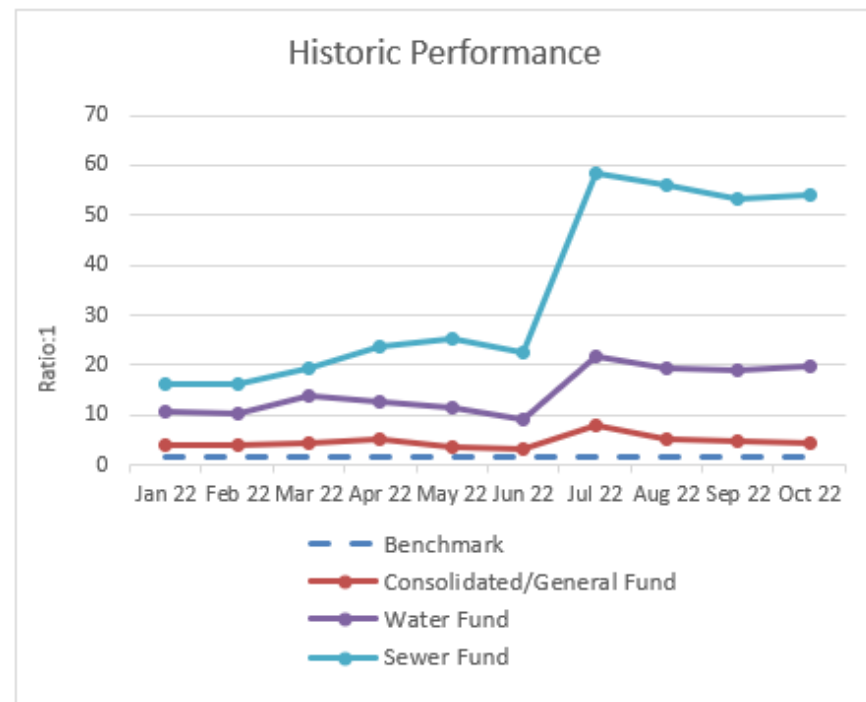
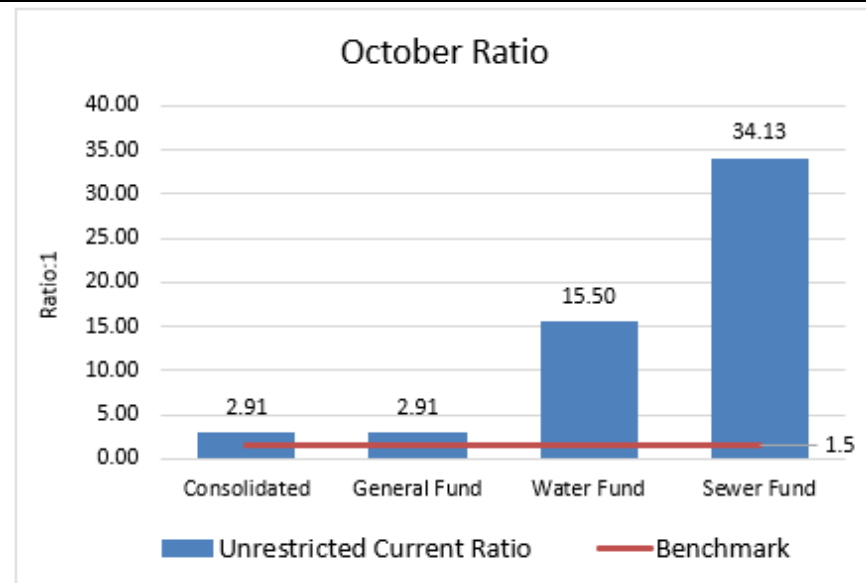
In accordance with the Liquidity Contingency Plan as endorsed by Council, the following liquidity indicators are included in the Monthly Investment Report to enhance the transparency of Council's financial reporting.

All liquidity ratios remain above their respective benchmarks and Council remains in a sound financial position.

Please note the historic trends for some key financial indicators such as Unrestricted Current Ratio, Cash Expense Cover Ratio and Unrestricted Cash were added below as requested by Council at a previous meeting.

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Unrestricted Current Ratio



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.

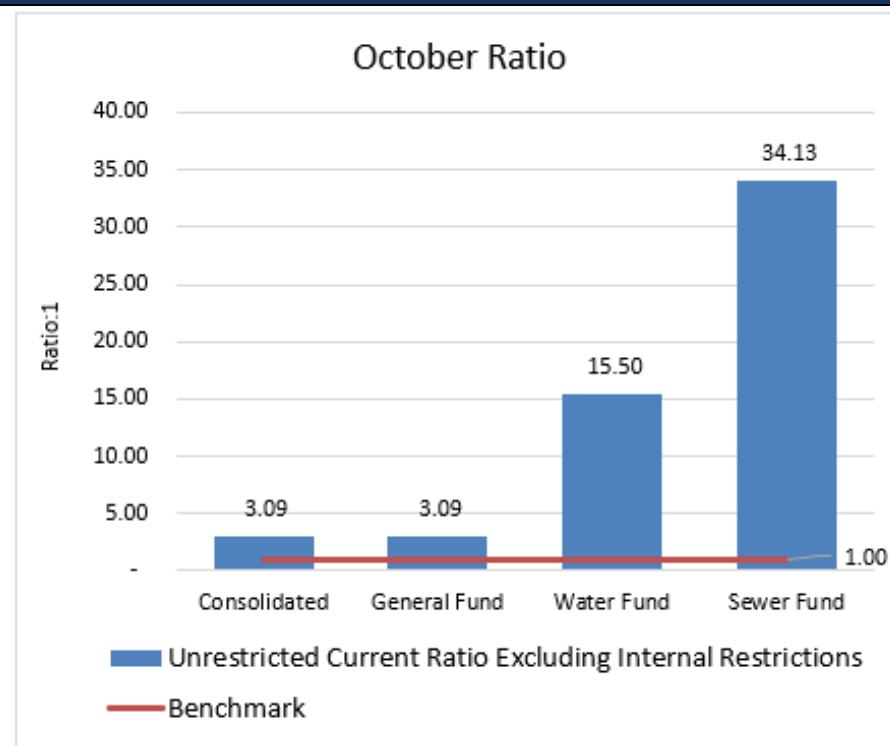
Unrestricted Current Ratio = (Current Assets less all external restrictions) / (Current Liabilities less specific purpose liabilities)

The ratio remains above the benchmark for all funds.

The first graph displays the October 2022 Unrestricted Current Ratio and, the second graph displays the previous rolling 10-months Unrestricted Current Ratio by fund.

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Unrestricted Current Ratio Excluding Internal Reserves



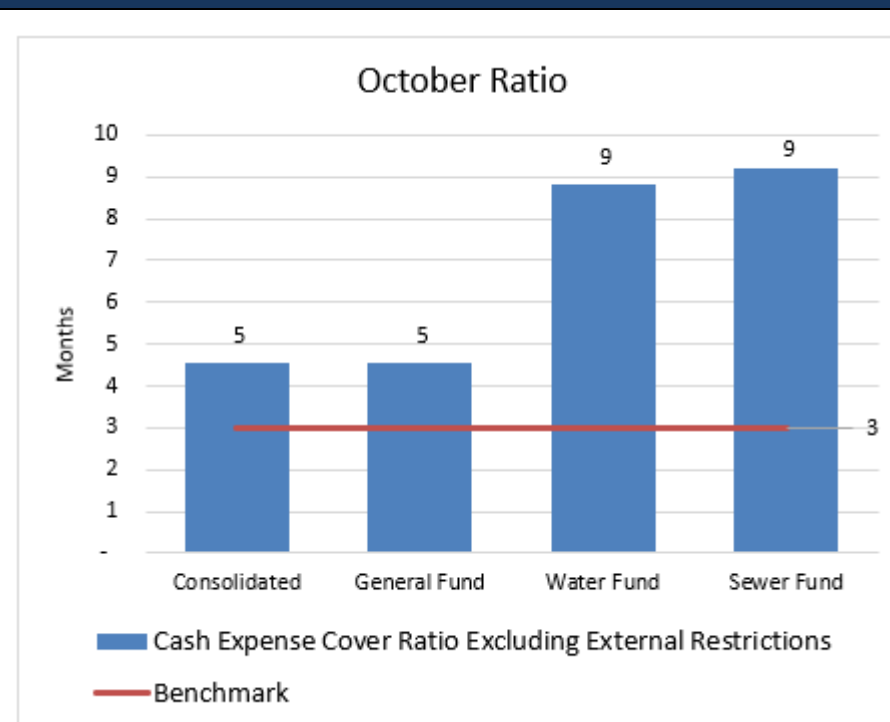
Unrestricted Current Ratio Excluding Internal Reserves is an indicator used to assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.

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.

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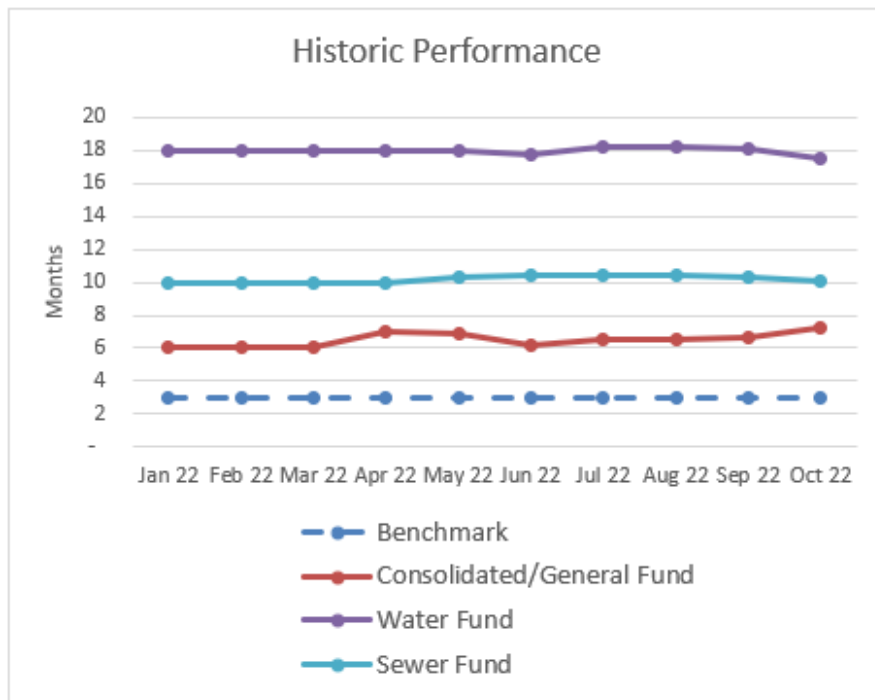
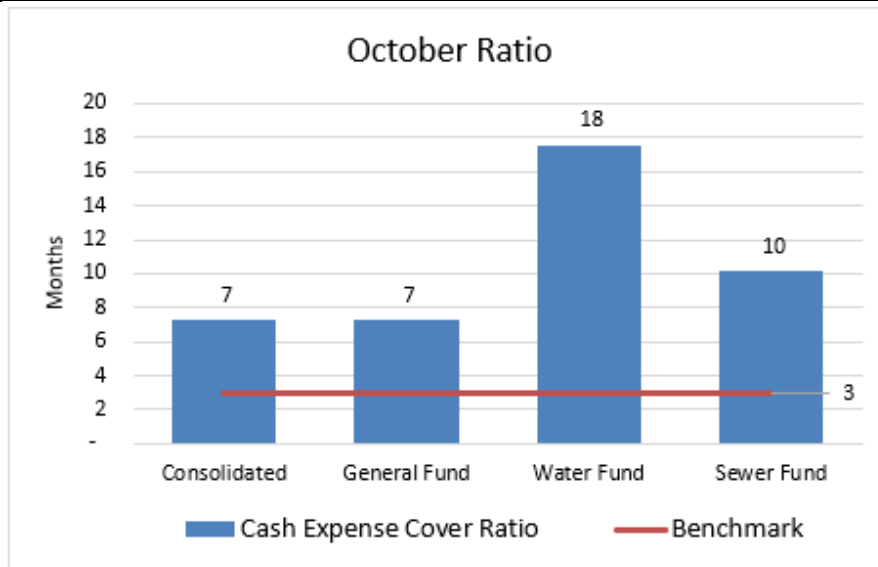
Cash Expense Cover Ratio Excluding External Restrictions



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 October for all funds.

Cash Expense Cover Ratio



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

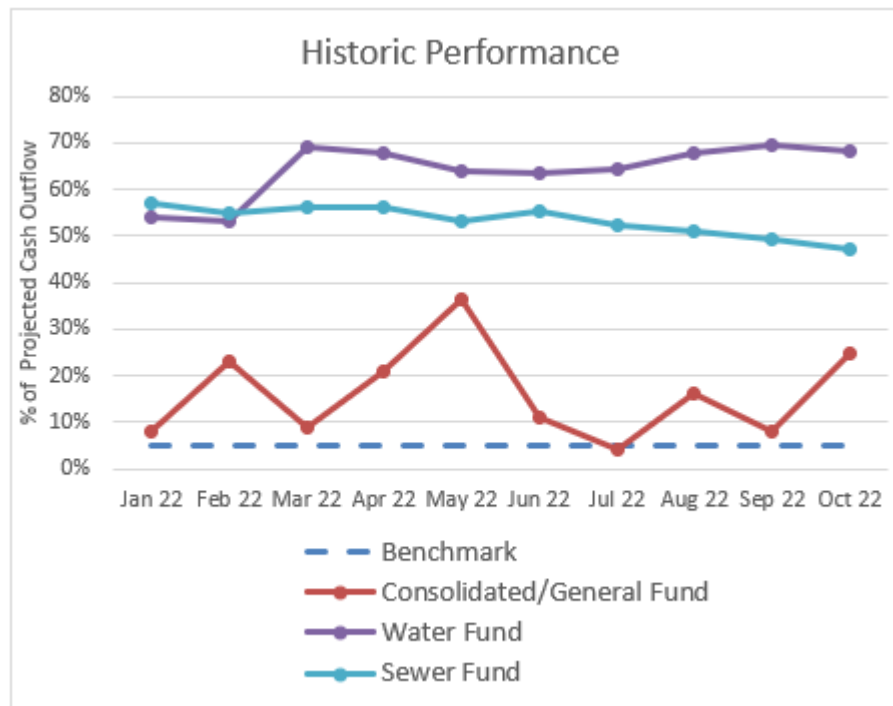
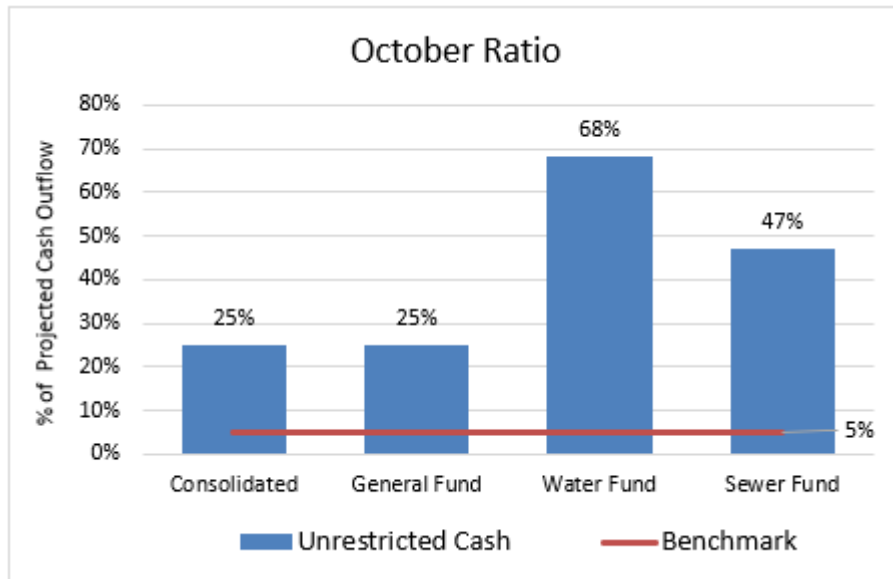
Cash expense cover ratio = $\frac{(\text{Cash equivalents, TDs and FRNs} \times 12)}{(\text{Payments from cash flow of operating and financing activities})}$

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

The first graph displays the October 2022 Cash Expenses Cover Ratio and, the second graph displays the previous rolling 10-months Cash Expenses Cover Ratio by fund.

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Unrestricted Cash



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

The unrestricted cash balance remains above the benchmark as at the end of October for Sewer and Water funds and close to benchmark for the General fund.

The unrestricted cash is relatively low in October due to timing of receipts from rates and significant payments for capital projects in October.

The benchmark is set up at 5% of budgeted cash outflows (excluding investment purchases and expenditures funded by reserves).

The first graph displays the October 2022 Unrestricted Cash Ratio and, the second graph displays the previous rolling 10-months Unrestricted Cash Ratio by fund.

Statement by Responsible Accounting Officer

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, Clause 212 of the Local Government (General) Regulations 2021 and Council's Investments Policy POL 22/78.

CL22.607



Don Johnston

Date: 16th November 2022

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CL22.608 Budget Strategies and Parameters - 2023/24

HPERM Ref: D22/483244

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Reason for Report

To seek adoption of the budgeting strategies and economic parameters to guide the preparation of the draft 2023/24 Budget.

Recommendation

That Council adopt the following budgeting strategies and guiding economic parameters for the preparation of the initial Draft of the 2023/24 Budget to be considered at future Budget Workshops:

1. Principal budgeting strategies:
 - a. The budget will not result in an unrestricted cash deficit
 - b. Prioritise funding in the following order:
 - i. Provide sufficient funding for all continuing services
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls
 - iv. Provide funding for essential service expansions
 - c. Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements
 - d. Maintain an adequate working funds balance
 - e. Incorporate the State and Federal Governments' commitments into the budget
 - f. Minimise carry forwards through substantial completion and long-term planning of the capital works program
2. Economic parameters for budgeting:
 - a. Rates are increased by 4.6%
 - b. User fees and charges are increased by a minimum of 5%
 - c. Salaries and wages are increased by 4.6%.
 - d. Materials and other expenditures increase by a maximum of 5%
 - e. The capital works program has the same level of general funding as 2022/23, less:
 - i. \$1.5M allocated to additional loan repayments for the new loans in 2022/23,
 - ii. \$2M allocated to fund the second year of the historic maintenance shortfalls, and
 - iii. an additional \$2M allocated for road maintenance.
 - f. Borrowing for capital works is limited to Council businesses where an external funding source for the loan repayment can be identified or the capital works program is reduced in future years.

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- g. Should the need arise during the year for additional funding, the following options will be considered:
 - i. Low cost loan initiative
 - ii. Internal borrowing opportunities
 - iii. Asset rationalisation
3. Repairs to Council's Road Network be a primary focus of the initial draft of the Capital Works Program.
4. Budget Workshops be scheduled with all Councillors in the preparation of the draft 2023/24 budget which will include consideration of any recommended re-prioritisation of capital works projects listed in the current Delivery Program and Operational Plan.

Options

1. Adopt the recommendations

Implications: Management would proceed to prepare the draft 2023/24 Budget guided by the strategies and parameters

2. Amend the recommendations

Implications: Management would proceed to prepare the draft 2023/24 Budget guided by the amended strategies and parameters and/or report back to Council on the financial impacts of the amendments

Background

Proposed Budget Strategies and Parameters

Management is seeking the adoption of the following principal budgeting strategies for the preparation of the draft 2023/24 Budget:

- a) The budget will not result in an unrestricted cash deficit
- b) Prioritise funding in the following order:
 - i. Provide sufficient funding for all continuing services
 - ii. Continue Council's commitment to asset renewal
 - iii. Continue a program of capital improvements to address historic budget shortfalls
 - iv. Provide funding for essential service expansions
- c) Maintain or improve Council's financial and asset management performance indicators reported in the annual financial statements
- d) Maintain an adequate working funds balance
- e) Incorporate the State and Federal Governments' commitments into the budget
- f) Minimise carry forwards through substantial completion and long-term planning of the capital works program

The following economic parameters are recommended for adoption.

General Rates Increase

The Independent Pricing and Regulatory Tribunal (IPART) has announced that the Rate Peg for Shoalhaven City Council for the 2023/24 year is 4.6%. The Local Government Cost Index

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for the year ending 30 June 2022 is 3.7%, Shoalhaven also has a population factor of 0.9% added to the Local Government Cost Index.

This will generate an additional \$3.98m in rate income but will be short of covering the estimated or known cost increases for 2023/24.

Cost Increase	\$'000	
Labour 4.6%	\$2,048	Estimated annual Award increase
Super contributions	\$181	Increasing from 10.5% to 11%
Materials & other expenses 5%	\$1,806	Recommended maximum increase (less than CPI)
Insurance	\$433	Insurance premiums increase greater than 5%
	\$4,469	

The calculation of the Local Government Cost Index is a rear facing index using various cost indicators from the financial year ending 30 June 2022. CPI for the year to September 2022 was 6.99% and is forecast to go higher. The table below shows that relevant construction indices are above 7% at June 2022, some more than double the index for the same period last year.

Index	Jun-21	Jun-22
CPI	4.80%	5.28%
Other heavy and civil engineering construction Australia	4.26%	9.06%
Heavy and civil engineering construction Australia	4.61%	9.01%
Road and Bridge Construction	4.26%	7.69%
IPART (Local Government Cost Index (June 2022))	0.90%	3.70%

With increases in costs likely to be greater than the rate peg it will be significantly detrimental to Council's capacity to deliver its services and renew its infrastructure if it adopted a rate increase less than 4.6%. Please note that this recommendation is only for budgeting purposes, the rates increase will be formally set as part of the delivery program and operational plan adoption process.

Recommendation – Economic Parameter 1

Rates are increased by 4.6%.

User Fees and Charges

Council's *Fit for the Future* submission included a strategy to increase user fees and charges by 4% each year to allow these services to move towards full cost recovery. This was 1.5% above the standard inflation rate used. This strategy has been followed for fees that are not set by legislation.

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This higher than CPI increase is nearing the affordability limit of the public and Council is starting to see some declines in utilisation. Given the increases in costs faced by Council, it is reasonable to increase user fees and charges by an amount slightly more than the rate peg. In some instances, higher increases may be required. An assessment of impacts on utilisation and affordability will be assessed in setting the fee or charge.

Recommendation – Economic Parameter 2

User fees and charges are increased by a minimum of 5%.

Employee Costs

The Local Government (State) Award is currently under negotiation and the Award increase for 2023/24 is not known. A budget increase in line with Shoalhaven's rate peg is proposed.

Please note that the superannuation guarantee is planned to increase from 10.5% to 11% on 1 July 2023.

Recommendation – Economic Parameter 3

Salaries and wages are increased by 4.6%.

Materials and Other Expenditure

As noted above, the September quarter CPI was 6.99% on other relevant cost indices at the June quarter were all above 7%. They are all much more than the IPART calculated Local Government Cost Index increase. In an attempt to curb the impact on the budget, it is recommended to increase materials and other expenditure by a maximum of 5.0%, slightly above Shoalhaven's rate peg but representing a real terms decrease.

Recommendation – Economic Parameter 4

Materials and other expenditures increased by a maximum of 5.0%

The Capital Budget

General Fund

The 2022/23 financial year saw a large capital budget being adopted by Council. It is Council's aim to complete these works by the end of June 2023. The general fund capital works were budgeted on the following programs:

General Fund	\$'000
Bridges	830
Buildings and Property	15,127
Commercial Undertakings	13,113
Community and Culture	1,795
Economic Development	18,469
Environmental Management	3,990

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Internal Corporate Services	7,039
Open Space, Sport and Recreation	23,194
Regulatory Services	180
Roads and Transport	31,313
Stormwater	5,530
Strategic Roads and Bridges	32,807
Waste and Recycling Program	23,306
Waterways Infrastructure	1,867
Total General Fund	178,560

The Capital Works Program of the General Fund was funded the following way:

Funding Source	\$'000
Grants	50,653
Existing Loans	38,855
Loans	21,080
General Fund Including Carry Forwards	17,938
Special Rates	10,575
Industrial Land	7,478
Section 7.11 Deleted	5,218
Waste Reserve	5,165
Plant Replacement	9,509
Section 7.11	7,485
Stormwater Levy	1,324
Other Internal Reserves	3,279
	178,560

The loan borrowings in 2022/23 will result in an additional \$1.5M of loan repayments in future years. Further, as reported in the adoption of the 2022/23 budget, a historic maintenance shortfall is planned to be covered over three years. The additional amount required for 2023/24 is \$2M. Additionally, severe weather events have impacted on the condition of roads throughout the LGA. It is recommended to increase road maintenance by \$2M for 2023/24. To mitigate the impact on the budget, these additional costs are to be funded by reducing the capital program.

The 2023/24 financial year will be a year of consolidation with one of the budgeting strategies focusing on investment in road repair / renewals and to minimise the carry forwards through substantial completion of the capital works program. Increasing the road maintenance budget and reducing the overall capital program will assist in achieving this strategy.

Recommendation – Economic Parameter 5

The capital works program has the same level of general funding as 2022/23, less:

- i. \$1.5M allocated to additional loan repayments for the new loans in 2022/23,
- ii. \$2M allocated to fund the second year of the historic maintenance shortfalls,
- and
- iii. an additional \$2M allocated for road maintenance.

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New Borrowings

Whilst the environment for borrowings has been favourable with low interest rates, Council has in the past taken the opportunity to increase borrowings to progress the capital works program. The current year's large capital works program, the larger borrowings, natural disasters and pandemic has put a strain on Council finances, and it is recommended that Council only borrows when an external funding source for the loan repayments can be identified. Failing this, future capital works programs will need to be further reduced.

Recommendation – Economic Parameter 6

Borrowing for capital works is limited to Council businesses where an external funding source for the loan repayment can be identified.

Additional Funding

There are limited opportunities for Council to obtain other funding for its budget. In the context of the overall budget, it would be prudent for Council to consider internal borrowings, any low-cost loan initiatives and asset rationalisation.

Recommendation – Economic Parameter 7

Should the need arise for additional borrowings, the following options will be considered first:

- Internal borrowing opportunities
- Low-cost loan initiative
- Asset rationalisation

Capital Works Program focus and re-prioritisation considerations

The condition of Council's roads has been severely impacted by the March and June severe weather events, and indeed subsequent heavy rain. Repairing the road network has been recommended as a primary focus of the initial draft Capital Works Program, but this will need to be balanced against any impacts this may have on other asset classes.

It has also been recommended that workshops to be held with all Councillors during the preparation of the draft budget including consideration of any recommended re-prioritisation of projects in the current Delivery Program and Operational Plan. This recommendation responds to feedback from a number of Councillors in relation to projects "dropping off or moved to future year budgets" of the Capital Works Program and will ensure Councillors are involved in that decision-making process.

Financial Implications

Council is facing a difficult task in presenting a balanced Draft 2023/24 Budget to Council. Maximising opportunities to increase income, including taking up the full 4.6% rate peg, and managing inflationary impacts as outlined in the economic parameters will assist in achieving the primary strategy of presenting a budget that does not result in an unrestricted cash deficit.

CL22.609 Council Representatives on Other Committees or Organisations Outside of Council - Southern Water Services Pty Ltd

HPERM Ref: D22/489460

Department: Finance

Approver: Kevin Voegt, Director - City Performance

Attachments: 1. Southern Water Services Pty Ltd Constitution (councillors information folder) [⇒](#)

Reason for Report

To ensure that at least one Director with an ASIC Director ID is appointed to Southern Water Services Pty Ltd by 30 November 2022 as per the new ASIC Regulations.

Recommendation

That

1. Council appoints the CEO, as the Board Director of Southern Water Services Pty Ltd, in line with the Company obligations in relation to the Australian Securities and Investment Commission requirements.
2. The appointment of Directors on the Board of Southern Water Services Pty Ltd continue to be reviewed on an annual basis as part of the appointment of Council representatives on other committees or organisations.

Options

1. Appoint Council CEO as a Board Director
Implications: Southern Water Services Pty Ltd complies with regulations.
2. Council appoints up to eight Board Directors, in line with the constitution
Implications: The time required to obtain a Director ID may not be met.
3. Council appoints no Board Directors
Implications: Southern Water Services Pty Ltd doesn't comply with regulations

Background

Southern Water Services Pty Ltd is a privately owned company formed under the Corporations Act, with Shoalhaven City Council as the only shareholder. Southern Water Services was formed in 1998 with Ministerial approval pursuant to Section 358(1) of the Local Government Act. In the past, Southern Water Services Pty Ltd has been involved in some small commercial operations but currently does not have any business activities.

At the meeting of Council on 26 September 2022, when Council representatives on other committees or organisations outside of Council was resolved, no board directors were elected, and Mrs Vanessa Phelan was appointed as the Company Secretary (MIN22.715).

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Under the Corporations Act 2001 (S 201A) a propriety company must have at least one director along with a new ASIC requirement that by 30 November 2022 all company directors must have a Director ID.

To comply with the new ASIC regulation, Council's CEO, Stephen Dunshea is a holder of a Director ID and it is recommended to appoint Council's CEO as the Board Director which will enable Southern Water Services to continue to exist and comply with the Corporations Act and ASIC.

As part of the resolution, Council's CEO will only act for the Southern Water Services for the purpose of these ASIC obligations.

The appointment of Directors will continue to be a matter for consideration each year in September.

Financial Implications

There are no financial implications.

Risk Implications

Lack of compliance with ASIC regulations

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CL22.610 Proposed Planning Agreement - Road Infrastructure Construction and Land Dedication - Commercial Road, South Nowra

HPERM Ref: D22/466040

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

Reason for Report

The purpose of this report is to obtain in-principle support to commence the process of entering into a Voluntary Planning Agreement (VPA) with the landowner of Lot B DP 400054, 236 Princes Highway, South Nowra for the construction of road infrastructure and dedication of land required under the [Shoalhaven Contributions Plan 2019](#).

Recommendation

That Council:

1. Provide in-principle support to enter into a Voluntary Planning Agreement (VPA) with the landowner (Nowra Storage Solutions Pty Ltd) of Lot B DP 400054, 236 Princes Highway, South Nowra for the construction of road and drainage infrastructure and dedication of land, as outlined in this report and noting that the VPA is to relate to the proposed subdivision and future development of the resulting lots.
2. Endorse the allocation of deleted funds from Planning Area 1, where available, to cover any shortfall in available funds that may occur relating to the construction of the road/drainage infrastructure and land dedication, following the procurement of independent costings. If there is not enough in the 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 01ROAD3104 and 01ROAD3105, to the value of the difference.
3. Delegate authority to Council's Chief Executive Officer, or his delegate, to:
 - a. Finalise negotiations including acceptance of plans, independent costings of works and valuation of land.
 - b. Prepare the draft VPA and associated Explanatory Note.
 - c. Publicly exhibit the draft VPA and associated Explanatory Note for a minimum of 28 days as required by legislation.
 - d. Enter into the VPA consistent with the general terms outlined in this report, except where further negotiations or issues raised as a result of public notification result in substantial changes to the proposal, in which case Council will receive a further report prior to proceeding.
4. Notify the landowner of this resolution.

Options

1. As recommended.

Implications: The proposed VPA will result in a positive public benefit through the construction of part of the road infrastructure earmarked in the Shoalhaven Contributions

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(CP) Plan 2019. The future development of the land will help stimulate ongoing economic growth and the progression of this agreement will help facilitate this development.

This option will minimise delays to the development by enabling the agreement to be progressed under delegation (including design and costings), subject to no resulting major changes.

2. Adopt an alternative recommendation.

Implications: Depending on the recommendation, an alternative approach may delay economic development in the area and affect the timely delivery of infrastructure that would otherwise benefit the community.

Background

The subject land is Lot B DP 400054 located at 236 Princes Highway, South Nowra (shown coloured yellow in **Figure 1**).



Figure 1: The subject land - Lot B DP 400054 in yellow

The CP ([Contributions Project 01ROAD3104](#)) identifies the provision of an internal service road to provide improved, efficient and safe public road networks for increasing traffic volumes associated with development demand. [Contributions Project 01ROAD315](#) identifies the drainage requirements for the internal service road. **Figure 2** and **Figure 3** show the internal service road and drainage infrastructure (in red) and the contribution project benefiting area (in blue – the properties who contribute to the project) for each project as per the CP.

Council has recently supported (MIN22.474) the preparation of a Works in Kind Agreement (WIKa) associated with DA18/1588 for the provision of road infrastructure at Lot 162 DP 1211301 which is directly north of the subject site.

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Figure 2: 01ROAD3104 Project



Figure 3: 01ROAD3105 Project

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The Proposal

Discussions between Council and the VPA applicant have commenced. The landowner, (Nowra Storage Solutions Pty Ltd), has confirmed that it wishes to enter into a VPA with Council and has provided a letter of offer dated 13 October 2022 which sets out the basic terms of the proposal.

It is anticipated that the landowner will seek Council's development consent to subdivide the subject land into three allotments, and that the design of the proposed subdivision will include provision for the dedication and extension of Commercial Road from the northern to the southern boundaries of the subject land. The proposal also includes the provision of related drainage.

Figure 4 is a site plan showing the proposed subdivision of the subject land highlighting the area of the site where it is proposed to extend and dedicate Commercial Road across the subject site.

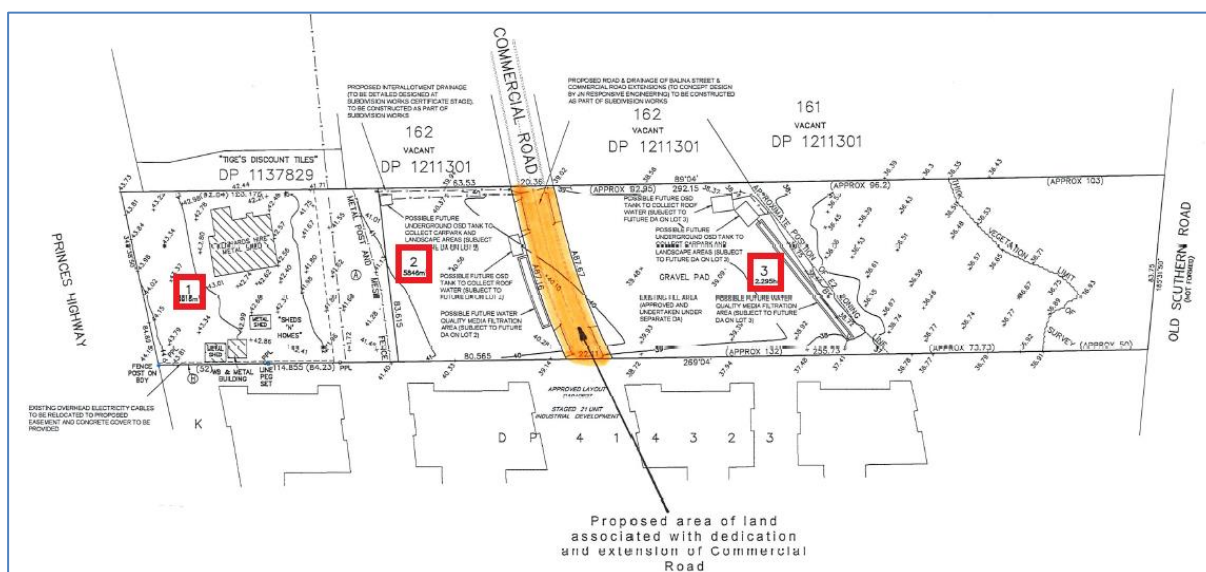


Figure 4: Proposed Subdivision Plan (source: SET Consultants) with proposed road extension highlighted by applicant (notated with the three proposed future lots).

It is therefore proposed that, as a general principle, the VPA would make provision for:

- The dedication and extension of Commercial Road (including drainage) from the northern to the southern boundaries of the subject land as part of the proposed subdivision of the subject land.
- The offsetting of contributions pursuant to Sections 7.11, 7.12 and 7.24 of the *Environmental Planning and Assessment Act 1979* for both the development application for the proposed subdivision as well as for future development applications for the development of the proposed lots created by the subdivision.

There is merit in extending Commercial Road across the subject site as it would provide a broader public purpose of facilitating an improved, efficient and safe public road and drainage network that would better serve this area as envisaged by the CP.

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Delegation Opportunities

In accordance with Council's existing [Planning Agreement 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 VPA (as relevant).

The proposed agreement has some final negotiation yet to occur (including final approved construction drawings, detailed costings and valuation of the dedication land), 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 or issues raised as part of public notification results in substantial changes to the proposal, in which case Council will receive a further report at the appropriate point prior to proceeding.

Conclusion

Due to the public benefit realised from the ultimate construction of the road infrastructure, it is in Council's interest to support the proposal, finalise negotiations and proceed to prepare and publicly exhibit the draft VPA for review and comment.

Community Engagement

In accordance with Council's Planning Agreement Policy and legislative requirements the VPA will be put on public exhibition for a minimum of 28 days.

Policy Implications

Following the construction of the infrastructure envisaged in the proposed VPA, changes to the current CP projects 01ROAD3104 and 01ROAD3105 may be required.

On 25 July 2022 Council resolved, *inter alia*, (MIN22.474) to:

- *Review the long-term viability of the 01ROAD3104 and 01ROAD3105 road project in due course, and the matter be reported back to Council as appropriate.*

Any proposed changes to these CP projects would be reported separately, at the appropriate point in time. If Council ultimately decides to discontinue these projects, this may have implications for reimbursement options (discussed below).

Financial Implications

Options to Address the Funding Shortfall for the Construction of Road Infrastructure, South Nowra

The VPA may be drafted in such a way that contributions would not be payable by the developer for the proposed subdivision and future development of the resulting lots up to the value of the land dedication and road/drainage works, as agreed. However, as independent costings have not yet been obtained for this proposal, and the total s7.11 contributions to be levied on future development of the land is not known at this stage, it is unclear if there will be a shortfall between the developer's s7.11 obligations for the relevant CP projects and the infrastructure construction and land value. It also appears that, based on the subdivision layout in Figure 4, proposed Lot 1 may not fall within the benefitting area of 01ROAD3104, and proposed Lot 3 may not fall within the benefitting area of 01ROAD3105.

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

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

As there are currently minimal contributions funds available for 01ROAD3104 and 01ROAD3105, it is preferable that any remaining shortfall be covered by recently received deleted funds. This is consistent with Council's resolution (MIN19.212(4)) to support the provision of seed funding for community infrastructure projects. However, depending on the timing for reimbursement under the terms of the VPA, there may not be adequate deleted funds available at the time. Should this be the case, it would be appropriate for reimbursement of the surplus value to occur over time as s7.11 contributions are collected for 01ROAD3104 and 01ROAD3105. It is noted that reimbursement in this manner is dependent on the long term viability of 01ROAD3104 and 01ROAD3105.

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.

Costs associated with the drafting and entering into the VPA

In accordance with Council's Planning Agreement 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.

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CL22.611 Required Adjusted Approach - Moss Vale Road North Urban Release Area - Shoalhaven Development Control Plan 2014

HPERM Ref: D22/467142

Department: Strategic Planning

Approver: Carey McIntyre, Director - City Futures

Attachments: 1. Summary of Adopted Changes to DCP [↓](#)

Reason for Report

The purpose of this report is to:

- Provide an update regarding the ongoing delays to the release planning for the Moss Vale Road North Urban Release Area (URA) resulting from NSW Government agencies, and
- Present an adjusted approach that is required to enable the efficient progression of the required new chapter in Shoalhaven Development Control Plan (DCP) 2014.

Recommendation

That Council:

1. Repeal the Moss Vale Road North Urban Release Area (URA) chapter of the Shoalhaven Development Control Plan (DCP) 2014 (Amendment No.40) that was adopted by Council in accordance with MIN22.662.
2. Prepare a new Moss Vale Road North URA chapter of the Shoalhaven DCP 2014 that will include the following:
 - a. What was exhibited in May-July 2022 with the changes that were previously adopted by Council (Part 1 of MIN22.662) as shown in *Attachment 1*.
 - b. The changes required following the resolution of the negotiations with the NSW Government.
 - c. Detail regarding the proposed infrastructure contributions package (Part 5 of MIN22.662).
3. Receive a further report seeking endorsement to publicly exhibit the:
 - a. Proposed new Moss Vale Road North URA chapter of the Shoalhaven DCP 2014.
 - b. Proposed amendment to the Shoalhaven Contributions Plan 2019 relating to the URA.
 - c. Planning Proposal again, should the outcomes of the ongoing negotiations with the NSW Government require this to occur.
4. Strongly request that the NSW Government intervene to enable a timely and reasonable resolution of the outstanding matters with the NSW Department of Planning and Environment - Water Licencing and Approvals and Transport for NSW.
5. Advise landowners and those who made a submission during the public exhibition period of this decision.

CL22.611

Options

1. As recommended.

Implications: This will enable Council to better respond to the ongoing delays resulting from DPE – Water Licencing and Approvals and Transport for NSW in the most efficient way as possible. This approach will also enable the integration of the infrastructure contributions framework and the outcomes of the NSW Government agency negotiations into one comprehensive DCP chapter which will provide more certainty to the landowners/developers and industry.

2. Adopt an alternative recommendation.

Implications: This will depend on the extent of any changes and could result in delays to the commencement of the broader planning package for the URA, including matters that remain unresolved with the NSW Government.

3. Not adopt the recommendation.

Implications: This is not the preferred option as it would stop the repeal of the existing adopted chapter, and the preparation of a new DCP for the URA that would consider all the remaining matters. This will ultimately result in delays to the process and Part 3 of Council's resolution could not be achieved.

Background

On 26 September 2022, Council received a report regarding the proposed next steps for the planning of the Moss Vale Road North URA. The report outlined the outcomes of the formal public exhibition process and presented a proposal to enable the finalisation of the planning package (LEP amendment and new DCP chapter for the URA). Council resolved (MIN22.662) to:

1. *Proceed to finalise the Planning Proposal and adopt the draft Development Control Plan Chapter guiding the delivery of the Moss Vale North Urban Release Area, as amended in accordance with Attachment 2 of this report.*
2. *Complete consultation with the following NSW Government Agencies:*
 - a. *Department of Planning and Environment – Water Licensing and Approvals*
 - b. *Transport for New South Wales*
3. *Delegate authority to the CEO, or his delegate, to update the Planning Proposal and Development Control Plan chapter and include any appropriate changes resulting from the:*
 - a. *Consultation with NSW Government Agencies.*
 - b. *Moss Vale Road North Urban Release Area Riparian Assessment prepared by Ecological Australia in April 2022.*
 - c. *Updated flood risk modelling.*
4. *Set an effective commencement date for the Development Control Plan Chapter of 27 March 2023.*
5. *Receive a further report on the proposed Development Contributions Framework delivering infrastructure for the Urban Release Area, including arrangements for the public exhibition of the framework.*
6. *Invite parties with a current or future interest(s) in the Urban Release Area who are seeking an alternative development outcome to that facilitated by the final Planning Proposal and draft Development Control Plan Chapter to submit requests for*

Planning Proposals and alternate development controls for Council's subsequent separate consideration.

A key constraint to the timely finalisation of the planning package for the URA remains the provision of definitive feedback and a way forward from NSW Department of Planning and Environment (DPE) - Water Licencing and Approvals (formerly known as NRAR) and Transport for NSW. It is noted that Council has been seeking feedback and a commitment from DPE - Water Licencing and Approvals for nearly two years. Assistance has now been sought from DPE's Planning Delivery Unit (PDU) to assist with the blockage. The PDU is a team that was established within DPE to assist Planning Proposals move through the NSW planning system more efficiently.

Unfortunately, due to the continued delays and possible additional work required to satisfy DPE – Water Licencing and Approvals it is likely that the 27 March 2023 timeframe that was set by the Council for the commencement of the DCP chapter will be exceeded. At the time of writing the September report, it was anticipated that the lead time suggested would be adequate to finalise the process. The ongoing delays/requirements being encountered continue to impact on the process.

As such, Council is now in a position where it is unlikely that part 3 of MIN22.662 can be delivered by 27 March 2023. Further, additional unforeseen changes to the Planning Proposal package may also be required as a response to the NSW Government requirements based on the significant work undertaken by Council to anticipate and address the likely comments. This may require additional public exhibition depending on the outcomes of the ongoing negotiations in this regard, noting that the comments received to date from DPE – Water Licencing and Approvals are more difficult to resolve than anticipated.

As such, it is recommended that Amendment No.40 to the DCP (the new Moss Vale Road North chapter detailed in Part 1 of MIN22.662) be repealed. This will allow for:

- Resolution of the negotiations with the NSW Government without the constraints of the set 27 March 2023 timeframe adopted by Council.
- The exhibition a new DCP Chapter with:
 - The content that was exhibited in May-July 2022 with the changes that were previously presented to Council and endorsed in September 2022 (reproduced in **Attachment 1** for convenience).
 - The changes required following the resolution of the negotiations with the NSW Government.
 - More certainty for the industry and landowners/developers regarding the infrastructure contributions package identified in Part 5 of MIN22.662.

It is also recommended that Council request that the NSW Government intervene again, as a matter of priority, to ensure the outcomes of the negotiations with DPE – Water Licencing and Approvals and Transport for NSW in regard to the Planning Proposal are both timely and reasonable. Whilst the PDU of DPE have been assisting with this matter, the process remains ongoing, matters have not yet been resolved and the planning process, particularly associated with the Planning Proposal, requires urgent finalisation.

Community Engagement

The exhibition package for the Moss Vale Road North URA was publicly exhibited from 18 May to 1 July 2022 which enabled a range of changes to be presented to Council (refer to Attachment 1 and Part 1 of MIN22.662), which was ultimately endorsed by Council.

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The outcomes of the ongoing negotiations with DPE - Water Licencing and Approvals and Transport for NSW are still unclear at this stage, and it is likely also that the timing will be unfavourable.

As such, there is merit in repealing DCP Amendment No.40 and progressing a new amendment that will include all relevant elements and provide more certainty for the landowners/developers and industry.

If accepted, the draft Amendment will be publicly exhibited at the appropriate point for at least 28 days in accordance with legislative requirements.

Policy Implications

Council's adopted Local Strategic Planning Statement (*Shoalhaven 2040*) confirms the importance of the current work preparing the planning and development documents for the release area in *Planning Priority 1: Providing homes to meet all needs and lifestyles*. However, it is critical that the process is as efficient as possible, to enable the timely release of the URA and as much certainty as possible for the stakeholders.

As foreshadowed in MIN22.662 (part 5), a further DCP amendment is required to address and align with the infrastructure contributions framework. It would be most efficient to consider the changes to the DCP required as a result of the negotiations with the NSW Government and the infrastructure contributions framework in the one amendment, including the changes to the exhibited DCP chapter that have already been endorsed by Council (**Attachment 1**).

Financial Implications

There are minimal additional financial implications to repeal the adopted Amendment 40 of the DCP, and to prepare a new amendment to address the entirety of the matters remaining for consideration.

However, it is noted that Council has expended considerable staff resources and funding to get to this point with the overall Moss Vale Road North URA planning package. Any further changes requested by the land owners or developers with an interest in the URA will require resourcing and potentially further advice and/or studies from specialist consultants. Part 5 of MIN22.662 enabled Council to:

Invite parties with a current or future interest(s) in the Urban Release Area who are seeking an alternative development outcome to that facilitated by the final Planning Proposal and draft Development Control Plan Chapter to submit requests for Planning Proposals and alternate development controls for Council's subsequent separate consideration.

It is recommended that this adopted approach be maintained and the scope of the new DCP amendment focus only on what is required to finalise the amendment as efficiently as possible.

Risk Implications

Due to the lengthy NSW Government delays that continue to frustrate the finalisation process of the Moss Vale Road North URA planning package, it is unlikely that Council will be in a position to practically complete Part 3 of the resolution (MIN22.662) before the commencement date resolved by Council (27 March 2023). The recommendation seeks to adjust and enable the most efficient way to progress and finalise the planning package.

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Changes to Exhibited DCP Provisions - Adopted on 26 September 2022 (MIN22.662)

Adopted changes to exhibited DCP provisions	
A.	Update the Indicative Layout Plan and relevant maps to be consistent with the recommended changes to the Planning Proposal (e.g., including 50 Abernethys Lane, Merroo Meadow (Lot1 DP 1134376) in the URA area).
B.	Delete the <i>Access Street Tier 1</i> indicated on 91A Bells Lane, Cambewarra (Lot 3 DP 708356) from the Indicative Layout Plan and related maps in <i>Section 7.2 Intended Road Layout</i> .
C.	Update the Indicative Layout Plan and relevant maps to be consistent with the recommended changes to the Planning Proposal (e.g., resolve C2/C4 zoning boundary apply to 91B Bells Lane, Cambewarra (Lot 4 DP 708356).
D.	Update the Indicative Layout Plan to be consistent with the recommended changes to the Planning Proposal (e.g., expand the Clause 4.1H Small Lot Residential areas as shown in Figure 1).
E.	Delete the identification of the existing dam on 220 Moss Vale Road, Cambewarra (Lot 4 DP 268209) from the Indicative Layout Plan and related maps in <i>Section 7.1 Water Quality and Flooding</i> . Amend written references to the “dam” to “lake” to reflect the future water body required in this location as part of the drainage infrastructure servicing the release area.
F.	Add: <ul style="list-style-type: none"> guidance on compliance with Transport for NSW's <i>Guidelines for Bus Capable Infrastructure in Greenfield Sites</i> to <i>Section 7.4 Planning for Bus Capable Infrastructure</i>, and a reference to the document in <i>Section 14.3 Other Legislation</i>.
G.	Amend <i>Section 7.9 Flora and Fauna Report Requirements, Control A13.2</i> to replace “flora and fauna report” with “arborist report”.
H.	Amend <i>Section 8 Consultation Requirements, Gas Pipeline</i> to: <ul style="list-style-type: none"> Delete <i>Control 1.0</i> requiring proponents to consult with Jemena (the pipeline operator) prior to lodging a development application, and Provide the requirement as advisory guidance.
I.	Amend Figure 23 in <i>Section 14.2 Satisfactory Arrangement for Infrastructure</i> to relocate the indicative location of the drainage infrastructure on 220 Moss Vale Road, Cambewarra (Lot 4 DP 268209) to provide space for the future upgrade of the Moss Vale Road-Bells Lane intersection.
J.	Include a new development control(s) requiring residential development be appropriately located and designed to manage potential traffic noise from Moss Vale Road.

Changes to Exhibited DCP Provisions - Adopted on 26 September 2022 (MIN22.662)

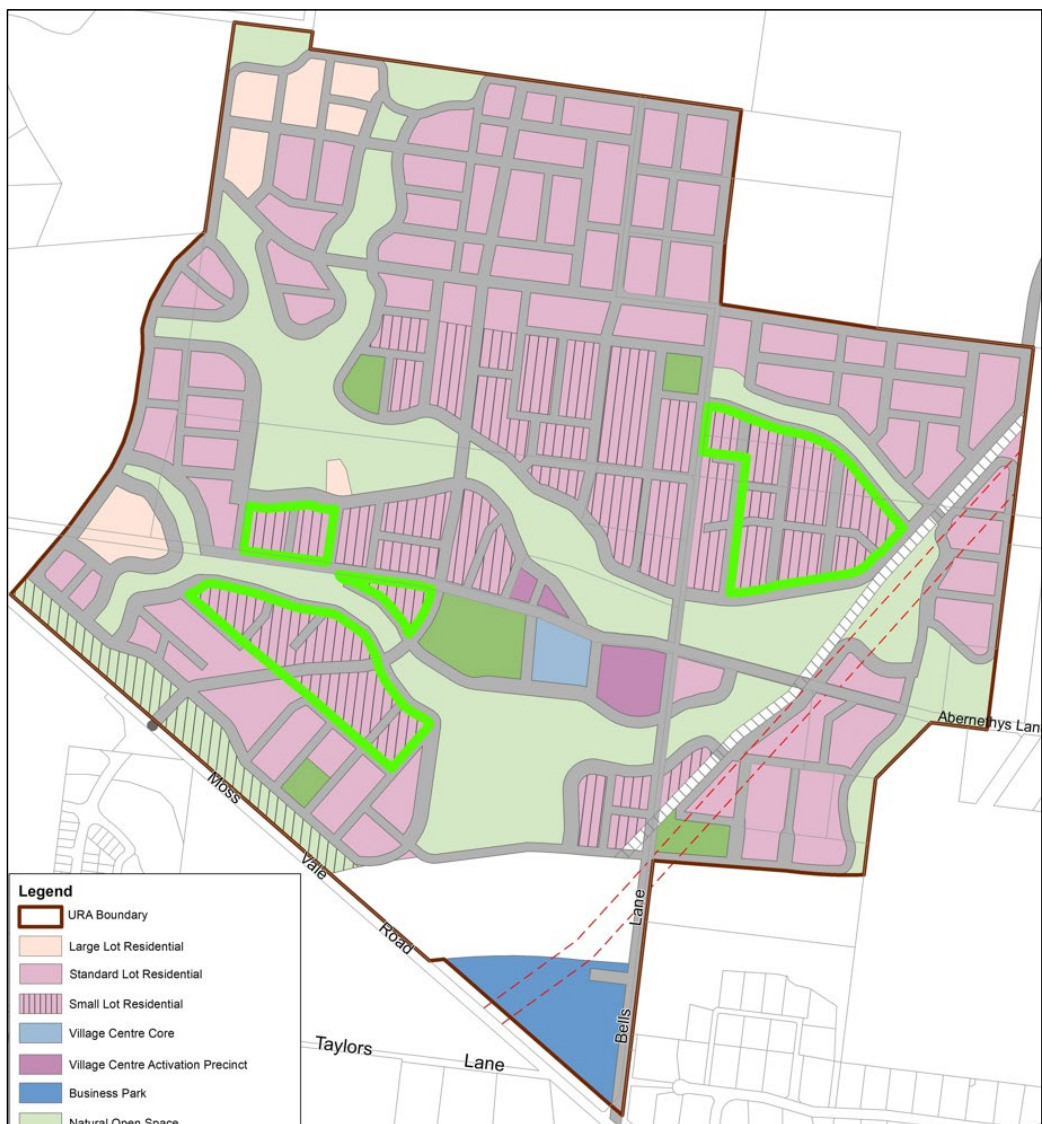


Figure 1: Expansion of Small Lot Residential Areas (green outline)

CL22.611 - Attachment 1

CL22.612 Proposed Sale of Lane - 111 Taylors Lane Cambewarra - Moss Vale Road South Urban Release Area

HPERM Ref: D22/467044

Department: Technical Services

Approver: Trevor Dando, Manager Works & Services

Reason for Report

To provide Council with an opportunity to consider a confidential report for the proposed sale of 111 Taylors Lane, Cambewarra (Lot 9 DP 1256748) being the residual following excise of part of the property (2,742m²) identified as 'open space' in the Moss Vale Road South Urban Release Area (MVRSA) Development Control Plan (DCP).

Local Government Act - Section 10A(2)(c) - Information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

Recommendation

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

Options

1. Accept the recommendation.

Implications: Consider a separate confidential report on the matter.

2. Not accept the recommendation.

Implications: There could be delays in open space and infrastructure delivery for the Moss Vale Road South Urban Release Area.

Background

In 2019, Council acquired 111 Taylors Lane, Cambewarra (Lot 1 DP 1128146) for \$1,325,000. Part of the lot is identified in Development Control Plan Chapter NB3 Moss Vale Road South and the Shoalhaven Contributions Plan 2019 as an area required for open space as part of the development. The land was purchased upfront using a loan from the NSW Government Low Cost Loans Initiative (Round 1). The objective of NSW Government Low Cost Loans Initiative is to allow Councils to purchase open space upfront to enable Councils to deliver the required open space earlier in the development of the release area.

Lot 1 DP 1128146 was then subdivided to separate the portion of the land required for open space. The two lots being Lots 4 (2,753m²) (Open Space) and 9 DP 1256748 (7247m²) (surplus land).

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Lot 4 has been classified as community land and will be used as open space in the Moss Vale South Urban Release Area.

Lot 9, known as 111 Taylors Lane Cambewarra, is surplus to Council's needs.



Figure 1: Lots 4 and 9 DP 1256748. Lot 9 is the larger of the lots and is known as 111 Taylors Lane, Cambewarra

CL22.612

Community Engagement

The proposed sale of the subject land is a local area low impact issue as outlined in Council's Community Engagement Policy.

Policy Implications

Nil

Financial Implications

The net proceeds of the sale will be used to purchase other identified open space in the Moss Vale Road South Urban Release Area.

Risk Implications

As described in the confidential report.

CL22.613 Policy - Sustainability and Climate- Feedback and Recommendations

HPERM Ref: D22/452807

Department: Technical Services

Approver: Trevor Dando, Manager Works & Services

Attachments:

1. Summary Report - Draft Sustainability and Climate Policy Feedback - Get Involved Shoalhaven (under separate cover) [⇒](#)
2. Summary of Community and Internal Feedback - Draft Sustainability and Climate Policy [↓](#)
3. Draft Sustainability and Climate Policy [↓](#)

Reason for Report

To present a summary of the feedback received from the public exhibition of the Draft Sustainability and Climate Policy, including recommendations to update and finalise the Policy.

Recommendation

That Council:

1. Notes the summary of feedback received and recommendations regarding changes to the draft Sustainability and Climate Policy (POL22/177).
2. Adopts the Sustainability and Climate Policy (POL22/177).
3. Endorses the corresponding Action Plan to be prepared with input from across Council with a target date of adoption by March 2023.

Options

1. Endorses the revised Policy as titled.

Implications: This option will see the Sustainability and Climate Policy endorsed as a public policy and enable development of the Action Plan to proceed immediately.

2. Endorses the revised Policy with the updated title of 'Sustainability and Climate Change Policy'

Implications: This option responds to feedback received on the Policy title and enables a more specific name for the Policy subject matter. This option will see the Sustainability and Climate Change Policy endorsed as a public policy, enabling development of the Action Plan to proceed immediately.

Alternate recommendations for Items 1 and 2 if adopting this option are:

1. Notes the summary of feedback received and recommendations regarding changes to the draft Sustainability and Climate Policy (POL22/177) including changing the name of the document to Sustainability and Climate Change Policy.
2. Adopts the Sustainability and Climate Change Policy (POL22/177).
3. That Council requests further changes to the Policy before endorsing the policy.

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Implications: This will depend on the extent of any changes/approaches. Further changes will delay the finalisation of the Policy and the subsequent development of the Sustainability and Climate Action Plan.

Background

On 26 September 2022, Council endorsed the Draft Sustainability and Climate Policy to be released for public exhibition and feedback via Council's Get Involved webpage. The Draft Policy was exhibited from 1 October and concluded on 1 November 2022 with 17 submissions received from community members, community groups and internal staff.

A summary of feedback is provided (Attachments 1 and 2) including advice on how the feedback has been considered and will be addressed. The Draft Policy has been updated in line with these recommendations and is provided for review and endorsement (Attachment 3).

Community Engagement

Internal engagement

This Draft Policy was developed following internal consultation with staff representing key areas of council, including Planning, Procurement, Technical Services, Energy Management/Shoalhaven Water, Waste Management, and Environmental Services.

A Policy workshop was conducted with Councillors on 29 August 2022 to receive input and feedback on the Draft Policy purpose, objectives, and definitions, and feedback from this workshop informed finalisation of the Draft Policy. The updated Draft Policy was then circulated to Councillors for further feedback from 2-14 September, with no additional changes requested.

Once the Draft Policy was released, an email to all managers invited internal feedback, with three teams providing written feedback (City Lifestyles, Shoalhaven Water, and Planning) and other areas providing verbal feedback, including Fleet, Waste, and Environmental Services.

External engagement

The Draft Policy was placed on Council's Get Involved page for public exhibition from 1 October – 1 November 2022 to enable feedback and input from the community.

The Get Involved webpage which hosted the Draft Policy and survey received 185 visits with 12 document downloads and 11 respondents submitting feedback via the survey available. An additional 3 external organisations submitted a more detailed response via email (Huskisson Woollamia Community Voice, Repower Shoalhaven and Our Future Shoalhaven).

A summary of feedback is provided (Attachments 1 and 2), with key findings outlined below:

- 63.6% of respondents agreed that it was important to address climate change and sustainability in the Shoalhaven with 54.5% strongly agreeing.
- 81.8% of survey respondents agreed with the vision and objectives of the Draft Policy, with 63.6% strongly agreeing, and a further 18.2% mostly agreeing/agreeing
- When asked to rank the top three priorities of the Draft Policy, the top three priorities identified by survey respondents were:
 1. Greater support and protection of our natural areas and waterways, urban trees, and biodiversity;
 2. Reducing emissions and increasing solar energy within the region; and

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3. Continually reviewing, updating, and using best practice methods to reduce the impacts of storms, bushfire, flooding and other climate impacts on our region.
- When asked what types of support would be most beneficial to the community to take action on sustainability, the top three areas included:
 1. More events and opportunities to learn (workshops, events and expos);
 2. Expert advice available to help; and
 3. Financial support through grants or loans.
 - The three detailed submissions from Repower Shoalhaven, Our Future Shoalhaven and Huskisson Woollamia Community Voice all expressed support or endorsement of the Draft Policy. Comments were captured in Attachment 2, and in some cases related to inclusion of detail and fields which are outside the format and approach of Council policy documents. This detail will be addressed in the Action Plan.
 - A recurrent comment expressed by multiple respondents included the need for more transparent and regular reporting around council emissions to be made available and communicated to the public. A target date for the adoption of the Action Plan was also recommended for March 2023.
 - Many comments received as part of the Policy exhibition related to more detailed statements and methods of delivering on the objectives of the Policy. These have been noted in Attachment 2 and will be addressed in the Action Plan.

Key updates made to Policy

After reviewing and assessing the feedback received from internal teams and community members, the following key changes have been made to the Draft Policy:

- Adopting 2020 as the baseline for Council's corporate emissions for more relevant and accurate data.
- Option to retitle the Policy "Sustainability and Climate Change Policy".
- Adding a statement acknowledging Council's recognition of the international scientific consensus regarding climate change.
- Adopting more regular (bi-annual) reporting on Council carbon emissions.
- Considering water usage in addition to materials in priority 4 of a Sustainable Shoalhaven.
- Inclusion of social sustainability and sustainable tourism considerations in objective 11.
- Removing the statement around preservation of solar rights as this is not the focus of this Policy and this is addressed in Council's adopted Tree Management Policy regarding 'balancing renewable energy outcomes with consideration of solar appliances and trees for amenity/biodiversity within the Shoalhaven region.
- Numbering of objectives for easy reference.
- Linking definition of climate change to internationally recognised source.
- Various changes to wording of Policy to reduce repetition and to align with other council strategies, feedback received, and more recognised or specific terminology.

Policy Implications

This Policy has been developed to incorporate the objectives and targets of the Sustainable Energy Policy (POL20/71) and Renewable Energy Installations on Council Assets Policy (POL18/52). It was resolved on 26 September 2022 that these Policies be rescinded following the adoption of the Sustainability and Climate Policy.

Financial Implications

This Policy has no direct financial implications; however, the development of the responding Sustainability and Climate Action Plan will involve budgeting and financial considerations.

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Internal feedback received – Draft Sustainability and Climate Policy

Comment/feedback	Feedback received from	Proposed way to address
Include social sustainability in objectives	Planning	Agreed and addressed in Policy objective 9
Request that the policy title be amended and referred to as Shoalhaven City Council's 'Sustainability & Climate Change Policy'	Shoalwater	Option 2 of the report addresses changing the title of the Policy to Sustainability and Climate Change Policy
The words 'respond to climate challenges' should be amended to 'adapt to climate change'.	Shoalwater	Agreed and addressed in Policy
Council will work to reduce emissions' – suggest this be amended to read 'reduce carbon emissions' for clarity	Shoalwater	Agreed and addressed in Policy
Using materials wisely and avoiding waste to protect natural resources' – suggest this explicitly include the word 'water' to ensure water conservation is practiced at all times i.e. 'Using materials and water wisely	Shoalwater	Agreed and addressed in Policy
Innovating and collaborating to achieve better outcomes for our community and environment' – this sentence is very vague. Suggest either delete it or reword to be more specific and meaningful	Shoalwater	Statement rephrased in Policy
Suggest using 2020 as the baseline for Council's corporate emissions as this is considered more accurate	Shoalwater	Agreed and addressed in Policy
'Support the principles of a water sensitive city by increasing the use of recycled water, managing potable water use, improving the quality of waterways, and reducing local flood risk'. 'Managing potable water use' is lacking detail and direction, suggest it be amended to 'providing efficient and effective water and wastewater services'	Shoalwater	Agreed and addressed in Policy
Change the use of 'low emissions vehicles' to 'zero emissions vehicles'	Shoalwater	Expanded Policy to include both low and zero emissions
Suggest including words to support and encourage sustainable tourism to protect the natural heritage that makes the Shoalhaven region a popular tourist destination	Shoalwater	Agreed and addressed in Policy
Measuring, monitoring, and reporting on carbon emissions and energy consumption' – suggest it be amended to 'annual reporting on carbon emissions' as is the current practice.	Shoalwater	Updated in Policy however with bi-annual reporting in line with other feedback

Providing opportunities and training for staff to improve their understanding of sustainable practices and to adopt these in their day-to-day work.' – suggest amending to 'sustainable work practices' as this relates to their day-to-day work in the policy.	Shoalwater	Agreed and addressed in Policy
Suggest rewording objective 12 from prevent to reduce pollution	City Lifestyles + Waste	Agreed and addressed in Policy
Recommend removing the implementation statement regarding solar access as may have unintended consequences	City Lifestyles	Agreed and addressed in Policy
Recommend including a specific statement that Council accepts that climate changes are due to "burning of fossil fuels" and are anthropocentrically driven	City Lifestyles	Agreed and addressed in Policy
Include the statement to "Think global, act local" in statement that the decisions and activities of Shoalhaven City Council ('Council') have implications on the local and regional environment	City Lifestyles	Addressed in Action Plan
Link definition of climate change to IPCC	City Lifestyles	Agreed and addressed in Policy
Expand statement re. funding high priority energy efficiency and renewable energy projects across Council assets to include projects	City Lifestyles	Agreed and addressed in Policy
Support for more public facing reporting on council carbon emissions whether through public facing dashboard or public reports	City Lifestyles + Repower Shoalhaven + Our Future Shoalhaven	Addressed in Action Plan and Policy
Reference all levels of government in statements regarding advocacy	City Lifestyles	Agreed and addressed in Policy
Suggest more regular reports on carbon emissions than annual	City Lifestyles	Addressed in Policy (biannual)
I believe Council plays a role in strengthening connection to land, place and the natural environment for all residents and visitors, and that referencing this in the Policy is appropriate. The more people feel a part of the world we live in, not just a 'participant in life', the more likely they are to protect it and therefore us.	Works and Services	Addressed in Action Plan
Greater protection of native vegetation from clearing for urban expansion, not developers just using offset schemes, which are often are a cop-out. - More awareness and encouragement of biodiversity on residents' properties through programs such as 'Gardens for Wildlife' (created by Knox City Council, Vic and now in many LGAs across the country).	Works and Services	Addressed in Action Plan

Providing more sustainable transport options in the region (electric vehicle charging stations, public transport, shared paths, ride sharing etc). Because this is the root of many problems, a transport infrastructure targeted at using cars and no alternatives. On a professional note representing the coastal team at Shoalhaven City Council: Where the policy defines climate change (Climate change means long-term shifts in local, regional, and global temperature and weather patterns, mainly caused by human activities, particularly the burning of fossil fuels.), the policy could actually also reference rising sea level, because that is one of the major impacts of climate change for a coastal council like the Shoalhaven. It is not mentioned with a single word, but it would make sense to incorporate it. In that context, I wonder if Section 3.2 (Objectives and Targets) could even include Councils Coastal Management Programs (CMP) – because they contribute to a sustainable management of the coast and take into account climate change risks.	Environmental Services / Coastal Management	Sea level rise is addressed in the Action Plan - specific impacts of climate change not individually addressed in Policy
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External/community feedback received – Draft Sustainability and Climate Policy

Comment	Feedback received from	Proposed way to address
Recommend a date for the finalisation and adoption of the Action Plan be no later than 30th March 2023; in order for the essential funding to be included in the 2023/24 budget.	Repower Shoalhaven	Date for Action Plan addressed in InfoCouncil report
We recommend that Council's Home/Services page enable access to the latest data and actions and updates, including community engagement opportunities. This is consistent with a recommendation in the 2021 Annual Energy Review.	Repower Shoalhaven	To be addressed in Action Plan
Actively engage the local community in educational, collaborative projects and participation in the initiatives to reduce emissions.	Repower Shoalhaven	To be addressed in Action Plan
Support and urging for the Action Plan and progress on targets and measures to deliver this to be reported frequently to the community.	Our Future Shoalhaven	As above
Need to indicate who will be responsible for the implementation of this policy.	Our Future Shoalhaven + Huskisson Woollamai Community Voice (HWVC)	Action Plan will clearly identify relevant teams responsible for delivery of actions
Clearer target to reduce or eliminate pollution of all types in the Shoalhaven, Clearer indication that mature trees (habitat trees) will be protected, Clearer target around urban canopy and urban forest, using endemic species, Clearer focus on long-term solutions to climate change problems that will serve future generations not just current home owners, Clearer concern for biodiversity in the Shoalhaven, Clearer	Our Future Shoalhaven	To be addressed in Action Plan

indication that planning will not put future generations knowingly in hazardous positions e.g. allowing them to build on flood plains		
Implement an urban tree policy which will contribute to achieve ecosystem services such as cooling, water management, and endemic animal habitat	HWCV	To be addressed in Action Plan
communicate the latest reliable climate science and projections, be transparent about SCC environmental performance, demonstrate environmental leadership	HWCV	To be addressed in Action Plan
Integrate the principles of sustainability and Ecologically Sustainable Development into planning, asset management and decision-making processes across the organisation by July 2023	HWCV	Action Plan adoption expected March 2023
Improve the ecological and environmental values of the Shoalhaven, taking a no harm approach to the natural environment, biodiversity conservation and natural area management across planning, land use management and communication	HWCV	To be addressed in Action Plan
Embed principles of environmental sustainability, equity, and climate resilience in land-use planning and development across the Shoalhaven region	HWCV	Addressed in Policy
require future building projects to recycle demolition materials, prioritise sustainable materials and result in a minimum energy rating and require all homes for sale or rent to publicise their energy rating	HWCV	To be addressed in Action Plan noting some role for advocacy where Council has limitations on its powers
include support for residents and businesses to work towards a circular economy, adopting the principles of the waste hierarchy moving towards waste as a valuable resource	HWCV	Wording addressed in Policy
Increase the provision of low-emissions vehicles for Council's fleet and prioritise support for active and lower emissions transport options for our community	HWCV	Addressed in Policy
Additional themes 8. Reducing pollution of all types and working toward a pollution free region 9. Restore natural equilibrium by caring for Country, working with Aboriginal and Torres Strait Islander peoples 10. Ensuring that actions leading to greater sustainability and climate resilience are inclusive, ethical, and equitable	HWCV	These priorities will be addressed in the existing themes and in more details in the Action Plan
Are there opportunities to reduce/target greenhouse gas emissions not produced by council.	Survey respondent	Community target to be addressed in Action Plan
stronger focus on delivering practical solutions for households to reduce the cost of living and look at strategies to implement.	Survey respondent	To be addressed in Action Plan

Significant increase in Local charging stations, rebates for battery installation at home.	Survey respondent	Addressed or to be investigated in Action Plan
Fine people that place non recycling items in yellow bins. Educate (visual media) the community on what is permitted in the yellow bins, where it goes, how it's processed and what becomes of it.	Survey respondent	To be investigated for Action Plan in discussion with waste team
Always examining the impacts of proposals, including possibly unintended consequences with express applying of the precautionary principle, • Applying the restorative principle to avoid repeating or aggravating existing damage or injustice • Assessing and stating expressly the social and intergenerational equity of the proposed action. 3.2 Add the following point (j) Eliminate land-use changes that ,propose net loss of endangered wildlife, of its habitat, and of natural carbon-sink values, critically assessing "off-sets" and applying the precautionary principle 4. Add to the end of the last point, (j) after "systems".... and benefits of existing passive solar design and access. Plus one more point: Conserving and restoring, by action and applied regulation, the proven carbon capture and urban sustainability technology of hardy endemic plant species, especially mature habitat native trees	Survey respondent	Detailed actions to be addressed in Action Plan
Providing more sustainable transport options in the region (electric vehicle charging stations, public transport, shared paths, ride sharing etc). Because this is the root of many problems, a transport infrastructure targeted at using cars and no alternatives. On a professional note representing the coastal team at Shoalhaven City Council: Where the policy defines climate change (Climate change means long-term shifts in local, regional, and global temperature and weather patterns, mainly caused by human activities, particularly the burning of fossil fuels.), the policy could actually also reference rising sea level, because that is one of the major impacts of climate change for a coastal council like the Shoalhaven. It is not mentioned with a single word, but it would make sense to incorporate it. In that context, I wonder if Section 3.2 (Objectives and Targets) could even include Councils Coastal Management Programs (CMP) – because they contribute to a sustainable management of the coast and take into account climate change risks.	Survey respondent + Environmental Services / Coastal Management	Sea level rise addressed in detail in the AP - specific impacts of climate change not individually addressed in Policy
Enhance the community engagement with the progress of the implementation.	Survey respondent	Repeated feedback - to be addressed in Action Plan
I believe Council plays a role in strengthening connection to land, place and the natural environment for all residents and visitors, and that referencing this in the Policy is appropriate. The more people feel a part of the world we live in, not just a 'participant in life', the more likely they are to protect it and therefore us.	Survey respondent + Works and services	Addressed in Action Plan
Greater protection of native vegetation from clearing for urban expansion, not developers just using offset schemes, which are often are a cop-out. - More awareness and encouragement of biodiversity on residents' properties through programs such as 'Gardens for Wildlife' (created by Knox City Council, Vic and now in many LGAs across the country).	Survey respondent + Works and services	Addressed in Action Plan



Draft Sustainability and Climate Policy

Adoption Date:	[Click here to enter date]
Amendment Date:	
Minute Number:	[Click here to enter Minute number]
Review Date:	
Directorate:	City Services
Record Number:	POL22/177

CL22.613 - Attachment 3

Sustainability and Climate Policy

1. Purpose

This policy articulates Shoalhaven City Council's position and commitment to address climate change and integrate the principles of sustainability and Ecologically Sustainable Development across Council operations and throughout the wider Shoalhaven community. Shoalhaven City Council recognises the international scientific consensus that warming of the climate system is unequivocal, and that human activities (primarily greenhouse gas emissions) are the principle cause of these changes. The decisions and activities of Council have implications on the local and regional environment, and the ecological systems that current and future generations value and depend upon. The purpose of this Policy is to outline Council's commitment to protect and nurture our natural environment, address climate change, and enhance the quality of life for current and future generations.

Sustainability is defined by the United Nations as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. It is the process of ensuring the wise use and management of all resources within a framework which balances the best outcomes for the community, the environment, and the economy, both now and in the future. While 'sustainability' seeks to maintain the current health and function of our environment to ensure no net loss for future generations, Council will look beyond this goal and work to continually improve outcomes for our community and environment, to achieve a healthy, safe, and equitable future for the Shoalhaven.

Under the NSW Local Government Act 1993, Council has an obligation to properly manage, develop, protect, restore, enhance, and conserve the environment of the area for which it is responsible in a manner which is consistent with the principles of Ecologically Sustainable Development. This Policy identifies goals and targets for Council to embed the principles of Ecologically Sustainable Development across our organisation and operations, reduce environmental impacts, and support the ongoing health and sustainability of our region.

It was resolved at Council's Ordinary meeting on 24 November 2020, that Council acknowledge the efforts of the international Community in coming together to attempt to mitigate the rate of global warming and its impact on world climate; and continue to actively support its proactive policy of exploring all practical means of reducing its carbon footprint as a local endeavour to help mitigate the impacts of global warming.

These goals are consistent with the community's vision for 'Sustainable liveable environments', as outlined in the Shoalhaven 2032 Community Strategic Plan. The Policy also supports the Local Government NSW Environmental Policy Position Statements (2020), the delivery of the United Nations Sustainable Development 2030 Goals, and the strategic vision and direction of the Illawarra Shoalhaven Regional Plan 2041 (2021).

1.1. Definitions

Climate change

A change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere" (United Nations Framework Convention on Climate Change).

Ecologically Sustainable Development (ESD)

Ecologically Sustainable Development requires the effective integration of economic, environmental, social and equity considerations in decision-making processes. Ecologically Sustainable Development aims to use, conserve, and enhance the community's resources so that the ecological processes on which life depends are maintained, and the total quality of life, now and in the future, can be increased.

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Deleted: seek to restore and improve outcomes for our community, environment, and economy. The purpose of this Policy is to outline Council's commitment to protect and nurture our natural environment, address climate change, and enhance the quality of life for current and future generations.

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Deleted: Climate change means long-term shifts in local, regional, and global temperature and weather patterns, mainly caused by human activities, particularly the burning of fossil fuels. ¶

Sustainability and Climate Policy

The key principles of Ecologically Sustainable Development, as stated in the Local Government Act 1993, include:

- Intergenerational equity
- Social equity, wellbeing and inclusion
- Conservation of biological diversity and ecological integrity
- Improved valuation, pricing and incentive mechanisms
- The precautionary principle

Natural environment

Encompasses all living and non-living things occurring naturally on Earth.

Net-zero emissions

An overall balance between greenhouse gas emissions produced and greenhouse gas emissions taken out of the atmosphere.

Sustainability

Sustainability is defined by the United Nations as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. It is the process of ensuring the wise use and management of all resources within a framework which balances community liveability, environmental sustainability, and economic prosperity over time.

The goal of sustainability is to enhance the wellbeing of society whilst minimising our impact on the environment, so that we can protect the ecological processes on which life depends and ensure a healthy environment and quality of life for current and future generations. The quadruple bottom line of sustainability includes consideration of environmental, cultural, social, and economic elements, through a framework of robust governance.

1.2. Scope

This policy applies to all staff or persons conducting or undertaking business on behalf of Council. This includes Councillors, Council staff, contractors and others that act on Council's behalf to ensure they work in accordance with the policy principles.

2. Statement

Council is committed to embedding the principles of sustainability and Ecologically Sustainable Development in its day-to-day operations and decision-making processes. We will work to continually improve our environmental performance as an organisation, enhance the ecological health of the Shoalhaven, mitigate and adapt to climate change, and empower positive environmental action in our community.

3. Provisions

3.1. Vision

The Shoalhaven will be a thriving and sustainable region which celebrates and protects our unique natural environment and strives to continuously improve outcomes for current and future generations. Council will work to reduce carbon emissions and transition to sustainable energy and transport, minimise waste, use resources wisely, and support our community to adopt sustainable living practices and prepare for a changing climate.

Creating a sustainable Shoalhaven means:

- Reducing greenhouse gas emissions and adapting to climate change.
- Living in balance with our natural environment to protect and support our ecosystems

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It was resolved at Council's Ordinary meeting on 24 November 2020, that Council acknowledge the efforts of the international Community in coming together to attempt to mitigate the rate of global warming and its impact on world climate; and continue to actively support its proactive policy of exploring all practical means of reducing its carbon footprint as a local endeavour to help mitigate the impacts of global warming.¶

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Sustainability and Climate Policy

- Ensuring our assets, towns and villages are future-ready, environmentally sustainable, and climate resilient
- Using materials and water wisely and avoiding waste to protect natural resources
- Supporting our residents and business community to adopt positive sustainable living practices and prepare for a changing climate, and
- Innovating, collaborating, and advocating with all levels of government to enhance sustainability and improve outcomes for our community and environment.

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3.2. Objectives and Targets

To achieve this vision, and in partnership with stakeholders and the community, Shoalhaven City Council will:

1. Integrate the principles of sustainability and Ecologically Sustainable Development into planning, asset management and decision-making processes across the organisation
2. Mitigate and build resilience to climate change by reducing Council greenhouse gas emissions, seeking opportunities for carbon abatement, and adapting to climate change impacts
3. Achieve net-zero greenhouse gas emissions across Council operations by 2035, with an interim target to reduce emissions by 50% by 2028 compared to 2020 levels
4. Implement Council's Sustainable Energy Strategy to generate renewable energy on Council assets, transition Council plant and equipment away from fossil fuels, and continually improve energy efficiency across the organisation
5. Support the circular economy and adopt the principles of the waste hierarchy to prioritise avoiding and minimising waste
6. Embed sustainability into Council procurement processes to encourage sustainable, low-carbon and high recycled content procurement
7. Support the principles of a water sensitive city by increasing the use of recycled water, providing efficient and effective water and waste-water services, and improving the quality of waterways
8. Increase the provision of low and zero emissions vehicles for Council's fleet and support active and low-emissions transport options for our community
9. Encourage environmentally and socially sustainable, equitable, and climate resilient land-use planning and development across the Shoalhaven region
10. Recognise and support the rich cultural heritage and Aboriginal history of the Shoalhaven region and the practice of caring for country
11. Improve the ecological and environmental values of the Shoalhaven through a stronger emphasis on biodiversity conservation, natural areas management, and sustainable tourism
12. Reduce pollution and protect the health and safety of our air, water, and natural resources
13. Prioritise sustainable and low-carbon building materials across Council buildings, infrastructure, and other assets
14. Support our community to adopt sustainable living practices, engage with the natural environment, and contribute to the ongoing sustainability and health of the Shoalhaven region
15. Advocate to all levels of government for greater action and support to reduce emissions, meet renewable energy targets, and adapt to climate change.

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4. Implementation

Shoalhaven City Council will support this Policy by:

- Preparing and implementing a Sustainability and Climate Action Plan to identify priority actions and meet the objectives outlined in this Policy.
- Implementing Council's Sustainable Energy Strategy targeting a reduction in energy consumption and greenhouse gas emissions.
- Maintaining the Revolving Energy Fund to fund high priority energy efficiency and renewable energy projects across Council assets and projects.

Sustainability and Climate Policy

- Delivering and regularly renewing Council's Adaptation Plan to identify and prepare for climate change risks.
- Resourcing initiatives identified in the Sustainability and Climate Action Plan and Climate Adaptation Plan by means of sufficient annual budget allocations.
- Preparing an emissions reduction plan with bi-annual reporting on Council's operational carbon emissions and energy consumption.
- Working in partnership with all levels of government, organisations, and the community to promote the ecological, social, and economic health of the Shoalhaven and broader region.
- Providing opportunities and training for staff to improve their understanding of sustainable work practices and to adopt these in their day-to-day work.
- Measuring, monitoring, and reporting on progress achieved through the delivery of this Policy and the Sustainability and Climate Action Plan.

5. Review

This Policy will be reviewed within 12 months of the election of a new council, and particularly where new legislation, guidelines and/or management information dictates. Council will monitor progress toward achieving its Policy target of net-zero greenhouse gas emissions through annual reports and will continue to review and revise this target as required in line with the latest available data, scientific advice, and best practice recommendations.

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Deleted: <#>Measuring, monitoring, and reporting on carbon emissions and energy consumption to identify issues and work toward agreed targets of this Policy and related Sustainability and Climate Action Plan. ¶

Deleted: <#>Preserving solar access rights across the Shoalhaven local government area on both public and private land to protect the efficiency of existing and future solar systems. ¶

CL22.614 Shoalhaven Animal Shelter Yearly Report

HPERM Ref: D22/354177

Department: Certification & Compliance

Approver: James Ruprai, Director - City Development

Reason for Report

This report provides a snapshot of the Shoalhaven Animal Shelter achievements for the 2021/2022 financial year. It provides statistics on the animals presented and exiting the shelter together with the successes and plans for the future moving forward.

Recommendation

That Council receives the Shoalhaven Animal Shelter Yearly Report for information.

Options

1. Council receives the report for information.

Implications: Nil

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

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

Report

The Shoalhaven Animal Shelter now begins its fifth year of operation.

This financial year has been conducted partly through the pandemic as per the previous year. Although many changes were made to the way in which the Shelter conducted business during the pandemic, the results have remained steady.

The Shelter strives to be an industry leader

The first part of the financial year was in the heart of the pandemic, and this resulted in an increase of adoptions. Following the easing of restrictions, adoption rates fell, resulting in an overall decrease in numbers for 2021/2022.

The following tables highlight the total number of animals received, reclaimed, adopted and euthanised for the 2021/2022 financial year. To balance the tables, there were 40 animals in the shelter on 01/07/2021 with a further 1192 animals added during the period. There were 92 animals in the shelter on 30/06/2022. In total, 1140 animals left the Shelter during the period.

Figure 1: Animals received at the Shelter 2021/2022

Animals received	Total 21/22
Dogs	474
Cats	295
Kittens	246
Puppies	52
Rabbits	53

CL22.614

Guinea Pigs	39
Sheep	0
Fowl	30
Goats	0
Horses	0
Cattle	0
Rodent	3
Bird	0
Total	1192

Figure 2: Animals leaving the Shelter 2021/2022

Reason for leaving the Shelter	Total 21/22
Reclaimed by owner	326
Adopted	563
Transferred to animal rescue groups	71
Unassisted deaths	18
Euthanised	162
Total	1140

Of the 162 animals euthanised, 109 were cats, 47 were dogs and 6 guinea pigs. There was a decline of feral cats numbers this year and this was possibly because of lockdowns. Whilst the community is active in trapping feral cats, the reality is roaming cats continue to have a major impact on our native animal populations.

The euthanised dogs include those declared Menacing, Restricted and Dangerous (8) aggressive to people (12) and those who did not pass behaviour testing (22) or for medical reasons (5).

Costs and income

Income and Expenditure for the Animal Shelter in FY2021-2022 are tabled below:

	Full year Actual (Surplus)/Deficit	Full year Budget (Surplus)/Deficit	Full year Variance F/(UF)	Percentage
Total operating income	(140,776)	(173,741)	(\$32,965)	81%
Total operating expenses	827,165	850,707	23,542	97%
Net Operating Result	686,389	676,966	(9,423)	1.4%

Animals suitable for adoption are vaccinated, microchipped and desexed before they are released back into the community. This has an impact on the overall expenditure associated with the Shelter. The result is higher vaccination and desexing figures and this serves to decrease infectious disease in the community and reduce the number of unwanted litters.

Animal Shelter has significant public support

The Shelter has enjoyed great community support, and this is largely attributed to improved communication. This includes providing up-to-date information regarding the regulations of owning a companion animal together with advice on a variety of pet ownership topics.

Many visitors to the Shelter are impressed with its management and how caring the staff are towards all animals.

CL22.614

Reuniting animals with their owners is a high priority as it can be stressful for both the animal and the owner. If an owner can no longer care for their animal, the Shelter provides them with assistance to find a new forever home.

Collaboration

Every animal deserves the best possible chance in life and the Shelter endeavours to achieve this outcome. For some animals this may mean some extra training or time for them to become comfortable with their new surroundings and shine.

The Shelter has formed strong relationships with local business and many animal rescue groups in NSW. These have supported the Shelter when it has been faced with large medical costs and this is acknowledged and appreciated.

The Shelter has received support from the volunteer organisation known as Arc who provided over 100 bags of high quality dog food.

Infectious Disease

The Shelter received wonderful results throughout the year with infectious disease at minimum. We had 0 cases of ringworm, 0 cases of parvo virus and only 3 cases of cat flu. This is the best result the Shelter has achieved since start of operations.

Advertising and Media

Facebook remains the Shelters top form of media. This platform is used to promote animals available for adoption and to share information with the local community by way of weekly posts.

The Shelter's "Did you know" posts aim to share new information such as changes to the *Companion Animals Act* and general pet information. The number of daily hits is increasing, and this supports confidence in this platform.

The Shelter has built a great relationship with Animal Welfare League (AWL) and the producers of the Channel 10 television show "The Dog House". During the financial year, four of our dogs have been part of the show. This relationship continues to grow, and we look forward to partnering with them in the coming year.

Challenges facing the Shelter

The Shelter has dealt with several challenges in the 2021/2022 financial year including:

- (a) Rental crisis in the Shoalhaven: - Similar to the last financial year, the rental crisis in the Shoalhaven has placed extreme pressure on the Shelter. Families are having to give up beloved pets so they can secure a home for themselves. The Shelter has found it difficult to take in dogs on the surrender waitlist during the latter part of the year.
- (b) Covid: - Unlike the first year of Covid, the public did not adopt the amount of animals as the fear of being lonely had decreased. Learning to live with Covid and people getting out and about again saw an increase of strays in the second part of the year and the increased cost of living made affordability to get an animal out of impound almost impossible for some.
- (c) Changes to rehoming practices - On 23 February 2022, a Private Members Bill, the *Companion Animals Amendment (Rehoming Animals) Bill* passed Parliament and was assented to on 4 March 2022.

The changes in the legislation are focused on reducing the amount of euthanasia in shelters across NSW. Since commencement of the Animal Shelter, the facility has maintained a zero euthanasia rate of healthy adoptable animals. The Office of Local Government (OLG) have ordered a review of rehoming practices and staff at the shelter are involved in the review process.

Purchasing

Shoalhaven Animal Shelter has always faced a lack of dog exercise yards, temporary yards had been erected but the risk for infectious disease was greater without a concrete floor. A contractor was sought to concrete these areas at a cost of \$20,000. Along with the extra exercise yards the shelter now has a dangerous dog enclosure. Not only is this used to use any Dangerous Dogs presented at the Shelter, but it is also useful to show the public what they may have to build should they have a dangerous or restricted dog at their home .

The Future

The next financial year will provide the Shelter with an opportunity to nurture existing and secure further partnerships within the community. It will also see a broadening of education programmes to support responsible pet ownership.

After two years of Covid and numerous rain events on the South Coast, we hope to hold the Shoalhaven Animal Shelter Pet Expo in May 2023. This community event brings pet lovers together and is a great opportunity to promote responsible pet ownership and showcase local business.

CL22.614

CL22.615 Policy - Contaminated Land Management

HPERM Ref: D22/352647

Department: Environmental Services

Approver: James Ruprai, Director - City Development

Attachments: 1. DRAFT - Contaminated Land Management Policy (under separate cover) [⇒](#)

Reason for Report

This policy review is presented to Council in accordance with the recommendations for all public policies to be reviewed within the first 12 months of the election of a new council.

This report summarises proposed updates to the Contaminated Land Management Policy, formerly named the Contaminated Land Policy.

The Current Policy for review can be found [here](#).

Recommendation

That Council adopt revised POL22/45 Contaminated Land Management Policy presented as (Attachment 1).

Options

1. Adopt the recommendation:

Implications: The revised policy will ensure that Council continues to manage Council's Potentially Contaminated Land (PCL) database, ensure appropriate consideration of contamination issues is made during rezoning and development assessment processes and remain consistent with current legislation.

2. Not adopt the recommendation:

Implications: Council can request detail, seek further community input, or make other changes. Implications will depend on the resolution(s) of Council.

Background

The policy was originally developed in 2000 and has been used by Council and industry since that time as a reference for the identification, notification (through Planning Certificates), remediation and assessment of contaminated and potentially contaminated land.

The Policy has been reviewed to reduce the repetition of technical advice provided in the NSW Contaminated Land Planning Guidelines and associated legislation. The Policy now focuses on Council specific information and how it relates to proposed development.

The revised policy includes the changes as outlined in Table 1 below.

CL22.615

Table 1 – Proposed changes to Contaminated Land Management Policy

Section	Notes on changes
Title – Change to “Contaminated Land Management Policy”	Title to reflect the consideration of confirmed contaminated land and historical or reported (potentially) contaminated land and the overall management requirements of these.
Overall length and level of detail within the policy	Re-formatting and re-titling of sections to conform with the standard policy template. Repetition has been removed. Detailed procedures have been removed from the draft policy and referred to throughout. This enables easier communication of the key aspects of the policy to staff, landowners, and planning consultants.
1. Purpose	Re-wording to describe a more outlined policy purpose. Inclusion of statement to outline that historical land uses and associated contaminated land risks.
2. Statement	Updated scope. Links are provided to NSW Environment Protection Authority (EPA) and Department of Planning and Environment (DPE) guidelines. Applicable legislation was updated to reflect currency. Roles and responsibilities of Council (as a planning authority) and the NSW EPA outlined.
3. Provisions	Council’s decision-making processes (Category 1 and Category 2 remediation works under the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , requirements for contaminated land investigations and remediation and the role of NSW EPA accredited site auditors outlined (with reference to relevant NSW EPA guidelines). Methods of disseminating information pertaining to contaminated lands to the public are outlined.
Appendix 1 – Activities/industries and contaminants of potential concern	Replace <i>Appendix 1 – Minimal Checklist for initial evaluation</i> updated making reference to NSW Contaminated Land Planning Guidelines.

CL22.615

Community Engagement

The changes to the policy are administrative in nature – the revised policy has significantly reduced replication and streamlined the document, providing links to relevant guidelines and legislation. Furthermore, information pertaining to contaminated land management that is warehoused by the NSW EPA has been referred to (instead of being duplicated), which has enabled complex information to be more easily deciphered and tailored for the target audience.

As these changes are not materially impacting on the intent or outcomes of the policy, community consultation is deemed to be not required.

Policy Implications

There are no substantial changes proposed to the policy, legislation, other than updating relevant and guidelines. Additions such as the inclusion of the terminology “potentially contaminated land” and reference to Council’s Potentially Contaminated Land database ensures these are considerations in development assessments and notations in Section 10.7 under the *Environmental Planning and Assessment Act 1979* (EP&A Act) Planning Certificates. It also ensures maintenance of Council’s record management system in relation to properties which contain Potentially Contaminated Land notations.

Financial Implications

There are no direct financial costs to Council.

Council may be exposed to financial risk should the policy not be adopted – an updated and comprehensive policy will support Council's position when acting in "good faith" in contaminated and potentially contaminated land issues and provide statutory protection under Schedule 6 Clause 2 – Exemption from liability – contaminated land, of the EP&A Act.

CL22.615

CL22.616 Policy Review - Community Consultative Bodies Policy - Public Exhibition

HPERM Ref: D22/354690

Department: Community Connections

Approver: Michael Paine, Manager - Community Connections

Attachments:

1. Draft Community Consultative Bodies Policy (with tracked changes) (under separate cover) ➡
2. Draft Community Consultative Bodies Policy (no tracked changes) (under separate cover) ➡

Reason for Report

The revised *Draft Community Consultative Bodies Policy* is presented to Council. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

Recommendation

That Council

1. Endorse the Draft Community Consultative Body Policy for public exhibition of not less than 28 days to obtain community feedback.
2. Receive a further report, should there be significant adverse comments received during the public exhibition period – noting that if no significant adverse comments are received that the Policy will be deemed adopted.
3. Communicate to the Community Consultative Bodies that the Policy is proceeding to public exhibition and request their feedback.

Options

1. As recommended

Implications:

- Will update the policy, including changes to reflect Council's new structure and amendments to reflect Council's position on insurance.
- Updated Policies will be presented and adopted to Council within the 12-month timeframes of a newly elected Council

2. Not adopt the recommendation

Implications:

- Council can request further details or make other changes
- This may delay or impact Council's ability to meet the requirement for review of policies within twelve (12) months of the election of a new Council.

Background

Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

CL22.616

The Draft Community Consultative Bodies Policy (the Policy) is presented for endorsement to proceed to Community Exhibition. The Policy is a Council policy for all reporting purposes; however, they are implemented as Guidelines with the Shoalhaven's network of Community Consultative Bodies (CCB's). Following advice from Councils Policy Officer, the policy has been renamed from 'Guidelines for the Conduct of Community Consultative Bodies' to the 'Community Consultative Bodies Policy'.

A review of the currency of the Policy has recently been undertaken. This activity of Council has transitioned to the Community Connections Department in the City Lifestyles Directorate, from the Communications and Media team. The Policy was reviewed internally between 2016-2018 with this more recent review including the proposed changes considered in the 2016-2018 process as they remain relevant. These changes were informed by detailed submissions received from CCB's and the broader community at that time during the consultation period. This consultation included CCB workshops and the acceptance of formal submissions.

This approach recognises the contributions of CCB's and the broader community who provided input at that time.

The majority of the proposed changes are minor and of a technical nature relating to the administrative responsibilities of CCB's. These changes were requested by CCB's themselves through submissions received during the 2016-2018 consultation.

In addition to the minor technical changes, notable change has been made to advice on Public Liability Insurance to provide clear and accurate information for CCB's. This is following consultation with Council's insurance provider and Council's Business Assurance and Risk team.

Attached to this report are the Draft Community Consultative Bodies Policy document (Attachment 1 with track changes and Attachment 2 without track changes), which, subject to adoption, will replace the current policy - Guidelines for the Conduct of Community Consultative Bodies.

Insurance

The previous 'Guidelines for the Conduct of Community Consultative Bodies (CCB Guidelines)', provided advice that indicated that there was no need for CCB's to hold public liability insurance cover for holding a meeting. It read:

'Council's policy covers the CCB or qualifying committees of Council and Committee members against claims made by members of the public for personal injury or damage to personal property arising from a negligent act or omission of Council.'

The above advice is incorrect and requires amendment. This was addressed at a CCB executive Meeting in 2017. The meetings minutes indicate that an overview of Council's membership of Statewide Mutual was presented to the CCB's and it was explained that CCB's were not eligible to receive cover under the Mutual's Liability scheme. In closing CCB's requested that Council provide clarification, practical guidelines, and information about liability risk so that CCB's could make appropriate decisions in respect to insurances. In response a briefing paper was distributed to the CCB's in 2017.

Whilst preparing the briefing paper, concerns were raised regarding the wording of Section 3.6 of the Guidelines when it became apparent that the current information provided in relation to insurance is somewhat confusing and misleading.

However, the guidelines were not updated at that time with the correct information. This has been rectified in this policy review under section 3.7, where it now states that:

- a) As independent community groups, CCB's are not covered under Council's Public Liability Insurance Policy.

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- b) In accordance with Council's Terms & Conditions of Hire/Use for Council facilities, when making use of Council facilities such as community halls for CCB meetings, a community group must hold public liability insurance cover with an approved Australian provider for an amount that is determined to be acceptable by Council for the hire of the venue, usually no less than \$20,000,000.
- c) Community groups are not covered by the Casual Hirer Insurance Policy when utilising Council facilities as this only applies to individuals or groups of individuals who are not part of a community group, sporting club, association, or other entity whether incorporated or not.
- d) As independent community groups, CCB's are encouraged to have a Public Liability Insurance Policy in place to an indemnity value of no less than \$20,000,000 to cover its interests and provide a level of protection to members/volunteers.
- e) CCB's are recommended to seek their own independent insurance advice to ensure they have appropriate Public Liability coverage in place. Council is unable to recommend insurance products or give specific insurance advice however can provide the following resources to support CCB's to determine their own insurance requirements.

Community Engagement

Significant feedback has been received from CCB's and the broader community since the Policy was previously updated in 2013. This has been through:

- Discussion of agenda items at CCB Executive meetings,
- General feedback,
- Ongoing conversation with community and CCB executive committees in general business
- Through formal submissions received during the policy review process previously undertaken from 2016-2018 by the Communications & Media team.

Staff observations of the Guidelines in practice along with community feedback and formal submissions have also informed the updates represented in this policy review.

Council has already contacted and provided information to CCBs to make them aware of the changes being made to the advice on Public Liability Insurance. This includes phone calls to the individual CCB's to confirm the changes, access to community resources to assess insurance needs and risk and a briefing paper outlining the need for the changes to ensure accurate advice is being provided.

Due to the changes, it is proposed to place the Draft Community Consultative Bodies Policy on public exhibition for 28 days to seek comments and feedback from the community.

Should there be significant adverse comments received during the public exhibition period, a further report will be submitted, if no significant adverse comments are received, then it is proposed that the Policy will be deemed adopted.

As part of the public exhibition process all CCB's will be contacted in writing and provided an electronic copy of the Draft guidelines.

Policy Implications

Council's Community Consultative Bodies Policy provides guidance on:

- How to apply to become a CCB,
- Administration processes
- Council's conduct requirements for CCB's

CL22.616

Whilst CCB's are referenced in a number of Council policies in relation to community consultation and stakeholders, the updates made in this review have no impact on these additional policies.

Financial Implications

The amended Policy does not implement changes which impact on financing or resourcing of CCB's.

Risk Implications

The Council should have a governance structure to inform the establishment and functioning of CCB's for community members and Council staff as these groups are endorsed by Council to represent their local community.

The policy provides a reference point for existing CCB's to ensure they are meeting Council's minimum requirements for the delivery of CCB functions, a mechanism to cease recognition of an existing CCB if not maintaining functioning as per the minimum requirements and guidance to encourage goodwill, collaboration, and representation in the running of CCB's.

CL22.616

CL22.617 Policy - Plaques and Memorials

HPERM Ref: D22/438958

Department: Shoalhaven Swim Sport Fitness

Approver: Jane Lewis, Director - City Lifestyles

Attachments: 1. Reviewed Plaques and Memorials Policy POL22/57 [↓](#)

Reason for Report

The reviewed *Plaques and Memorials Policy (POL22/57)* is presented for re-adoption. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council. The current policy can be viewed [here](#).

Recommendation

That Council adopts the reviewed Plaques and Memorials Policy (POL22/57)

Options

1. As recommended

Implications:

- Updated Policies will be adopted within the 12-month timeframe of a newly elected Council
- Will simplify, enhance, and update the Policy
- The Policy will include additional information regarding the Memorial Obelisk at the Ulladulla Civic Centre.

2. Not adopt the recommendation

Implications:

- Council can request further details, seek further community input or make other changes
- This may delay or impact Council's ability to meet the requirement for review of policies within twelve (12) months of the election of a new Council

Background

Council Policy requires that all Council public policies be reviewed within 12 months of an election of a new Council.

The purpose of the Policy is to provide a standardised and consistent policy framework for management of existing plaques and memorials, the installation of new plaques and memorials and the assessment of new community requests for plaques and memorials within public spaces in the Shoalhaven local government area.

The reviewed Policy contains additional information as follows:

- Eligibility and application information for the new Memorial Obelisk at Ulladulla Civic Centre: *"New Plaques for the Memorial Obelisk at the Ulladulla Civic Centre"* – A new Clause 3.4. These criteria were established with the installation of the Memorial Obelisk, funded by the Stronger Communities Programme (Round 5) in 2020.

There are no significant changes recommended for the remainder of the Policy text. The following minor amendments have been included:

- Clarification and formatting of the policy's text
- Correction of text in line with historical procedure: applications for plaques or memorials in public open space should be made to Community Planning and Projects Department (not Bereavement Services)
- Addition of text: *"The final design and layout, wording and location shall be submitted to the relevant Asset Custodian for Department Manager's approval."* This ensures that potential site-specific social, environmental and financial risks and impacts are identified in line with the operational experience of Asset Custodians.
- Correction of text in line with historical procedure: *"Final approval for the design and layout, wording and location of any proposed plaque or memorial rests with the Manager, Community Planning and Projects Department."*

Community Engagement

In August and September 2022, the revised Policy was circulated for review to Shoalhaven City Council staff from the following Departments:

- Shoalhaven Swim Sport Fitness
- Works and Services
- Community Planning & Projects
- Community Connections
- Library Services
- Arts and Culture

Staff have reviewed the Policy in response to feedback received during the consultation process.

The proposed changes to the format and content of the Policy are considered minor and do not warrant further community engagement or public exhibition.

Policy Implications

Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

CL22.617

Plaques and Memorials Policy

DRAFT

Adoption Date:	27/10/2020
Amendment Date:	22/08/2022
Minute Number:	MIN20.768
Review Date:	28/11/2022
Directorate:	City Lifestyles
Record Number:	POL22/57

Plaques and Memorials Policy

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1. Purpose

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

2. Statement

The Policy intent is to:

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

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

2.1 Scope of Policy

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

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

2.2 Background

Public open space is a significant part of the Shoalhaven's social and cultural heritage, contributing highly valued recreational, environmental, and aesthetic spaces for people

Plaques and Memorials Policy

who live, work, and visit the local government area. Plaques and memorials provide recognition and can contribute to an understanding of events or individuals closely associated with the history or communities of the Shoalhaven.

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

2.3 Definitions

For this Policy, the following definitions apply:

2.3.1 Plaque

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

2.3.2 Memorial

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

2.3.3 Public Open Space

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

This includes:

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

3. Provisions

3.1 Guidelines

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

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

Plaques and Memorials Policy

- 3.1.3 The siting or appearance of a plaque or memorial must not negatively impact the aesthetic, social, cultural, or environmental uses or values of public space. It should be respectful of and in harmony with its surroundings.
- 3.1.4 Plaques and memorials will meet all relevant planning and building requirements. They will be designed and sited in a way that does not damage the supporting structure or natural environment or create a public risk.
- 3.1.5 Plaques and memorials will be constructed in a manner that requires minimal ongoing maintenance and must be resistant to vandalism. Plaques attached to infrastructure must be durable and should have a life equivalent to the asset to which they are attached.
- 3.1.6 All costs associated with the design, construction and installation of plaques or memorials are to be paid by the person making the request for the plaque or memorial.
- 3.1.7 Once approved, installation of any plaque or memorial must be undertaken by Council (at the applicant's cost). Installed plaques and memorials will become the property of Shoalhaven City Council and will be entered into Council's Asset Register.
- 3.1.8 Maintenance of plaques and memorials must be undertaken by Council.
- 3.1.9 Council does not guarantee to retain plaques and memorials in perpetuity. A plaque or memorial will be retained in place for as long as practicable, with the following exceptions:
 - a. the area in which the item is sited is to be redeveloped
 - b. ongoing maintenance costs are prohibitive
 - c. in the case of a plaque, the asset to which it is attached has reached the end of its useful life
 - d. the condition of the plaque or memorial is poor
 - e. the plaque or memorial was not approved by Council
- 3.1.10 If a plaque or memorial is removed for any of the reasons above, Council will not guarantee replacement of the plaque or memorial, however replacement plaques or memorials of similar form may be considered. All reasonable efforts will be made to identify and advise relevant stakeholders (including family members).
- 3.1.11 Non-compliant / unauthorised plaques and memorials will be removed by Council as soon as practicable. Where possible, Council will attempt contact with the next of kin/family to return the non-compliant/unauthorised plaque or memorial.

3.2 Criteria for New Plaques and Memorials

- 3.2.1 Eligible plaques and memorials may commemorate:

Plaques and Memorials Policy

- a. Individuals who have made a substantial contribution to the leadership, cultural, environmental, and social aspects of the City's development or shared community history. Importantly, the contribution of the individual must have been exceptional and extend beyond what might be expected through paid employment or voluntary contribution to the community. Individuals must be current or past residents of the Shoalhaven.
 - b. A Shoalhaven group or association which has made a substantial and outstanding contribution to the Shoalhaven community
 - c. A significant historical or cultural event which has a deep meaning for the broader Shoalhaven community or is of national or state significance
 - d. Significant donations for public space infrastructure (e.g., barbeques, picnic shelters etc.)
 - e. Funding contributions by external agencies, such as the State or Federal Government. The layout and wording of the plaque will be in accordance with the funding agreement.
 - f. A plaque or memorial for the opening of a new or refurbished Council building or facility. Where this is initiated by Council a Report to Council is not required.
- 3.2.2 The subject of a requested plaque or memorial must have a clear association with and strong relevance to the location proposed for the plaque or memorial and must not be already commemorated elsewhere in the City.
- 3.2.3 Plaques and memorials commemorating deceased persons will not generally be considered until the person has been deceased for at least one year to allow for appropriate development of historical perspective. Approval will be sought from a deceased person's next of kin or appropriate relative/s where practicable. In exceptional circumstances Council may approve plaques or memorials commemorating significant living persons at Council's discretion.
- 3.2.4 Memorial Gardens must be requested by Community Consultative Bodies.

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

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

- 3.3.1 Frontline services personnel paid or volunteer, who have died whilst protecting the community during disasters / emergencies.
- 3.3.2 Including but not limited to the Rural Fire Service (RFS), Pilots during fire water bombing, Police, State Emergency Services (SES), Ambulance, Marine Rescue, and Surf Lifesaving NSW.
- 3.3.3 Those from the Shoalhaven Local Government Area (LGA) who have gone to other communities to assist during disasters / emergencies.

Plaques and Memorials Policy

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

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

3.4 Criteria for Memorial Gardens

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

4. Implementation

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

4.1 New Plaques and Memorials

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

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

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

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

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

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

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

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

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

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

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

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

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

Plaques and Memorials Policy

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

4.3 Requests for Memorial Gardens

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

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

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

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

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

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

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

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

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

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

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

4.4 Related Documents

Community Infrastructure Strategic Plan
Community Consultative Body Policy
Community Strategic Plan
Memorial Obelisk – Ulladulla Civic Centre – New Plaques Procedure PRD20/171

5. Review

This Policy statement will be reviewed:

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

CL22.618 Rescind Healthy Living Policy with Adoption of Shoalhaven Community Wellbeing Strategy

HPERM Ref: D22/457203

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

Attachments: 1. Healthy Living Policy [↓](#)

Reason for Report

The purpose of this report is to present the Healthy Living Policy (POL22/54) to be rescinded, as this Policy has been superseded by Council's Shoalhaven Community Wellbeing Strategy.

Council policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

Recommendation

That Council

1. Note that the Shoalhaven Community Wellbeing Strategy encompasses the content and intentions of the Healthy Living Policy (POL22/54).
2. Rescind the Healthy Living Policy (POL22/54) as the Shoalhaven Community Wellbeing Strategy was adopted by Council on 10 October 2022.

Options

1. As recommended.

Implications: This option will see the Shoalhaven Community Wellbeing Strategy replace and rescind the Healthy Living Policy (**Attachment 1**). This supports Council to meet requirements for Council policies to be reviewed within twelve (12) months of the election of a new council.

2. That Council not rescind the Healthy Living Policy (POL22/54).

Implications: If the Policy is not rescinded, this will result in unnecessary duplication and administrative burden in maintaining a policy after adoption of a strategy which address the same content and intent. This will may impact on Council's ability to meet requirements of the *Local Government Act 1993* for Council policies to be reviewed within twelve (12) months of the election of a new council.

Background

The purpose of the Healthy Living Policy (**Attachment 1**) is *"To demonstrate Shoalhaven City Council's commitment to providing opportunities for community members to adopt active and healthy lifestyle choices that will reduce the incidence of avoidable conditions such as obesity and cardiovascular disease"*. In addition to informing strategic documents including the Shoalhaven Local Environmental Plan and Community Infrastructure Strategic Plan 2016-2036, the Healthy Living Policy (POL22/54) identifies that implementation will be achieved through the development of a Wellbeing Strategy and Evaluation Framework.

CL22.618

The Shoalhaven Community Wellbeing Strategy was adopted by Council on 10 October 2022, with the purpose of supporting Council in making business-planning decisions to improve community wellbeing. It identifies the strategic priorities for Council to improve community wellbeing, as well as providing information about the role of Council and other stakeholders in creating community wellbeing.

The Shoalhaven Community Wellbeing Strategy has an associated Action Plan, which identifies the specific actions that will be used to achieve the outcomes identified for each strategic priority in the Strategy. This is supported by an Evaluation Framework which supports Council to assess the effectiveness and efficiency of our work in terms of impact on wellbeing indicators. This framework for decision-making has been developed as a tool to support Council to evaluate the importance and effectiveness of our investments, programs and assets in achieving wellbeing outcomes and to plan evidence-informed work in response.

The Shoalhaven Community Wellbeing Strategy is more comprehensive than the Healthy Living Policy (POL22/54) in considering the diverse ways Council currently contributes to community wellbeing, as well as opportunities for future work. It also supports Council to work strategically and collaboratively by identifying key partners who make community wellbeing happen in the Shoalhaven. For example, the Strategy recognises that reduction of avoidable health conditions such as obesity and cardiovascular disease is impacted by factors including access to: Safe built environments (Wellbeing Domain 3.1); Health services and support (Wellbeing Domain 4.1); Places and programs for active lifestyles (Wellbeing Domain 4.2); Healthy and equitable food systems (Wellbeing Domain 4.3); and Active transport (Wellbeing Domain 5.1).

As the adopted Shoalhaven Community Wellbeing Strategy encompasses the content and intentions of the Healthy Living Policy (POL22/54), it is recommended that the Healthy Living Policy is rescinded.

Community Engagement

No further community engagement is required. In developing the draft Shoalhaven Community Wellbeing Strategy, Council heard from over 460 people in the community using surveys, workshops and interviews with residents, service providers and community organisations. Feedback from the community was gathered through public exhibition of the draft Strategy and a stakeholder workshop. The community feedback was used to finalise the Shoalhaven Community Wellbeing Strategy

Policy Implications

The content and intentions of the Healthy Living Policy (POL22/54) have been addressed and superseded by Council's Shoalhaven Community Wellbeing Strategy.

CL22.618

Healthy Living Policy

Adoption Date:	27/06/2017
Amendment Date:	
Minute Number:	MIN17.563
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL22/54

Healthy Living Policy

1. Purpose

To demonstrate Shoalhaven City Council's commitment to providing opportunities for community members to adopt active and healthy lifestyle choices that will reduce the incidence of avoidable conditions such as obesity and cardio vascular disease.

2. Statement

Shoalhaven City Council is committed to providing opportunities for community members to adopt active and healthy lifestyle choices that will promote good health. Council aims to play a role in keeping people healthy by:

- Supporting opportunities for people to make healthy eating decisions
- Increasing opportunities for people to boost physical activity
- Leading by example and promoting a healthy lifestyle within Council through the Health and Wellbeing Committee programme.

3. Provisions

To achieve this commitment, in partnership with other stakeholders and relevant agencies, Shoalhaven City Council will:

- Provide environments that support healthy eating and active living, such as:
 - Swimming pools and leisure centres
 - Walking and cycling tracks
 - Playgrounds, parks and nature reserves
 - Outdoor fitness stations
 - Community gardens
 - Farmers markets.
- Promote healthy lifestyle choices made available through Council facilities by implementing the NSW Health 'Make Healthy Normal' signage.
- Consider healthy eating and active living strategies in land use planning by:
 - Seeking to retain key agricultural lands for local food production
 - Increasing density and diversity in housing, in close proximity to key services and destinations, there by promoting reduced reliability on private cars/vehicles
 - Planning new communities that ensure they are well connected, accessible and encourage inclusivity and active living opportunities.
- Implement best practice healthy eating strategies by ensuring healthy food options are available at its facilities, functions and events.
- Advocate and lobby to other levels of government for the provision of necessary health services.
- Partner with other stakeholders to deliver educational and participation programs that promote healthy eating and active living across the life span, especially in at-risk groups.

4. Implementation

Shoalhaven City Council sets out its strategic direction and priorities through the Community Strategic Plan (10+ year), Delivery Plan (4 year) and Operational Plan (1 year). This is the key framework by which implementation will be directed and assessed, and the revised version is set to be adopted in 2017.

Healthy Living Policy

Moreover, Council's Local Environmental Plan (LEP) guides strategic land use and determines things such as medium to high density lands and agricultural lands.

Furthermore, Council recently adopted the Community Infrastructure Strategic Plan 2016 – 2036. This Plan makes recommendations for the future provision, priorities and funding of community infrastructure at local, district and regional levels, and will guide and direct the future of open space and recreation and community buildings across the City.

In addition to this, Council's Community Development and Social and Infrastructure Planning units aim to establish a Wellbeing Strategy and Evaluation Framework (WSEF), based on Community Wellbeing Indicators and Social Return on Investment. This WSEF will provide a detailed and comprehensive mechanism to measure success on objectives and to create a rigorous evidence base for future social investments as they apply to community wellbeing.

5. Review

This policy will be reviewed within one (1) year of the election of a new Council.

CL22.619 Policy - Australian Aboriginal Flag Protocol Review

HPERM Ref: D22/469342

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

Attachments: 1. DRAFT - Flag Protocol - Australian Aboriginal Flag POL22/53 [↓](#)

Reason for Report

To provide an update to Council on the review of the *Australian Aboriginal Flag Protocol (POL22/53)* which is presented for adoption. Council Policy requires that all Council public policies should be reviewed within 12 months of an election of a new Council.

Recommendation

That Council:

1. Endorse the reviewed and updated Flag Protocol - Australian Aboriginal Flag - POL22/53.
2. Add the information from the Flag Protocol - Australian Aboriginal Flag - POL22/53 to the draft of Australian Flag & Other Flags (POL19/21).
3. Upon adoption of Australian Flag & Other Flags Policy (POL19/21) the Flag Protocol - Australian Aboriginal Flag Policy (POL22/53) is to be rescinded.

Options

1. Adopt the recommendations as written.

Implications:

Updated Policies will be adopted within the 12-month timeframe of a newly elected Council.

2. Not adopt the recommendation.

Implications:

Council can request further details, seek further community input or make other changes. This may delay or impact Council's ability to meet the requirement for review of policies within twelve (12) months of the election of a new Council.

Background

The *Flag Protocol - Australian Aboriginal Flag - POL22/53* purpose is to recognise the significance of the Aboriginal and Torres Strait Islander population in the Shoalhaven. In so doing, Council recognises the importance of the original custodians of our land and their involvement in our community and its history.

The Protocol was first adopted in 1997 and reaffirmed in 2018. The proposed amendments have been made to the policy, section 4. *Implementation* has been updated with the new Directorate titles and a process has been added to acknowledge Sorry Business in the Aboriginal communities of the Shoalhaven.

CL22.619

Implementation

The City Performance & City Lifestyles Directorates have responsibility for implementing this policy.

On the passing of an Elder within the Shoalhaven region the Community Connections, Community Capacity Builder Aboriginal will advise Building Services to implement 3.2 of this Protocol.

As part of the review of this policy the Community Connections Team consulted with Building Services and feedback indicated that there is a need for a new, overall policy relating to all Australian flags.

At Council's Ordinary meeting of 26 March 2019 Council resolved the following:

RESOLVED (Clr Watson / Clr Guile)

MIN19.153

That

- 1. Council adopt a formal policy on the Australian Flag and other Flags.*
- 2. The Australian Flag be displayed at as many Council Buildings as is reasonably possible, and particularly where they are occupied by Council Staff.*
- 3. The display of Flags of other Nations be restricted to occasions when we have an official delegation visiting our city area and be flown to demonstrate respect for the visitors.*
- 4. The adopted Aboriginal Flag continue to be displayed with the Australian Flag and Council's City Flag.*
- 5. Council write to our Local Members of Parliament, the Prime Minister and the Leader of the Opposition seeking a commitment from them to retain our flag.*

The *Australian Flag & Other Flags (POL19/21)* remains in draft and will be finalised by City Services and presented for adoption to Council.

Upon adoption of this new overall Policy, the *Flag Protocol - Australian Aboriginal Flag - POL22/53* will be incorporated into POL19/21 and it is proposed that POL22/53 is rescinded when this comes into effect.

Community Engagement

The Aboriginal Flags Policy has been reviewed and amended by Council's Community Capacity Builder - Aboriginal and Community Capacity Builder Cadet – Aboriginal to ensure that the policy is culturally appropriate and sensitive. The policy now includes the lowering of the Aboriginal flag to half-mast on the passing of an Aboriginal Elder.

The Building Services team, as the end user of this policy have been consulted on the suggested amendments.

Policy Implications

There is an existing Council resolution requiring all Council policies to be reviewed within twelve (12) months of the election of a new Council.

Reaffirmation of the above policies will make them relevant and up to date.

Financial Implications

There are no additional financial implication resulting from reaffirming the above policy.

CL22.619

Australian Aboriginal Flag Protocol

Adoption Date:	21/10/1997
Reaffirmed:	31/8/2004, 22/05/2018
Amendment Date:	28/04/2009, 26/03/2013
Minute Number:	MIN97.1897, MIN04.985, MIN09.488, MIN13.257, MIN18.393
Review Date:	01/12/2020
Directorate:	City Lifestyles
Record Number:	POL22/53

CL22.619 - Attachment 1

Australian Aboriginal Flag Protocol

1. Purpose

To recognise the significance of the Aboriginal and Torres Strait Islander population in the Shoalhaven context.

2. Statement

Council recognises the significance of the original custodians of our land and their importance in our community and its history.

3. Provisions

- 3.1. The Australian Aboriginal Flag will be flown on all days of the year in conjunction with the Australian National Flag and Council's own Flag in accordance with established flag protocol.
- 3.2. The Australian Aboriginal Flag will be flown at half mast upon the death of a local Elder until the end of the working week.
- 3.3. The Torres Strait and other flags will be flown on other significant days as notified by the Commonwealth Flag Network, Department of Prime Minister and cabinet.

4. Implementation

The ~~Finance Corporate~~ City Performance & Community Services Group City Lifestyles Directorates have responsibility for implementing this policy.

On the passing of an Elder within the Shoalhaven region the Community Connections Councils Community Capacity Builder - Aboriginal will advise Building Services to implement 3.2 of this Protocol.

5. Review

~~The The Finance Corporate & Community Services~~ City Lifestyles Directorate Group will review this policy within one year of the election of every new Council.

CL22.620 Request for Plaques and Memorials

HPERM Ref: D22/476084

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

Attachments: 1. Detailed information - Request for Plaques and Memorials - November 2022 (councillors information folder) [⇒](#)

Reason for Report

To seek Council approval via a resolution for the request for one (1) plaque to be installed within the public domain at Dolphin Point in accordance with Shoalhaven City Council's Plaques and Memorials Policy.

Recommendation

That Council:

1. As per the Plaques and Memorials Policy, approve the request for a new seat and plaque at Seaside Pde, Dolphin Point.
2. Advise the applicant of Council's determination of the request.

Options

1. Adopt the recommendation.

Implications: This is consistent with the adopted Plaques and Memorials Policy and will allow staff to advise the applicant of the outcome of their request.

2. Adopt an alternative recommendation.

Implications: An alternative recommendation may be inconsistent with the Plaques and Memorials Policy.

Background

As per the adopted Plaques and Memorials Policy (POL22/57), Council staff have received requests to install a plaque in memory of a person on Council owned and/or managed land. This report summarises the request received, identifies whether they are for new or existing infrastructure and whether the request is consistent with the adopted Policy.

The request received is located within the Shoalhaven City Council Local Government Area and is addressed in the next section of this report. In accordance with the adopted Plaques and Memorials Policy (POL22/57), a Council resolution is required to approve the installation of a plaque or memorial.

Consideration of Requests - Plaques and Memorials Policy

Council has received one (1) request for a plaque on Council owned and / or managed land. This is summarised in *Table 1* below. Additional detail of the individual request is provided within Attachment 1 and the **Councillors Information Folder** to ensure that these requests are managed sensitively.

CL22.620

Table 1 – Summary of Requests for Plaques

	Infrastructure Request	Preferred Location	Consistent With Policy
1	New Seat and Plaque	Seaside Pde Dolphin Point	Yes

Policy Implications

The request received is considered in line with the criteria contained within the adopted Plaques and Memorials Policy.

As per the approval process of the Policy, a Council resolution is required to approve the installation of the plaque or memorial.

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

Financial Implications

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

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

CL22.620

CL22.621 Towards Net Zero Emissions - 2021-22 Annual Energy Review Report

HPERM Ref: D22/458358

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments: 1. SCC Towards Net Zero Emissions Annual Energy Review Report 2021-2022 (under separate cover) [↗](#)

Reason for Report

At the Strategy & Assets Committee meeting on 12 November 2019, it was resolved that Council “*Endorse the preparation of Annual Energy Review reports to track Council’s performance against energy and emission reduction targets established in Council’s Sustainable Energy Policy*” (MIN19.845).

Recommendation

That Council receive and note the energy initiatives outlined in the Towards Net-Zero Emissions - Annual Energy Review 2021-22 Report presented as Attachment 1.

Background

Shoalhaven City Council’s Sustainable Energy Policy (POL18/44) was adopted at the 28 May 2019 Ordinary Meeting (MIN19.354). The Policy sets out targets for the reduction of fossil-fuelled grid energy and carbon emissions from Council’s corporate operations.

The attached Towards Net Zero Emissions - Annual Energy Review 2021-22 report includes Council’s broader energy (e.g. electricity, gas and fleet fuel) consumption, costs, renewable energy generation and greenhouse gas emissions. Some of these indicators have agreed performance targets in the Sustainable Energy Policy and can therefore be tracked and monitored on an annual basis in the report. Included in the review is a full analysis against all the recommended initiatives listed in Council’s Sustainable Energy Strategy 2020-2025.

Summary of 2021-22 Annual Energy Review Report

- Shoalhaven City Council recently partnered with Shellharbour and Kiama Councils (the Participating Councils) to lead a joint tendering activity for the long-term supply of retail electricity for Large Sites and Street Lighting. The tender was awarded to Progressive Green Pty Ltd T/as Flow Power and will commence on 1 Jan 2023. The Power Purchase Agreement will supply 25% renewable power in 2023 and 2024, increasing to 50% renewable from 2025 until the end of the contract term. Additional Large-scale Generation Certificates (LGCs) are proposed from 2025 to achieve 100% renewable electricity for all Council assets.
- There were 28 new solar PV systems installed/commissioned on Council assets in 2021-22, totalling an additional 423 kW of behind-the-meter electricity. The systems installed were as follows:

CL22.621

Site Name	Solar PV System Size kW
Nowra Wastewater Treatment Plant	100
Bomaderry Wastewater Treatment Plant	50
Culburra Wastewater Treatment Plant	28
Shoalhaven Animal Shelter	15
20 RiRP sites (mostly community halls)	150
Ulladulla Works Depot - Shoalwater Shed	30
Conjola Wastewater Treatment Plant	15
Bendalong Wastewater Treatment Plant	15
St Georges Basin Wastewater Treatment Plant	20

- Solar PV installations have risen to 29% of dwellings in the Shoalhaven LGA, compared to 18% in 2018. This is not far from achieving the Sustainable Energy Policy target of 33% of dwellings by 2025. A Solar and Battery 101 public workshop was scheduled for October 2022 to assist the community with this technology. Shoalhaven Council has subscribed to the Australian Photovoltaic Institute (APVI) SunSpot tool which allows Shoalhaven residents and businesses to check on the suitability of their rooftops for solar PV systems.
- The REFund has continued and funded projects with the most recent being an energy-savings LED lighting upgrade at the Shoalhaven Entertainment Centre. Additional investment into the REFund has now been made by Council from the up-front lease payments for the South Nowra Solar Farm which will fund new projects. This includes an approved LED lighting upgrade and 95 kW solar PV installation at the Ulladulla Civic Centre.
- Stage 2 to replace 100% of Council's public street lights to LEDs has been approved by Council. The \$2.5M capital funding enables Endeavour Energy to replace the remaining 4,661 non-LED street lights with energy efficient LEDs. The project will generate Energy Savings Certificates to the value of approx. \$780,000 (market variable) to offset the total cost of this project to Council. Endeavour is proposing to conduct the work in the next 18 months and possibly sooner depending on the rollout schedule with other Councils.
- Although on a steady decline since 2016-2017, the past 2 years have shown an increase in Council's corporate greenhouse gas emissions compared to the previous years. Much of this increase was due to the large increase in Scope 1 direct emissions from both wastewater treatment plants and landfill gases. Some of this is due to the calculation method/formula (to be refined) and not strictly an increase in carbon emissions from these sources. Notwithstanding this, it will take a great effort in all areas to actively reduce greenhouse emissions from Council's operations to achieve Council's net-zero emissions and interim carbon reduction targets.

Recommendations

The following sustainable energy actions are priorities for implementing throughout 2022-23 for Shoalhaven City Council:

- Work with energy partner Flow Power to analyse energy efficiency at all Large Sites and identify and implement demand management opportunities to reduce electricity costs and charges. This will involve the installation of a Flow Power kWatch controller and commencement of Flow Power's Energy Ready program at all Large Sites. Priority sites would include Burrier Water Pumping Station and the Nowra Administration Centre;

CL22.621

- Continue to identify and approve energy efficiency projects under the Revolving Energy Fund (REFund), making use of the top-up funds approved by Council from the South Nowra Solar Farm up-front lease payment;
- Identify additional sites and funding opportunities for further solar PV installations at Council assets, including solar farm development sites for Flow Power under Council's Power Purchase Agreement for Large Sites and Street Lighting;
- Investigate external grant funding for installing EV Fast Charging Stations at priority sites within the Shoalhaven LGA;
- Continue to work with Endeavour Energy on the upgrade of the remaining 41% of residential street lights to be replaced with energy savings LEDs;
- Work with Endeavour Energy to facilitate the new Bawley Point/Kioloa community microgrid project now underway;
- Develop an Emissions Reduction Plan to identify pathways to achieve Council's net zero target;
- Develop an engaging Council webpage on sustainability and climate change for improved community engagement on local sustainability and energy actions, including the benefits of installing residential and business solar PV.

Policy Implications

Shoalhaven Council's Sustainable Energy Policy, on which this report is based, will be rescinded once the new Sustainability & Climate Policy is adopted. There will continue to be some form of annual reporting against the emissions reduction targets and sustainability initiatives under the new Policy.

CL22.621

CL22.622 Policies - Shoalhaven Water - Round Eight

HPERM Ref: D22/402194

Department: Water Business Services

Approver: Robert Horner, Executive Manager Shoalhaven Water

Attachments:

1. Reclaimed Water Policy (under separate cover) [⇒](#)
2. Backflow Prevention Cross-connection Control - No Mark Up (under separate cover) [⇒](#)
3. Liquid Trade Waste Discharge to Sewerage System Policy - No Mark Up (under separate cover) [⇒](#)
4. Building Over Water/Sewer Pipelines Policy - No Mark Up [↓](#)(under separate cover)

Reason for Report

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of a new Council. This is the eighth and final round of policies proposed for reaffirmation and completes the review of all policies that are the responsibility of Shoalhaven Water.

Recommendation

That Council reaffirm the following policies with minor changes:

1. Reclaimed Water Policy
2. Backflow Prevention Cross-connection Control
3. Liquid Trade Waste Discharge to Sewerage System Policy
4. Building Over Water/Sewer Pipelines Policy

Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency and clarity. Specific details of changes are outlined within the Report.

2. Not adopt the recommendation.

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

Background

Minor changes (tracked) have been made to the following policies, as shown in the Attachments to this Report. A summary of these changes is outlined below.

Reclaimed Water Policy

Data and information within the policy has been updated to reflect current information. Minor editing including spelling and grammar. The changes proposed for the policy are marked up in Attachment 1.

CL22.622

Backflow Prevention and Cross Connection Control

Link to current policy: <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL16/97>

This policy has been rewritten but the policy intention has not changed. For ease of reading, the above link provides the existing policy and Attachment 2 is the proposed new policy without showing the edits and formatting changes that have been made.

Changes made to the policy reflect the definitions and information in line with the updated Plumbing Code of Australia (PCA) and updated Australian Standards AS3500.1.

Policy headings and information have been updated to ensure requirements under the policy are clearer. This provides clarity on the registration of Backflow devices and the consequences to both property owners and plumbers on rectification and reinspection for work that does not meet the guidelines and standards.

Liquid Trade Waste Discharge to Sewerage System Policy

Link to current policy: <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL16/55>

This policy has been rewritten but the policy intention has not changed. For ease of reading, the above link provides the existing policy and Attachment 3 is the proposed new policy without showing the edits and formatting changes that have been made.

The Liquid Trade Waste Policy has also been simplified by the creation of a supplementary document, which contains much of the technical guidance from the current policy. In addition to streamlining the policy, updated references have been added to reflect the current legislative framework and the NSW Department of Planning & Environment guidance documentation such as the Liquid Trade Waste Guidelines.

Clarification of the objectives and scope have been added to simplify the Policy. Additional information has been added to the Policy with an additional heading which covers the approvals process. This information has been added to ensure applicants are aware of the requirements and process for managing a trade waste approval application.

Building Over Sewer's Policy

Link to current policy: <https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL16/81>

This policy has been rewritten but the policy intention has not changed. For ease of reading, the above link provides the existing policy and Attachment 4 is the proposed new policy without showing the edits and formatting changes that have been made.

The Building Over Sewer's Policy has been updated to also include water supply pipelines, pressure sewer and surface fittings such as valves and manholes. The Policy has been renamed *Building Over Water/Sewer Pipelines Policy*. This change provides greater guidance for all assets that may be impacted by construction activities and reflects what has been in practice (but not necessarily documented) for all these assets. The policy also includes reference to technical standards and industry standards which provide further assistance.

The Policy has had much of the technical detail removed, which will now be contained in a support document, Shoalhaven Waters *"Building over and adjacent to assets technical guide"*. This document has been modelled from other industry guidelines to ensure it is consistent with other regions, whilst still providing guidance to applicants and Council staff.

Community Engagement

There is no statutory requirement to publicly exhibit any of the policies contained in this Report. Council may choose to do so should they consider any proposed changes as significant.

CL22.622

Policy Implications

All policies included in this Report are proposed for reaffirmation (with minor changes) as the nature of the changes are considered to enhance delivery and clarity and have no implications or deviation from the existing intent of the current approved policies.

Financial Implications

Changes proposed to the policies will have no financial implications to current approved budgets.

Risk Implications

No additional risks have been identified from the changes proposed for the attached policies.

CL22.622

CL22.623 Notice of Motion - Cudmirrah / Swan Lake Cycleway - Naming - David Tarbert

HPERM Ref: D22/488530

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Investigate the naming of the Council cycleway Cudmirrah to Lake Drive Swan Lake the "Dave Tarbert" cycleway including the new pedestrian bridge.
2. Report back to Council following the investigations.

Background

Representations have been received from residents and community members to name the cycleway from Cudmirrah to Lake Drive Swan Lake, including the new Cudmirrah pedestrian bridge the "Dave Tarbert Cycleway".

Dave Tarbert has been a long-standing community member of Sussex Inlet, Cudmirrah, Berrara and Swan Lake. He has been involved in many community organisations as well as representing his community on Council Committees, regularly providing information and feedback to Council.

Community organisations include RFS; Cudmirrah Progress Association; Sussex Inlet Forum; Floodplain Committees; Resilience Committees; Sussex Inlet Business Chamber; Marine Rescue; Sussex Inlet Croppers for Charity; Sussex Inlet Surf Life Saving to name a few. He has held senior positions such as Chair in many organisations and given his time freely since retirement from work.

The residents and community wish to recognise the commitment Dave Tarbert has given to his community over the last 20 plus years.

CL22.623

CL22.624 Notice of Motion - Conjola Park Boat Ramp

HPERM Ref: D22/488545

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council provide:

1. Portable toilets to the new Conjola Park boat ramp facility over the summer period.
2. Garbage bins and waste service collection to the new Conjola Park boat ramp facilities.

Background

Council has recently completed stage one of the Conjola Park boat ramp facilities which do not include toilet facilities or waste bins. Toilet and other facilities are in stage two plans.

Recently, complaints have been received from local residents that the surrounding bush is being used as a toilet and there are no waste bins for rubbish which is being left on site.

As we approach the holiday period residents are concerned there are no toilets or waste bins, and the area will become unsightly and who will clean up the mess.

I note that residents use the tracks around the new facility for bushwalking and their daily exercise.

CL22.624

CL22.625 Notice of Motion - Call in - DA22/1977 - 68 Owen St, Huskisson

HPERM Ref: D22/488580

Submitted by: Cllr Evan Christen

Purpose / Summary

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

Recommendation

That

1. Councillors be briefed on the application for 68 Owen St, Huskisson - DA22/1977.
2. The application DA22/1977 be called up to Council for decision due to public interest.

Background

The application at the site involves the change of use from a bookshop to a bar. Community members have raised concerns that this is an additional establishment for drinking, not a restaurant, and that Huskisson should not become a tourist venue for drinking, rather maintain the family holiday tourism that is so successful at present.

There are overall concerns that this will change the existing character and fabric of Huskisson, and also there are public safety concerns regarding service of alcohol, this application should be brought for a briefing and brought before Council for final decision and determination.

CL22.625

CL22.626 Notice of Motion - Milton War Memorial Centenary

HPERM Ref: D22/488640

Submitted by: Cllr Paul Ell
Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Acknowledges that the centenary of the Milton War Memorial will occur on 5 May 2023.
2. Requests the CEO investigate:
 - a. Any cleaning or repairs which may be required to appropriately restore the monument in preparation for this milestone.
 - b. Other options for recognising the centenary including the erection of signage.
3. As part of this investigation, directs the CEO to consult with the Milton Ulladulla Historical Society, service organisations and any other relevant stakeholders.
4. Directs the CEO to ensure that any required works under point 2 above which can be completed within existing budgets are undertaken prior to May 2023.
5. Requests the CEO to report back to Council on the status of these works and options for securing funding for any works which cannot be accommodated within existing budget allocations.

Background

This motion has been submitted at the request of the Milton Ulladulla Historical Society who wrote to all Councillors about this matter. A copy of the letter sent to Councillors providing details about this request is here:

"Next year will mark the centenary of the unveiling of the Milton War Memorial on 5th May 1923. This important granite obelisk is one of only two that list the men and women who served in order of rank. It is the site for the Anzac service each year, attended by hundreds of people. After a century of existence it is becoming a bit weather-worn, and Milton Ulladulla Historical Society would like to suggest that it gets a clean, and repairs if necessary, to prepare it for the next hundred years. According to our information, Shoalhaven City Council is the Trustee for the land on which the monument sits. There are probably grants available to carry out this kind of work, especially as a number of these memorials are probably coming up for their centenaries.

We would also like to suggest that Council erects some signage to recognise the centenary. We have photos in our collection of the original opening.

We hope the Council will consider this request in a favourable light and do something to restore the monument."

CL22.626

CL22.627 Notice of Motion - Tourism Australia Budget Cuts

HPERM Ref: D22/488730

Submitted by: Cllr Paul Ell
Cllr Serena Copley

Purpose / Summary

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

Recommendation

That Council:

1. Acknowledges the incredibly challenging period our local tourism sector has faced over recent years as a result of bushfires, natural disasters and COVID-19.
2. Recognises that international visitors contribute significantly to the Shoalhaven economy and that the promotion of Australia and our region around the world as a tourist destination must continue to be a key priority.
3. Notes its disappointment about the Albanese Labour Government's short-sighted decision in the October 2022 budget to slash Tourism Australia's funding by \$36 million in 2023.
4. Urges the Albanese Government to reverse this decision and directs the CEO to write a letter expressing this position to the following:
 - a. The Hon. Anthony Albanese MP, the Prime Minister;
 - b. Senator the Hon. Don Farrell, the Minister for Trade and Tourism; and
 - c. Mrs Fiona Phillips, Federal Member for Gilmore.

Background

The Labour Government's decision to slash Tourism Australia's budget is very concerning. After the challenging past few years, we need to attract as many international visitors into Australia and ideally to the Shoalhaven as possible.

I hope that all Councillors will join in condemning this short-sighted decision and support Council writing to the Albanese Government to express our concern.

CL22.627

CL22.628 Notice of Motion - Urgent Pothole Repairs Prior to Christmas

HPERM Ref: D22/488811

Submitted by: Cllr Liza Butler
Cllr Patricia White

Purpose / Summary

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

Recommendation

That:

1. Council acknowledges the extensive pothole maintenance task being undertaken on the entrance roads to all coastal villages as the result of multiple natural disaster declarations under very trying circumstances.
2. The CEO ensures that this maintenance effort is one of Council's highest priorities in the lead up to the Christmas period given the large amount of traffic these roads will be required to carry over the coming months.

Background

Over the Christmas period our small coastal villages swell in size and the population becomes that of a Sydney suburb. This also means that the number of cars travelling on our roads increases tenfold.

I am already hearing several stories about cars being run off the road when a car coming the other way swerves to miss a pothole.

Holiday makers that are unfamiliar with our roads, and the poor state of our roads, will make this situation even more dangerous.

Our coastal villages are all one road in and one road out, and the amount of cars travelling on these roads will create even more damage.

By undertaking urgent repairs prior to the Christmas period, it will help mitigate accidents during this period.

This Notice of Motion seeks to:

- Repair potholes on our entrance roads to all Coastal Villages prior to the Christmas period to minimise the risk of accidents.
- There be a substantial additional effort made in the weeks immediately leading up to the holiday period.
- Roads to be included, but not limited to:
 - Depot Road
 - Bawley & Murramarang Roads
 - Lake Conjola Rd
 - Fishermans Paradise Rd

CL22.628

- Bendalong Rd
- Wheelbarrow Rd
- Sussex Rd
- The Wool Rd
- Jervis Bay Rd
- Callala Bay Rd
- Cunjarong Point Rd
- Comerong Island Road
- Millbank Road
- Terara Road
- Jindy Andy Lane
- Greenwell Point Road
- Shoalhaven Heads
- Illaroo Rd

CL22.628

CL22.629 Notice of Motion - Temporary Speed Limit Reduction - Murramarang Road

HPERM Ref: D22/488859

Submitted by: Cllr Liza Butler
Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Request that the CEO undertake urgent actions to manage the safety of Murramarang Rd between Bawley Point and Kioloa with respect to the condition of the road over the upcoming summer holiday season, specifically taking into account the potential for interactions between vehicles and active transport users as follows, but not limited to:
 - a. Electronic Mobile message boards warning of the risks
 - b. Damaged Road signage
 - c. Speed reductions signs
2. Urgently write to the Minister of NSW Transport and Minister for Rural & Regional Roads requesting approval for Council to enforce temporary speed reduction on all local roads where there is damaged pavement.
3. Provide copies of the correspondence in point 2 to our local Members for South Coast, Kiama and Gilmore.

Background

The current speed limit between the villages of Bawley Point and Kioloa is 80km per hour.

Due to the extremely poor condition of the road, it has become extremely dangerous to travel at this speed and cars are being forced off the road when oncoming cars swerve to miss a pothole.

This will be exacerbated over the Christmas period with holiday makers not knowing the area well and reacting at the last minute to avoid damaging their car.

Already, there has also been an incident of a car veering off the road and onto the newly constructed footpath.

This Notice of Motion seeks to:

1. Request that the CEO undertake urgent actions to manage the safety of Murramarang Rd between Bawley Point and Kioloa with respect to the condition of the road over the upcoming summer holiday season, specifically taking into account the potential for interactions between vehicles and active transport users as follows, but not limited to:
 - a. Electronic Mobile message boards warning of the risks
 - b. Damaged Road signage

CL22.629

- c. Speed reductions signs
- 2. Urgently write to the Minister of NSW Transport and Minister for Rural & Regional Roads requesting approval for Council to enforce temporary speed reduction on all local roads where there is damaged pavement.
- 3. Provide copies of the correspondence in point 2 to our local Members for South Coast, Kiama and Gilmore.

Note by the CEO

The estimated cost for an Electronic Message Board is in the order of \$800 for delivery and collection with a weekly charge of around \$350 per week.

CL22.629

CL22.630 Notice of Motion - Illegal Camping Bawley Point and Surrounds

HPERM Ref: D22/488887

Submitted by: Cllr Liza Butler
Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Place a portable electronic road sign at the T-intersection of Johnston Street and Murramarang Road advising that camping on headlands and reserves is illegal.
2. Increase the number of Ranger visits early morning and early evening.

Background

Over the past two years, the number of cars and vans accessing the fenced off area of the Bawley Point headland has increased dramatically.

On many occasions last Christmas, there were up to 30 cars and vans counted parked or camped on this sensitive headland area at any one time.

Besides the damage done to this fragile eco system and aboriginal area, the amount of rubbish and human faeces was distressing to say the least.

This Notice of Motion seeks to:

- Place a portable electronic road sign at the T-intersection of Johnston St and Murramarang Road advising that camping and/or cars on headlands and reserves is illegal and campers will be fined.
- Provide a number for people to report illegal campers
- Increase the number of Ranger visits in the early hours of the morning or late in the evening over the Christmas period.
- Signage to be in place from Friday, 16 December 2022 through to Tuesday, 31 January 2023

Note by the CEO

The estimated cost for an Electronic Message Board is in the order of \$800 for delivery and collection with a weekly charge of around \$350 per week.

CL22.630

CL22.631 Notice of Motion - Hold a Councillor Workshop to Participate in the Development of a Five-Year Road Plan (as per CL22.135)

HPERM Ref: D22/488927

Submitted by: Cllr Liza Butler
Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council:

1. Hold a Councillor workshop on a weekend to allow available Councillors to participate in the development of a five-year roads plan as per CL22.135.
2. This workshop to include:
 - a. The proposed schedule of works for the next 12 months.
 - b. The proposed schedule of works for the following 12 months.
 - c. The budget required for these works.
 - d. The amount of Grant funding that Council has received to date and pending.
 - e. How these grants are being utilised for the roads.
 - f. Identify any budget shortfalls for the proposed works.
 - g. Develop a clear line of communication for the public.

Background

On 14 March 2022, Councillors endorsed a NoM by Councillor Gray and Councillor Ell that Council develops a five-year plan to address the back log of roadwork.

Notably, Point One of this motion states:

"In consultation with Councillors, develop a strategic five-year plan with timelines and required budget to bring 95% of roads in the Shoalhaven up to class or above. Identify the budget gaps between the required budget in the 5-year strategic plan and current budgets. Identify current and future grant and other funding opportunities to fill the budget gaps".

At the Ordinary meeting of 14 November 2022, CL22.135 was listed as incomplete, with the corresponding notes stating:

"The 5-year plan to address the back log of works is underway".

This Notice of Motion seeks to:

1. Hold a Saturday Councillor Workshop to involve Councillors as per Point One of motion CL22.135
2. Provide Councillors the opportunity to participate in developing a plan of roadworks to be undertaken in the next 12 and 24 months, and

CL22.631

3. Provide the public with clear information that indicates when this work will be undertaken, with timeframes and budgets for public information.

Note by the CEO

It is expected that weekend workshops with Councillors will be required for various aspects of the development of Council's 2023/24 Delivery Program, Operational and Budget as well as the review of the Long-Term Financial Plan. These workshops will include Councillor participation in the development of the previously requested 5-year strategic roads plan, the progress of which has been impacted by the significant and ongoing diversion of resources needed to respond to the impact of the series of natural disaster on a broad range of Council infrastructure, and in particular the Shoalhaven roads network.

A detailed roads briefing was provided to Councillors February 2022 which noted the following:

- The annual average funding shortfall in the roads renewal budget is in the order of \$15M.
- With Council's typical annual allocation being around \$22M, addressing the shortfall would require a 68% increase in the renewal allocation
- Increasing funding to these levels would not actually address the current backlog of road renewals resulting from underfunding in previous years.

Additionally since the 14 March 2022 resolution, Council has sustained natural disasters resulting in;

- A total of 1,235 records of damages to date which is made up of:
 - 460 Emergency Works projects
 - 586 Immediate Reconstruction Works projects
 - 189 Essential Public Reconstruction Works projects
- 95 sites having specific funding approved to the total value of just under \$11.6M, including the costs related to the Natural Disaster Reconstruction team.
- 37 Geotechnical inspections, assessments and reports have been completed, not including the assessments for the 38 major landslips to be managed within the upcoming major landslip repair works project.
- The total damage bill is likely to exceed \$79 million which includes landslip, road pavement bridge, levee and other infrastructure repair work.

The natural disaster funding will assist in addressing the current backlog of renewals but would NOT address the ongoing annual average allocation shortfall.

LOCAL GOVERNMENT ACT 1993

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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