

Strategy and Assets Committee

Meeting Date: Tuesday, 21 February, 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5:00pm

Membership (Quorum - 5)
Clr Andrew Guile - Chairperson
All Councillors
General Manager or nominee

Please note: Council's Code of Meeting Practice permits the electronic recording and broadcast of the proceedings of meetings of the Council which are open to the public. Your attendance at this meeting is taken as consent to the possibility that your image and/or voice may be recorded and broadcast to the public.

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
 - Strategy and Assets Committee - 24 January 2017 1
3. **Declarations of Interest**
4. **Mayoral Minute**
5. **Deputations and Presentations**
6. **Notices of Motion / Questions on Notice**
 - SA17.24 Notice of Motion - Ecocity World Summit 15
 - SA17.25 Notice of Motion - Shared Pathways - Mollymook 17
 - SA17.26 Notice of Motion - Bomaderry Sporting Complex..... 18
 - SA17.27 Notice of Motion - Future Planning Recreational Spaces 19
 - SA17.28 Question on Notice - NSW Container Deposit Scheme 21
7. **Committee Reports**
 - SA17.29 Report of the Nowra CBD Revitalisation Strategy Committee - 8
February 2017..... 23
 - CBD17.2 Member Resignation - Mark Crowther

8. Reports

SA17.30	Six Monthly Delivery Program Operational Plan Report 1 July 2016 to 31 December 2016.....	24
SA17.31	December 2016 Quarterly Budget Review	25
SA17.32	Re-establishment of Alcohol Free Zones - East Nowra, Shoalhaven Heads, Culburra Beach, Orient Point, Mollymook	39
SA17.33	Council Policy - Asbestos.....	48
SA17.34	Council Policy - Events Policy (Revision)	50
SA17.35	Council Policy - Park Management (Policy Consolidation)	53
SA17.36	Bay and Basin Community Hub - Draft Master Plan.....	56
SA17.37	Adoption of Community Infrastructure Strategic Plan	59
SA17.38	Grant Offer - Community Development Grants Programme - Construction of Ulladulla Netball Courts	66
SA17.39	Public Policies for Review - Asset Management.....	68
SA17.40	Building Better Regions Fund - Projects.....	87
SA17.41	Greenwell Point Wharf Management Committee.....	90
SA17.42	Intersection of Mernie Street and The Wool Road, Old Erowal Bay.....	93
SA17.43	Land Acquisition - Easement for Drainage - Lot 202 DP1119087 - Jack Kooij	95
SA17.44	Acquisition of Fire Trail Easements at Jerberra Estate, Tomerong.....	99
SA17.45	Classification of land - Lot 116 DP1226471 Dolphin Point.....	104
SA17.46	Acquisition and Extinguishment of Easement for Drainage - Woollamia - Pt Lot 1 DP650295 785 Woollamia Road	107
SA17.47	Classification of land - Sunset Strip Manyana- Sewer Pump Station - SPS	110
SA17.48	Rural Fire Service - RFS - Proposed Closure of Part North Street, Berry	113
SA17.49	Sale by Expression of Interest - Lot 1 DP 1021332 George Evans Road, Mundamia - Update	116
SA17.50	Proposed Retail Lease of 41 Kinghorne Street, Nowra	117
SA17.51	Determination of Review of Environmental Factors (REF) - Lake Conjola Boardwalk Replacement	119
SA17.52	Determination of Review of Environmental Factors (REF) - Rehabilitation of Coolangatta Road CH5400 to CH6550	122
SA17.53	Resource Recovery Park - West Nowra AWT	126
SA17.54	Extension of Waste and Recycling Collection and Processing Contracts	131
SA17.55	Readoption of Environmental Services Policies.	133
SA17.56	Acquisition of Easement for Water Supply - 2 Wandean Road Wandandian.....	136
SA17.57	Acquisition of Crown land and easement over Crown land at Ulladulla ...	139

SA17.58	Grant of easement & restriction over Council land at Nowra	143
SA17.59	Future of Human Waste Removal Services.....	146
SA17.60	Kangaroo Valley Sewerage Scheme Capacity Assessment - Proposed 3 lot subdivision Rendga Cl, Kangaroo Valley	152

9. Confidential Reports

Reports

- CSA17.3 Sale by Expression of Interest - Lot 1 DP 1021332 George Evans Road, Mundamia - Update
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably 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.*
- CSA17.4 Resource Recovery Park - West Nowra AWT
- 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.*
- CSA17.5 Extension of Waste and Recycling Collection and Recycling Processing Contracts
- Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*
- There is a public interest consideration against disclosure of information as disclosure of the information could reasonably 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.*

Strategy and Assets Committee

Delegation:

Pursuant to s377 (1) of the *Local Government Act 1993* the Committee is delegated the functions conferred on Council by the *Local Government Act 1993* (LG Act) or any other Act or delegated to Council, as are specified in the Schedule, subject to the following limitations:

- i. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;
- ii. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council;
- iii. The Committee cannot exercise a function which is expressly required by the LG Act or any other Act to be exercised by resolution of the Council; and
- iv. The Committee cannot exercise any function which is a function of the General Manager under s335 of the LG Act.

Schedule:

1. Make recommendations to Council and consider, formulate, review and adopt policies in relation to Council's corporate & community planning under Part 2 of Chapter 13 of the LG Act, asset management and in connection with the other functions listed in this Schedule and in particular to make recommendations to Council in respect of the content of Council's community strategic plan, delivery program, resourcing strategy and operational plan within the meaning of Part 2 of Chapter 13 of the LG Act;
2. Make recommendations to Council and consider, formulate, review and adopt Council policies, plans and strategies other than those in respect of town planning and environmental matters, and any other matter referred to the Committee by the General Manager.
3. Make recommendations in respect of the introduction of new fees or charges or the alteration of existing fees and charges for inclusion in the Council's next operational plan within the meaning of s405 of the LG Act;
4. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
5. All functions in respect of the management of, and facilities provided on Crown Land in respect of which Council is the 'reserve trust manager' within the meaning of s92 of the Crown Lands Act 1989, and the making of recommendations to Council regarding such matters where the function cannot be delegated by Council;
6. Provision of corporate direction to the Shoalhaven Water Group in respect of powers delegated to it by Council regarding the construction, alteration or maintenance of water and sewerage works, effluent works and pump out removal;
7. Authorise the expenditure of funds raised under s64 of the LG Act within the limits outlined in, and in accordance with Council's adopted Development Servicing Plan and other relevant adopted Council policies;
8. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
9. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;

10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
 - a) The sale prices of land in connection with residential and industrial Council subdivisions;
 - b) The sale of Council property or the purchase or resumption of land;
 - c) The compensation to be offered in respect of land resumed by Council; and
 - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 24 January 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5:03pm

Election of Chairperson

Note: Clr Findley advised that Clr Guile was an apology

RESOLVED (Clr Findley / Clr Levett) MIN17.13

That Clr Wells be appointed as the Acting Chairperson for Strategy and Assets Committee Tuesday 24 January 2017.

CARRIED

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Patricia White
Clr John Levett
Clr Nina Cheyne
Clr Annette Alldrick
Clr Kaye Gartner
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Clr Amanda Findley
Mr Ben Stewart – Acting General Manager

Apologies / Leave of Absence

Clr Guile

Confirmation of the Minutes

Recommendation

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 December 2016 be confirmed.

RESOLVED (Clr Gash / Clr Cheyne) MIN17.14

That the Minutes of the Strategy and Assets Committee held on Tuesday 13 December 2016 be

confirmed.

CARRIED

Declarations of Interest

Clr Levett – SA17.12 – Proposed Multi-Storey Car Park Options – Nowra CBD – significant non pecuniary interest declaration – he is a member of the JRPP – will leave the room and will not take part in discussion or vote.

Clr Cheyne – CSA17.2 – Request to Waive Interest Charges – less than significant non pecuniary interest declaration – the person in relation to this matter is a customer of the person she works for – will remain in the room and will take part in discussion or vote.

Clr White – SA17.13 – NSW Pedestrian Infrastructure Around Schools Program 2016/17 – less than significant non pecuniary interest declaration – her husband is the Crossing Supervisor at Green Street, Ulladulla – will remain the room and will take part in discussion or vote.

REPORTS

SA17.1 Appointment of new Risk and Audit Committee Member

HPERM Ref:
D17/10358

Recommendation

That Mr Peter McLean be appointed as the new independent external member of the SCC Risk and Audit Committee.

Recommendation (Clr Proudfoot / Clr White)

That Mr Peter McLean be appointed as the new independent external member of the SCC Risk and Audit Committee.

CARRIED

SA17.2 Successful Grant Funding - Community Building Partnership Grants 2016

HPERM Ref:
D16/398675

Recommendation

That Council:

1. Accept the NSW Government Community Building Partnership Grants 2016 - \$30,000 'Optimise Space to Maximise Usage – Nowra Library' and vote the funds.
2. Write to the Hon. Shelley Hancock, Member for South Coast accepting and thanking her for the grant funding.

Recommendation (Clr White / Clr Proudfoot)

That Council:

1. Accept the NSW Government Community Building Partnership Grants 2016 - \$30,000 'Optimise Space to Maximise Usage – Nowra Library' and vote the funds.
2. Write to the Hon. Shelley Hancock, Member for South Coast accepting and thanking her for the grant funding.

CARRIED

SA17.3 Grant Funding - Staying Active Program

**HPERM Ref:
D16/380579**

Recommendation

That Council

1. Accept the Aquatic & Recreation Institute of Australia offer of grant funding to the value of \$9,000 to enable Shoalhaven Swim & Fitness Centres to host the Institute's Staying Active Program.
2. Delegate authority to the General Manager (Corporate & Community Services) to accept the grant funding and acquittal of funds.
3. Write to the Aquatic & Recreation Institute, accepting the grant offer.

Recommendation (Clr Findley / Clr White)

That Council:

1. Accept the Aquatic & Recreation Institute of Australia offer of grant funding to the value of \$9,000 to enable Shoalhaven Swim & Fitness Centres to host the Institute's Staying Active Program.
2. Delegate authority to the General Manager (Corporate & Community Services) to accept the grant funding and acquittal of funds.
3. Write to the Aquatic & Recreation Institute, accepting the grant offer.

CARRIED

SA17.4 Tender negotiation - Ison Park Football Complex - Amenities Building

**HPERM Ref:
D16/392309**

Recommendation (Item to be determined under delegated authority)

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

RESOLVED (Clr Proudfoot / Clr White)

MIN17.15

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

CARRIED

SA17.5 Council Policy - Private Functions on Public Reserves

HPERM Ref: D17/9315

Recommendation (Item to be determined under delegated authority)

That Council reaffirm the Private Functions On Public Reserves Policy with additional wording to the policy's general provisions (part b) which states that "*This provision does not apply to the public reserve directly adjacent to Bannisters (Bannister Point, Mollymook Beach).*"

RESOLVED (Clr White / Clr Pakes)

MIN17.16

That Council reaffirm the Private Functions On Public Reserves Policy with additional wording to the policy's general provisions (part b) which states that "*This provision does not apply to the public reserve directly adjacent to Bannisters (Bannister Point, Mollymook Beach).*"

CARRIED

SA17.6 Review of Council Policy - Street Safety Cameras CCTV

**HPERM Ref:
D17/12754**

Recommendation (Item to be determined under delegated authority)

That Council reaffirm the Street Cameras Policy, with a change to replace the Procedural Information section with updated processes to reflect the revised NSW Government Policy Statement and Guidelines for the Establishment of Closed Circuit Television (CCTV) in Public Places.

RESOLVED (Clr Proudfoot / Clr Pakes)

MIN17.17

That Council reaffirm the Street Cameras Policy, with a change to replace the Procedural Information section with updated processes to reflect the revised NSW Government Policy Statement and Guidelines for the Establishment of Closed Circuit Television (CCTV) in Public Places.

CARRIED

SA17.7 Request to Waive Interest Charges

**HPERM Ref:
D16/395167**

Recommendation (Item to be determined under delegated authority)

That Council consider a separate confidential report under Section 10A(2)(b) of the Local Government Act 1993.

RESOLVED (Clr Findley / Clr White)

MIN17.18

That Council consider a separate confidential report under Section 10A(2)(b) of the Local Government Act 1993.

CARRIED

SA17.8 Conferences 2017 - LGNSW Tourism - Ozwater '17 - Floodplain Management Australia

HPERM Ref: D17/9418

Recommendation (Item to be determined under delegated authority)

That the Committee

1. Notes the details of the
 - a. LGNSW Tourism Conference scheduled for 12-14 March 2017 in the Manning Entertainment Centre, Taree.
 - b. Ozwater '17 Conference scheduled for 16-18 May 2017 in the International Convention Centre, Sydney.
 - c. Floodplain Management Australia National Conference schedule for 16-19 May 2017 in Newcastle.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.

4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

RESOLVED (Clr Findley / Clr Kitchener)

MIN17.19

That the Committee:

1. Notes the details of the
 - a. LGNSW Tourism Conference scheduled for 12-14 March 2017 in the Manning Entertainment Centre, Taree.
 - b. Ozwater '17 Conference scheduled for 16-18 May 2017 in the International Convention Centre, Sydney.
 - c. Floodplain Management Australia National Conference schedule for 16-19 May 2017 in Newcastle.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA17.9 Authority for Cheque and Electronic Banking Signatories

HPERM Ref: D17/9826

Recommendation

That:

1. Council authorise any two of the following persons:

Russell Desmond Pigg	General Manager
Craig Laurence MILBURN	Director Corporate & Community Services
John Gerard LENEHAN	Information Services Manager
Melissa Jayne MCCOY	HR, Governance & Customer Services Manager
Vanessa Jane PHELAN	Finance Manager
Paula Briann MCMANUS	Financial Accountant
Stephanie Jane MOORLEY	Accountant – Management Accounting
Brittany Anne MURPHY	Assistant Financial Accountant
Karen Louise HENRY	Accounting Officer
Graham David LONGFIELD	Accounting Officer
Craig Robert GILFILLAN	Fixed Term Assistant Financial Accountant
Vacant	Chief Financial Officer

- a. to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions' discretion notwithstanding that they shall become thereby or be already

overdrawn;

- b. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.

2. This authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority.

Recommendation (Clr Findley / Clr White)

That:

1. Council authorise any two of the following persons:

Russell Desmond Pigg	General Manager
Craig Laurence MILBURN	Director Corporate & Community Services
John Gerard LENEHAN	Information Services Manager
Melissa Jayne MCCOY	HR, Governance & Customer Services Manager
Vanessa Jane PHELAN	Finance Manager
Paula Briann MCMANUS	Financial Accountant
Stephanie Jane MOORLEY	Accountant – Management Accounting
Brittany Anne MURPHY	Assistant Financial Accountant
Karen Louise HENRY	Accounting Officer
Graham David LONGFIELD	Accounting Officer
Craig Robert GILFILLAN	Fixed Term Assistant Financial Accountant
Vacant	Chief Financial Officer

- a. to operate on any account(s) now opened or to be opened by the Shoalhaven City Council with Financial Institutions so long as the account(s) shall be in credit or at the Financial Institutions' discretion notwithstanding that they shall become thereby or be already overdrawn;
- b. to sign, draw, make, accept and negotiate cheques and electronic fund transfers on behalf of Shoalhaven City Council.

2. This authority will cancel and supersede all previous authorities except in respect of cheques and other instruments dated prior to this authority.

CARRIED

SA17.10 Public Toilet Block - North Nowra

**HPERM Ref:
D16/387489**

Recommendation (Item to be determined under delegated authority)

That the report on the feasibility of building public toilets in the vicinity of the North Nowra shopping centre, be received for information.

RESOLVED (Clr Cheyne / Clr Gartner)

MIN17.20

That the report on the feasibility of building public toilets in the vicinity of the North Nowra shopping centre, be received for information.

CARRIED

SA17.11 Bawley Point to Kioloa Shared Path

**HPERM Ref:
D16/389441**

Recommendation (Item to be determined under delegated authority)

That Council :

1. Supports in principle the construction of a shared user path from Bawley Point to Kioloa
2. Proceed with detailed design, cost estimate and a Review of Environmental Factors (REF) for the project with the cost of design and investigation
3. Supports the Bawley Point and Kioloa Community Association in any grant application for the project
4. Stage one of the project be identified as the current path in progress ending at the sandpits approximately 800 metres south of Voyager Crescent.
5. Funding be allocated from the existing Community Path program with an upper limit of \$10000 on this phase

RESOLVED (Clr Proudfoot / Clr White)

MIN17.21

That:

1. Council supports in principle the construction of a shared user path from Bawley Point to Kioloa
2. Council proceed with detailed design, cost estimate and a Review of Environmental Factors (REF) for the project with the cost of design and investigation
3. Council supports the Bawley Point and Kioloa Community Association in any grant application for the project
4. Stage one of the project be identified as the current path in progress ending at the sandpits approximately 800 metres south of Voyager Crescent.
5. Funding be allocated from the existing Community Path program with an upper limit of \$10000 on this phase.
6. Consideration for this pathway be given in future in the Council funded pathway program.

CARRIED

SA17.12 Proposed Multi-Storey Car Park Options - Nowra CBD

**HPERM Ref:
D16/396799**

Clr Levett – Significant Non pecuniary interest declaration – he is a member of the JRPP – left the room and did take part in discussion or vote.

Recommendation (Item to be determined under delegated authority)

That Council;

1. Amend the multi-deck car park plans and submit to the Joint Regional Planning Panel for determination of the Development Application (RA15/1000)
2. The design is to maximise the additional car spaces on the site by inseting the building and providing additional spaces and requesting consideration of removal of a limited number of trees
3. The design height remain the same in the south-east corner and provide further documentation to support this position
4. \$40,000 be allocated from the Contributions Plan reserve (Project 01CARP3001 Nowra car

parking) for design costs associated with the amended plans

RESOLVED (Clr Watson / Clr White)

MIN17.22

The General Manager make a submission to the JRPP advising the recommendation to reduce the building footprint makes the car park unviable, and request advice on the minimum adjustment they would consider.

CARRIED

FOR: Clr Gash, Clr White, Clr Wells, Clr Cheyne, Clr Alldrick, Clr Gartner, Clr Pakes, Clr Watson, Clr Kitchener, Clr Findley and Ben Stewart

AGAINST: Clr Proudfoot

SA17.13 NSW Pedestrian Infrastructure Around Schools Program 2016-17

HPERM Ref: D16/403828

Note: Clr Levett returned to the meeting.

Clr White – SA17.13 – NSW Pedestrian Infrastructure Around Schools Program 2016/17 – less than significant non pecuniary interest declaration – her husband is the Crossing Supervisor at Green Street, Ulladulla – will remain the room and will take part in discussion and vote.

Recommendation

That Council;

1. Accepts the grant funding offers under the NSW Pedestrian Infrastructure Around Schools Program as follows:
 - \$50,000 per project (total \$300,000) for the following six projects to raise and upgrade existing crossings at
 - North Street, Nowra
 - Moss Street, Nowra
 - Cambewarra Road, Bomaderry
 - Emmett Street, Callala Bay
 - Green Street, Ulladulla and
 - Hawken Road, Tomerong
2. Allocates funding of \$30,000 in 2016/17 and \$270,000 in 2017/18
3. Write to the Local Members of New South Wales Parliament and the State Government thanking them for funding assistance as part of the NSW Pedestrian Infrastructure Around Schools Program.

Recommendation (Clr Pakes / Clr Cheyne)

That Council:

1. Accepts the grant funding offers under the NSW Pedestrian Infrastructure Around Schools Program as follows:
 - \$50,000 per project (total \$300,000) for the following six projects to raise and upgrade existing crossings at
 - North Street, Nowra
 - Moss Street, Nowra
 - Cambewarra Road, Bomaderry
 - Emmett Street, Callala Bay
 - Green Street, Ulladulla and

- Hawken Road, Tomerong
2. Allocates funding of \$30,000 in 2016/17 and \$270,000 in 2017/18
 3. Write to the Local Members of New South Wales Parliament and the State Government thanking them for funding assistance as part of the NSW Pedestrian Infrastructure Around Schools Program.

CARRIED

SA17.14 Community Engagement - Proposed Boat Launching Ramp at Havilland St Lake Conjola and Aney Street Conjola - Pontoon at Fishermans Paradise	HPERM Ref: D17/164
--	---------------------------

Recommendation (Item to be determined under delegated authority)

That Council:

1. Note the community feedback on the Boating projects
2. Proceed to a detailed design and finalisation of a Review of Environmental Factors for a new boat launching ramp and carpark at Havilland Street Lake Conjola with consideration of the impacts of traffic
3. Include the option for staging of the construction of the Havilland Street car and trailer parking component, through the detailed design, to reduce the initial project cost
4. Consider Havilland Street project construction funding against other boating infrastructure priorities, prior to submission of the next round of the NSW Department of Transport's Better Boating Program (scheduled mid 2017).
5. Council undertakes construction of the Fishermans Paradise pontoon and Aney Street boat launching ramp with current funding allocated from the State Government.

RESOLVED (Clr Proudfoot / Clr Kitchener)

MIN17.23

That Council:

1. Note the community feedback on the Boating projects
2. Proceed to a detailed design and finalisation of a Review of Environmental Factors for a new boat launching ramp and carpark at Havilland Street Lake Conjola with consideration of the impacts of traffic
3. Include the option for staging of the construction of the Havilland Street car and trailer parking component, through the detailed design, to reduce the initial project cost
4. Consider Havilland Street project construction funding against other boating infrastructure priorities, prior to submission of the next round of the NSW Department of Transport's Better Boating Program (scheduled mid 2017).
5. Undertakes construction of the Fishermans Paradise pontoon and Aney Street boat launching ramp with current funding allocated from the State Government.

CARRIED

SA17.15 Pedestrian Access - Sanctuary Point Public School to Skate Park, Francis Ryan Reserve via Centaur Ave	HPERM Ref: D17/6037
--	----------------------------

Recommendation

That the report on the feasibility and costs to create a safe pedestrian access between the eastern side of Sanctuary Point Public School down Centaur Ave to the skate park adjacent to Francis Ryan Reserve be received for information.

Recommendation (Clr Findley / Clr Levett)

That funding for the footpath on Centaur Avenue adjacent to Sanctuary Point Public School be considered in the 2017/18 budget process.

CARRIED

SA17.16 Proposed Leases - Room 2, Building 3 - 78 St Vincent St, Ulladulla and 35 Holloway Road, Nowra - Australian Unity Home Care Services

**HPERM Ref:
D16/390968**

Recommendation

That Council:

1. Enter into a lease agreement in accordance with Council's Occupation of Council Owned and Managed Land Policy (POL12/227) with Australian Unity Home Care Services for the use and occupation of Room 2, Building 3, 78 St Vincent Street, Ulladulla for a term of up to five (5) years at an annual rental of \$11,235 plus GST;
2. Enter into a lease agreement in accordance with Council's Occupation of Council Owned and Managed Land Policy (POL12/227) with Australian Unity Home Care Services for the use and occupation of 35 Holloway Road, Nowra for a term of up to five (5) years at an annual rental of \$20,865 plus GST;
3. List the subsidies applied of \$9,765 plus GST and \$18,135 plus GST, as assessed using the Rental Assessment Framework with annual CPI increases as a recognised Donation in Council's Annual Report each year for the term of the lease agreement;
4. Authorise the General Manager to finalise the lease terms that may not yet be determined; and
5. Authorised the General Manager to sign any documentation necessary to give effect to this resolution.

Recommendation (Clr Cheyne / Clr Pakes)

That Council:

1. Enter into a lease agreement in accordance with Council's Occupation of Council Owned and Managed Land Policy (POL12/227) with Australian Unity Home Care Services for the use and occupation of Room 2, Building 3, 78 St Vincent Street, Ulladulla for a term of up to five (5) years at an annual rental of \$11,235 plus GST;
2. Enter into a lease agreement in accordance with Council's Occupation of Council Owned and Managed Land Policy (POL12/227) with Australian Unity Home Care Services for the use and occupation of 35 Holloway Road, Nowra for a term of up to five (5) years at an annual rental of \$20,865 plus GST;
3. List the subsidies applied of \$9,765 plus GST and \$18,135 plus GST, as assessed using the Rental Assessment Framework with annual CPI increases as a recognised Donation in Council's Annual Report each year for the term of the lease agreement;
4. Authorise the General Manager to finalise the lease terms that may not yet be determined; and
5. Authorised the General Manager to sign any documentation necessary to give effect to this resolution.

CARRIED

SA17.17 Council Policy Review - Ranger Services - Companion Animals, Poultry and Sick Animals

HPERM Ref: D17/158

Recommendation (Item to be determined under delegated authority)

That Council adopt the following policies with minor amendments:

1. Companion Animals – Management of Feral and Infant Cats and Dogs
2. Domestic Poultry Abandoned on Public Land
3. Management of Sick or Injured Animals

RESOLVED (Clr Pakes / Clr Cheyne)

MIN17.24

That Council adopt the following policies with minor amendments:

1. Companion Animals – Management of Feral and Infant Cats and Dogs
2. Domestic Poultry Abandoned on Public Land
3. Management of Sick or Injured Animals

CARRIED

SA17.18 Saltmarsh re-establishment around waterways

**HPERM Ref:
D16/389526**

Recommendation (Item to be determined under delegated authority)

That Council receive the report on the re-establishment of saltmarsh around waterways for information.

RESOLVED (Clr Proudfoot / Clr Cheyne)

MIN17.25

That Council receive the report on the re-establishment of saltmarsh around waterways for information.

CARRIED

SA17.19 Review of Shoalhaven Water Group Policies

**HPERM Ref:
D16/405713**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Reaffirm the following policies with minor changes:
 - a. POL16/86 – Payment Assistance Scheme Water Accounts
 - b. POL16/87 – Rainwater Tank Rebate Policy
 - c. POL16/93 – Water, Sewer and Trade Waste Usage charges – Undetected Leak Policy

RESOLVED (Clr Gash / Clr Pakes)

MIN17.26

That Council:

1. Reaffirm the following policies with minor changes:
 - a. POL16/86 – Payment Assistance Scheme Water Accounts
 - b. POL16/87 – Rainwater Tank Rebate Policy

- c. POL16/93 – Water, Sewer and Trade Waste Usage charges – Undetected Leak Policy

CARRIED

SA17.20 Payment of Dividend from Shoalhaven Water 2015-16

**HPERM Ref:
D16/398065**

Recommendation

That Council determines that “substantial compliance” of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the water fund and the sewer fund to the general fund for the 2015/2016 budget year.

Recommendation (Clr Gartner / Clr Cheyne)

That Council determines that “substantial compliance” of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the water fund and the sewer fund to the general fund for the 2015/2016 budget year.

CARRIED

SA17.21 Acquisition of Crown Land at Burrill Lake - Pump Station site

**HPERM Ref:
D16/403181**

Recommendation

That

1. Council resolve to compulsorily acquire part of Crown land Lots 2 and 3 DP1205656, being proposed Lots 2 and 3 as shown by hatching on draft survey plan marked ‘Attachment 1’.
2. Council pay compensation as determined by the Valuer General and ancillary costs for the acquisition from Council’s Sewer Fund, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.
4. Council grant an Easement for Overhead Power Lines 9 wide in favour of Endeavour Energy over part of proposed Lot 3 and delineated (A) on the plan marked ‘Attachment 1’.
5. The land to be acquired be classified as Operational land in accordance with Section 31(2) of the Local Government Act 1993
6. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed and the General Manager is authorised to sign any documentation necessary to give effect to the resolution

Recommendation (Clr Proudfoot / Clr Kitchener)

That:

1. Council resolve to compulsorily acquire part of Crown land Lots 2 and 3 DP1205656, being proposed Lots 2 and 3 as shown by hatching on draft survey plan marked ‘Attachment 1’.
2. Council pay compensation as determined by the Valuer General and ancillary costs for the acquisition from Council’s Sewer Fund, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.

4. Council grant an Easement for Overhead Power Lines 9 wide in favour of Endeavour Energy over part of proposed Lot 3 and delineated (A) on the plan marked 'Attachment 1'.
5. The land to be acquired be classified as Operational land in accordance with Section 31(2) of the Local Government Act 1993
6. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed and the General Manager is authorised to sign any documentation necessary to give effect to the resolution

CARRIED

SA17.22 Create and replace Right of Way on Council land at Shoalhaven Heads

HPERM Ref: D16/403713

Recommendation

That Council resolve to:

1. Extinguish an easement for Right of Carriageway variable width over Council land Lots 83 and 84 DP823256, as shown by hatching on copy of plan marked 'Attachment 1'.
2. Create a replacement easement for Right of Way variable width over Council land Lots 83 and 84 DP823256, as shown on copy of plan marked 'Attachment 1'.
3. Costs associated with the transactions to be met from Council's Sewer Fund. No payment of compensation is to apply to either transaction.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Recommendation (Clr Proudfoot / Clr White)

That Council resolve to:

1. Extinguish an easement for Right of Carriageway variable width over Council land Lots 83 and 84 DP823256, as shown by hatching on copy of plan marked 'Attachment 1'.
2. Create a replacement easement for Right of Way variable width over Council land Lots 83 and 84 DP823256, as shown on copy of plan marked 'Attachment 1'.
3. Costs associated with the transactions to be met from Council's Sewer Fund. No payment of compensation is to apply to either transaction.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

SA17.23 Shoalhaven Water Reclamation Annual Report 2015 / 16

HPERM Ref: D17/988

Recommendation (Item to be determined under delegated authority)

That in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation annual report 2015/16 be accepted and noted.

RESOLVED (Clr Gash / Clr Cheyne)

MIN17.27

That in accordance with the Committee's delegated authority from Council, that the Shoalhaven Water Reclamation annual report 2015/16 be accepted and noted.

CARRIED

CONFIDENTIAL REPORTS

Pursuant to Section 10A(4) the public were invited to make representation to the meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public made representations.

RESOLVED (Clr Gartner / Clr Pakes)

MIN17.28

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following items of a confidential nature.

CSA17.1 Tenders – Ison Park Football Complex Amenities Building

Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it. 10(A)(2)(d)(i)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably 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.

CSA17.2 Request to waive interest charges

Discussion in relation to the personal hardship of a resident or ratepayer. 10(A)(2)(b)

There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to reveal an individual's personal information or contravene an information protection principle under the Privacy and Personal Information Protection Act 1998 or a Health Privacy Principle under the Health Records and Information Privacy Act 2002.

CARRIED

The meeting moved into confidential the time being 6.15pm.

The meeting moved into open session, the time being 6.21pm.

There being no further business, the meeting concluded, the time being 6.21pm.

Clr Wells
CHAIRPERSON

SA17.24 Notice of Motion - Ecocity World Summit

HPERM Ref: D17/39168

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council add the Ecocity World Summit, to be held in Melbourne, July 12-14, 2017 to the conference list that councillors and staff can attend.

Background

The Ecocity World Summit will bring together researchers and practitioners from government, business, communities and universities from across the globe to address three key questions:

- What are the sustainability risks and opportunities facing our cities?
- How can we imagine a better urban future?
- And what do we have to do to get there?

The Summit will have a strong focus on practical solutions and policy priorities, as well as big ideas.

The City Practices stream of the Summit will showcase how city governments and partners are working to create low carbon, climate resilient ecocities in Australia and around the world. The stream will focus on practical workshops, case studies and masterclasses looking at real-world success stories and challenges. How to build – and measure – a zero-carbon city? How can we accelerate progress on urban greening, green buildings and renewable energy? How can cities deal with extreme weather events and changes in rainfall and sea level – and how can they engage citizens in this?

The cost of registration for government attendees is \$860.00.

More information regarding the summit can be found on the website <http://www.ecocity2017.com/>.

Note by the General Manager

Suggested alternate recommendation

That Council

1. Notes the details of the Ecocity World Summit scheduled for 12-14 July 2017 in the Melbourne Convention & Exhibition Centre, Melbourne Victoria.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.

3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

SA17.25 Notice of Motion - Shared Pathways - Mollymook

HPERM Ref: D17/39300

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That the staff report on any plans to extend shared pathways in Mollymook. That the report include, specifically, any plan to create a pathway between Forest Way and Tallwood Avenue or when such a pathway might be expected to be constructed.

Background

A resident of Mollymook Beach reports that she regularly walks to Tallwood shops in Tallwood Ave Mollymook Beach via Carroll Ave.

It is a dangerous and difficult walk especially between Forest Way and Tallwood Ave where the street becomes steep and winding and cars cannot see you approaching. There are no footpaths along this street.

As an older resident, often walking with grandchildren and pushing a stroller, she has to walk either on the road or struggle along unpaved verges that are steep or muddy or both, and has recently slipped on loose, wet stones on the unsealed thoroughfare outside the oval. Further, cars suddenly pull off the road in front of pedestrians to park outside the oval.

Other local residents, many of whom are elderly, have similar concerns.

Good pedestrian access is a priority to develop healthy and safe communities.

SA17.26 Notice of Motion - Bomaderry Sporting Complex

HPERM Ref: D17/39696

Submitted by: Cllr Nina Cheyne

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

Council be provided regular reports and updates in relation to the Bomaderry Sporting complex.

Background

The Athletics Club and other sporting disciplines fully support the new facility and have requested Council to provide updates on progress.

Note by the General Manager

Staff would normally report when the need arises or there has been movement with aspects of the project. The first thing will be dealing with the request for funding to start detailed design. A report will also be presented to Council in relation to the business plan for the precinct in the next 6 months. If there were other matters it would be a report or information emailed to all Councillors to keep them updated. This is our normal process.

SA17.26

SA17.27 Notice of Motion - Future Planning Recreational Spaces

HPERM Ref: D17/44958

Submitted by: Cllr Bob Proudfoot

Purpose / Summary

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

Recommendation (Item to be determined under delegated authority)

That Council staff prepare a report for Council on the future planning used in determining the quantum of playing fields and recreational spaces needed to carry our city forward for the next thirty to fifty years. The report should cover, but not be restricted to, the following:

1. The current position regarding the planning of future fields.
2. The expected impact of an ageing population, and the demand that this places on the securing of sites for uses such as men's sheds, croquet courts and the like.
3. Increase in demand for a greater variety of recreational activities for our younger children.
4. The likely significant impact of the massive participation take-up in girl's and women's sport.

Note by the General Manager

1. Position regarding the planning of future fields... / 2. The expected ageing population needs... / Timeframe

The draft Community Infrastructure Strategic Plan (CISP - Ross Report), if/when adopted by Council, is to guide provision and planning of all Council's community infrastructure to meet population needs which includes strategic requirements for future sporting fields, men's sheds, croquet courts and the like, for the next 30 years. Due to limitations in the accuracy of population projections, sports trends and other similar variables, a 30 year strategic plan is very optimistic and its accuracy is more relevant in the shorter term with proposed 5 year reviews to keep the plan relevant and continuing to forecast to a 30 year horizon.

As discussed in Council meetings and Councillor Briefings (see consultation summary below), whilst the draft CISP provides a strategic context for future community facilities, it also acknowledges that Council's past community facility provision is not economically sustainable and future facilities should look at opportunities to consolidate (rationalise) and encourage multiple use. In achieving these objectives, a key outcome of the draft CISP is to provide where possible "cluster & connection" facilities where co-usage and economies of scale are achieved.

3. Demand for a greater variety of recreational activities... / 4. Participation take-up in girl's and women's sport...

The draft CISP, provides strategic actions to provide and consolidate recreational facilities (Active and passive) to provide multiuse facilities for the widest possible age groups including children and women in sport.

Outside of the draft CISP context, Council staff are currently involved in ongoing discussion and following trends where likely increase participation is predicted for younger children and female participation in sport.. Examples of outcomes of this work are:

Upcoming construction of an accessible playground at Mollymook; and,

Upcoming construction of provision of a unisex change room facility at the South Nowra Soccer Fields.

Draft CISP - Past consultation summary

As reported to Council's Strategy & Assets Committee meeting on 15 November 2016, and a Councillor workshop on Monday 30 January 2017, Council has prepared and publically exhibited the draft Community Infrastructure Strategic Plan (CISP). During and prior to public exhibition of the draft CISP, Councillors were invited to the following consultation sessions:

- Project start up workshop - December 2015
- Children service reference group - May 2016
- Sports Board meeting - June 2015 & 2016
- Council Briefings - April, June & October 2016

The draft CISP will be reported again to Council's Strategy & Assets Committee meeting on 21 February 2017 (SA17.37).

The CISP was developed to address the questions like those in this NOM and provides Council and the community a long term strategy to address the communities active and passive recreational needs.

The Shoalhaven Sports Board will have an ongoing role in discussing future growth requirements to meet changing demands, demographics and population growth.

SA17.28 Question on Notice - NSW Container Deposit Scheme

HPERM Ref: D17/46213

Submitted by: Cllr Kaye Gartner

Question

1. Is Council prepared to respond to NSW Container Deposit Legislation commencing July 1, 2017?
2. Specifically, where are collection points to be in the Shoalhaven?
3. Does Council have or plan to have any collection points?
4. Does Council have a policy on requiring collection points eg at shopping Centres, Sports Grounds and other areas where container drinks are sold/used?
5. Does Council know how the scheme will be promoted in the Shoalhaven?

Response

The NSW Container Deposit Scheme is coordinated entirely by the NSW government through the Environmental Protection Authority (EPA). The commencement date is 1 July 2017, however, prior to commencing the EPA needs to appoint a Scheme Coordinator and a number of Network Operators who will be responsible for implementing the scheme.

Tenders were invited from selected pre-qualification submissions for both the Scheme Coordinator and Network Operator roles with a closing date of 6 February 2017.

The Government aims to appoint a single Scheme Coordinator, who will be responsible for the financial management of the scheme, including auditing, validation and community education. Network Operators will be responsible for establishing and managing networks of collection points in specific zones across NSW.

Anyone interested in being a Collection Point Operator is able to register their interest with the EPA. This can include community groups, schools, individuals, shopping centres and similar commercial enterprises and Council recycling and waste facilities.

Council has expressed an interest to provide collection points at each of our 10 Recycling and Waste Transfer facilities. Once the Network Operators are appointed it is expected that they will contact groups who have expressed an interest to be a Collection Point Operator and negotiate collection agreements with them.

It is too early to provide conclusive responses to the questions, but in summary:

1. Is Council prepared to respond to NSW container deposit legislation to commencing July 1, 2017? Yes
2. Specifically, where are collection points to be in the Shoalhaven? Potentially each of the 10 recycling and Waste facilities, and any other points offered up by the community. Council have no influence over whether any individual, community group, school or commercial enterprise are willing to offer to become a collection point.
3. Does Council have or plan to have any collection points? Council has submitted an expression of interest for the 10 Recycling and Waste transfer facilities to be collection points

4. Does council have a policy on requiring collection points eg at shopping Centres, Sports Grounds and other areas where container drinks are sold/used? No
5. Does council know how the scheme will be promoted in the Shoalhaven? - No the promotion of the scheme is controlled by the EPA

SA17.29 Report of the Nowra CBD Revitalisation Strategy Committee - 8 February 2017

HPERM Ref: D17/48886

CBD17.2 Member Resignation - Mark Crowther

HPERM Ref:
D17/36538

Recommendation

That Council

1. Accept the resignation of Mr Mark Crowther from the Nowra CBD Revitalisation Strategy Committee.
2. Write to Mr Crowther to thank him for his contribution to the Committee.
3. Remove one Council staff position (Council to determine: General Manager or Director Assets & Works or Director Planning & Development)
4. Add one (1) additional Community member position
5. Council amend the remaining Nowra CBD Revitalisation Strategy Committee in addition to the reduced staff positions in the Terms of Reference to reflect the following membership:
 - Two (2) Community members (non business operator or landowner)
 - Two (2) CBD Landowners
 - Three (3) CBD Business owner/operators
 - One (1) CBD Business retailer (vacant)
6. Advertise the vacant positions.

Note by the General Manager:

Council may wish to also consider adding one or more Councillor members or replacing staff with councillor members.

SA17.29

SA17.30 Six Monthly Delivery Program Operational Plan Report 1 July 2016 to 31 December 2016

HPERM Ref: D17/38447

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. Six Monthly DPOP Report (under separate cover) [↗](#)

Purpose / Summary

The purpose of this report is to provide information on how the organisation has performed against targets in the Delivery Program and Operational Plan during the first six months of the financial year commencing 1 July 2016.

Recommendation (Item to be determined under delegated authority)

That in accordance with the Committee's delegated authority from Council, the report of the General Manager (Executive Strategy) regarding progress to 31 December 2016 on the 2015/2017 Delivery Program and 2016/2017 Operational Plan be received for information, noted and published on Council's website.

Options

1. As recommended

Implications: Council will meet its Legislative requirements under the Local Government Act and inform the community of progress.

2. Adopt the recommendation and seek a further report on specific aspects of the six monthly report

Implications: Additional staff resources required to produce additional information

Background

Attached (**Attachment '1'**) is a summary of the six monthly Progress Report on the Delivery Program and Operational Plan providing a snapshot of how the organisation has performed against targets during the first six months of the 2016/2017 financial year. Whilst most activities are 'on' target some are 'below' target and the comment section provides a short commentary on those. Highlights for each of the Key Result Areas (KRAs) are also provided to document the range and depth of work currently being completed by Council.

Community Engagement

Community engagement on the development of the Delivery Program and Operational Plan is maintained through the feedback mechanism provided by this report.

SA17.31 December 2016 Quarterly Budget Review

HPERM Ref: D17/40951

Group: Corporate & Community Services Group
Section: Finance

Attachments: 1. December 2016 Quarterly Budget Review (under separate cover) [↗](#)

Purpose / Summary

In accordance with Regulation 203(1) of the Local Government (General) Regulation (2005), the responsible accounting officer must prepare and submit to the Council a budget review statement after the end of each quarter. This has been carried out for the second quarter of the 2016/17 financial year.

Recommendation

That the December Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement be adopted by Council.

Options

1. Adopt the recommendation

Implications: Nil

2. Not adopt the recommendation and make an alternative resolution

Implications: Nil

Background

The budget review involves an analysis of Council's annual budget for each Group to determine whether any changes in votes are required for the period. This process has been undertaken for the period to 31st December 2016, and any changes have been reported in the Quarterly Budget Review Document. This report also analyses the progress of each group in achieving its financial objectives.

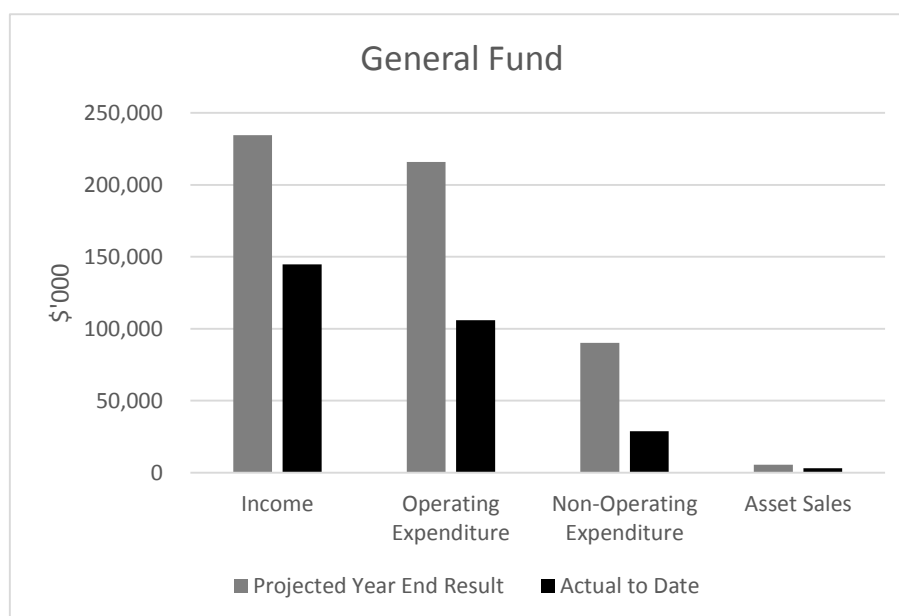
Council's Funds

General Fund

The original budget adopted by Council produced an operating profit of \$2.7M after capital grants, an operating loss before Capital Grants and Contributions of \$14M, a reduction in our cash and investments of \$14M and an unrestricted cash deficit of \$2.8M. The revotes carried forward and adjustments made in this quarterly review have resulted in a projected year end cash deficit position of \$1.2M, as per the following table

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result
Operating Result	2,766	5,017	17,060	1,661	18,721
Operating Result before Capital Grants and Contributions	(14,003)	(17,181)	(10,339)	1,159	(9,180)
Net Cash Movement	(14,394)	(27,706)	(28,117)	4,409	(23,708)
Unrestricted Cash Movement	(2,771)	(1,771)	(1,179)	(68)	(1,247)

The December Quarterly Budget Review Statement details the recommended budget adjustments with comments on these adjustments and any significant variances. Below is a summary of the adjustments and results to date.



Income

As at 31st December, General Fund has achieved 62% of the revised budget. This is primarily due to the raising of rates revenue in full. Excluding rate income, General Fund has achieved 46% of the revised budget. The December Quarterly Budget Review Statement recommends an increase of \$3M. The major adjustments in the review are:

- \$1.336M Natural Disaster funding confirmed for roads assets, offset by expenditure
- \$1.146M Natural Disaster funding confirmed for floodplain management, offset by expenditure
- \$328K for section 94 contributions being higher than forecast, offset to section 94 reserve
- \$433K for Asset Planning (\$327K reimbursement for flood related expenditure, \$20K grant income, internal revenue for staff time on capital works, offset by expenditure)
- \$52K for Property Management (lease backlog reduction and sale of easement per MIN16.52)
- \$567K reduction of RFS reimbursement to Council. Previous years reimbursements are not part of the future state Rural Fire Fighting fund arrangements. This is partly offset by a change in RFS contribution this year.

Operating Expenditure

General Fund is on target with operating expenditure at 49% of the revised budget. The December Quarterly Budget Review Statement recommends a increase of \$1.3M, made up of:

- \$1.7M for natural disaster expenditure (operational)
- \$41K increase for repairs due to vandalism of public toilets (funded from reserve)
- \$20K grant for design of Crookhaven Bridge on Pyree Lane
- \$12K increase for office equipment (funded from reserve)
- \$509K from Strategic Projects Reserve for streetscape in the CBD.
- \$504K reduction in payment by Council to RFS as required subsidy for 16/17 financial year.

Non-Operating Expenditure

Capital Expenditure as at 31st December is 32% of the revised budget (excluding commitments). The December Quarterly Budget Review Statement recommends a budget decrease of \$3.1M This decrease consists of:

- \$5M cashflow adjustment to 17/18 financial year for Shoalhaven Indoor Sporting Complex, in line with forecast expenditure.
- \$1.081 increase for natural disaster expenditure (capital)
- \$65K increase for footpath forward investigations
- \$21K increase to fund Mollymook Beach changing places project to completion
- \$23K increase in Parks and Reserves due to expenditure on tennis courts, funded from restricted reserve

Asset Sales

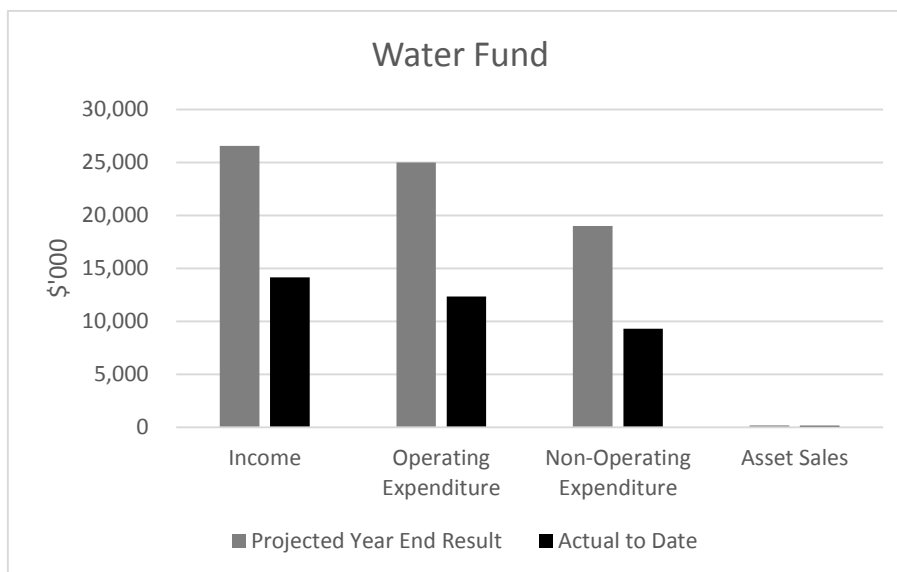
Asset sales are at 56% of the revised budget. An adjustment for \$5K has been recommended this quarter, relating to the sale of a financial instrument.

Water Fund

The budget adopted by Council produced an operating profit of \$1M, an operating profit before Capital Grants and Contributions of \$27K and a reduction in cash and investments of \$13M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result
Operating Result	1,027	1,027	1,316	255	1,571
Operating Result before Capital Grants and Contributions	27	27	316	131	447
Net Cash Movement	(12,927)	(12,517)	(12,521)	3,842	(8,679)

The December Quarterly Budget Review Statement details the recommended budget adjustments with comments on these adjustments and any significant variances. Below is a summary of the adjustments and results to date.



Income

As at 31st December, Water Fund has achieved 53% of the revised budget, there is an adjustment of \$294K for resource recoupment, energy analysis recoupment and additional section 64 receipts received.

Operating Expenditure

Water Fund is on target with operating expenditure at 49% of the revised budget. The December Quarterly Budget Review Statement recommends a increase of \$39K for additional costs related to the energy analysis.

Non-Operating Expenditure

Capital Expenditure as at 31st December is 49% of the revised budget (excluding commitments). A reduction of \$3.5M is recommended after reviewing the timing of a number of key projects and expected outflow of payments.

Asset Sales

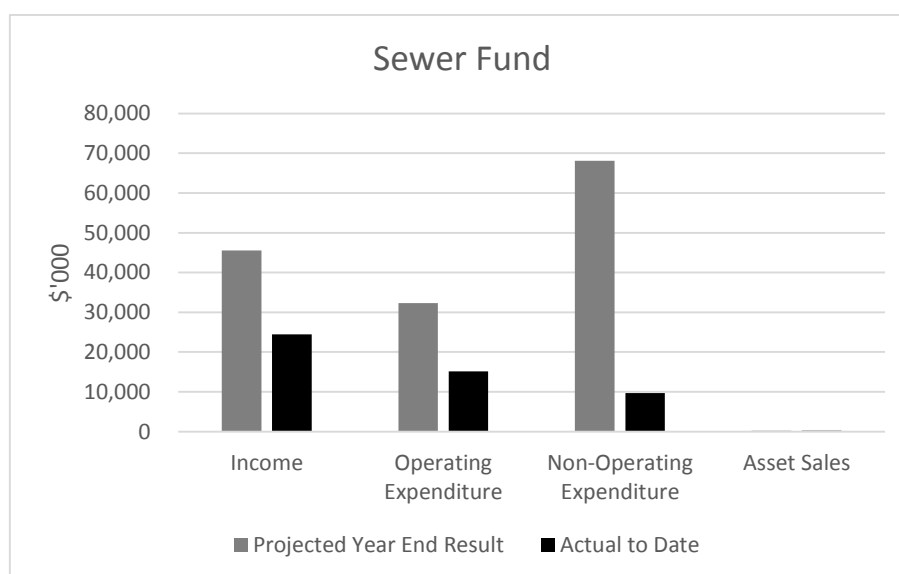
Asset sales is at 88% of the revised budget, there is an adjustment of \$51K recommended.

Sewer Fund

The budget adopted by Council produced an operating profit of \$12.2M, an operating profit before Capital Grants and Contributions of \$11.2M and a reduction in cash and investments of \$6M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result
Operating Result	12,247	12,247	12,309	903	13,212
Operating Result before Capital Grants and Contributions	11,247	11,247	11,309	587	11,896
Net Cash Movement	(6,484)	(9,500)	(9,462)	4,339	(5,123)

The December Quarterly Budget Review Statement details the recommended budget adjustments with comments on these adjustments and any significant variances. Below is a summary of the adjustments and results to date.



SA17.31

Income

As at 31st December, Sewer Fund has achieved 54% of the revised budget, there is an adjustment of \$477K recommended for section 64 receipts being higher than originally forecast, chargeable private works and asset sales \$36K and reforecasting of interest to be received, due to changes in the timing of capital disbursements.

Operating Expenditure

Sewer Fund is slightly below target with operating expenditure at 47% of the revised budget. The December Quarterly Budget Review Statement recommends a decrease of \$61K due to the transfer of operational salaries to capital budgets.

Non-Operating Expenditure

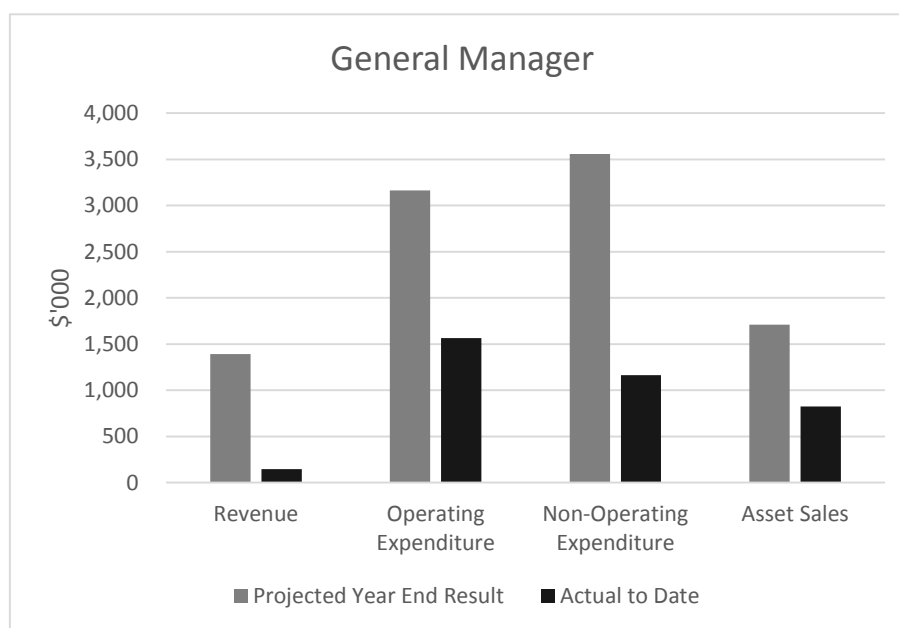
Capital Expenditure as at 31st December is 14% of the revised budget (excluding commitments). A reduction of \$3.3M is recommended after reviewing the timing of a number of key projects and expected outflow of payments relating to REMS1B.

Asset Sales

Asset sales is at 95% of the revised budget, there is an adjustment of \$71K recommended due to sales of obsolete assets.

Council's Groups

General Manager's Group



The recommended budget changes, revised budget and result to date for the General Manager's Group are summarised below, details of the adjustments and variances are included in the December Quarterly Budget Review Statement.

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result	Actual to Date	%
Revenue	453	453	1,384	7	1,391	145	10%
Operating Expenditure	2,859	3,190	3,103	59	3,162	1,566	50%
Non-Operating Expenditure	2,220	2,220	3,565	(6)	3,559	1,162	33%
Asset Sales	1,710	1,710	1,710	0	1,710	823	48%

General Manager's Comments:

The revenue for the General Managers group is below target at the mid point of the year, due to the jointly funded project at Ulladulla Harbour sitting with the Economic Development team. This is a Council project with funding from the Commonwealth by way of Grant, which will be paid according to project milestones. The project is expected to be completed by March 2018.

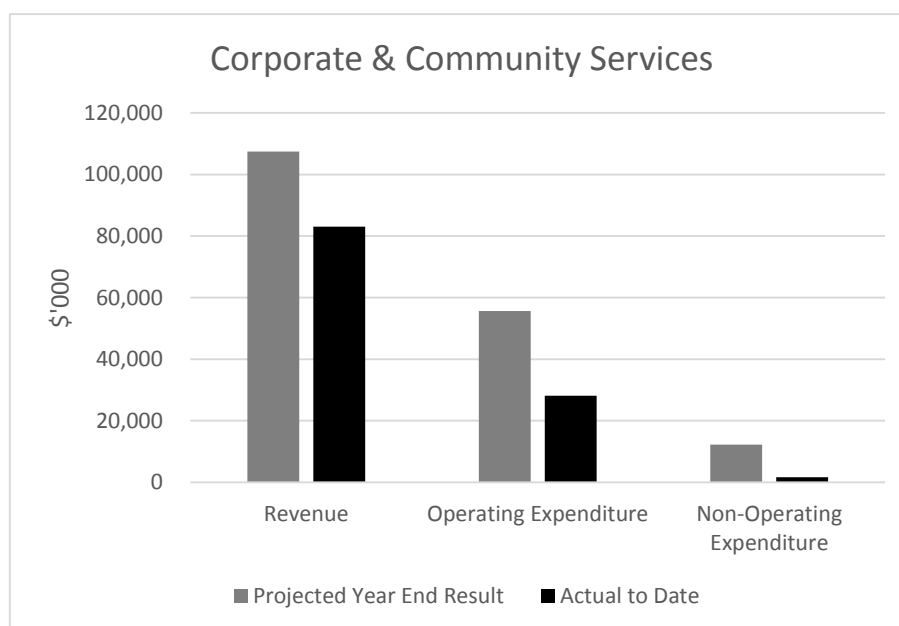
Operating expenditure is on target.

Capital spend is presently at 33%. Projects on Industrial Land at Albatross are tracking well. The Ulladulla Harbour Berthing facility is the other major project to be undertaken by the group.

Asset sales are tracking according to expectation. There are a number of contracts out for anticipated land purchases, and it is reasonable to expect that this budget will be met by the end of the year.

SA17.31

Corporate and Community Services



The recommended budget changes, revised budget and result to date for the Corporate and Community Services Group are summarised below, details of the adjustments and variances are included in the December Quarterly Budget Review Statement.

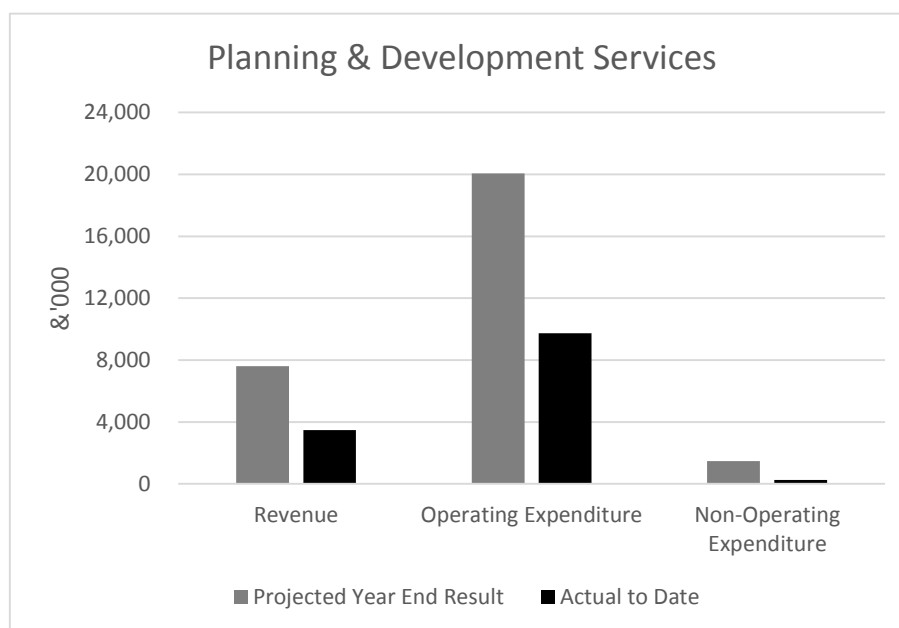
	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result	Actual to Date	%
Revenue	103,081	103,081	106,974	463	107,437	83,022	77%
Operating Expenditure	54,220	55,283	55,609	62	55,671	28,102	50%
Non-Operating Expenditure	12,367	15,966	17,367	(5,055)	12,312	1,680	14%

Group Director's Comments:

The revenue for the group is ahead of target, and this is due to the raising of rates revenue in full. After adjusting for the receipt of rates, the groups revenue is tracking slightly below 50%. The operating expenditure for the group is on target, slightly above the 50% mark.

An adjustment to the non-operating expenditure of \$5 million relates to the Shoalhaven Indoor Sporting Complex. Planned expenditure has been reforecast to the 17/18 financial year. The variance below 50% is due to a number of factors, namely planned capital maintenance with Swim and Fitness facilities to occur later in the year, during the off season; Community Services planned capital expenditure has gone through a tender process, and is on track to be expended this financial year; and a number of Corporate Systems and Services projects are to be combined and let to tender in the near future.

Planning and Development Services



The recommended budget changes, revised budget and result to date for the Planning and Development Services Group are summarised below, details of the adjustments and variances are included in the December Quarterly Budget Review Statement.

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result	Actual to Date	%
Revenue	6,165	6,209	6,454	1,146	7,600	3,470	46%
Operating Expenditure	16,696	18,420	18,919	1,144	20,063	9,726	48%
Non-Operating Expenditure	901	1,390	1,484	0	1,484	259	17%

Group Director's Comments:

Revenue is tracking strongly given the continued high level of development activity; in this respect it is slightly above expectations. Expenditure is on track.

Small Lot Rural Subdivision

REZONING INVESTIGATIONS Updated 31st December 2016			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	350,000	150,000	200,000
Loan Funded (transferred from Road Design)		12,968	
Special Rates (from construction)		5,213	
Special Rates (from construction) (returned)		-5,213	
Strategic Planning Consultants Budget		25,000	
Previous Contributions (Pre 1996)	0	2,571	0
Transfer to Road Construction	-55,049		
	294,951	190,539	200,000
Expenditure			
Salaries	157,224	32,614	48,929
Consultants	123,636	157,396	61,876
Other	14,091	1,942	11,408
Commitments in 2016/17	0	0	1,134
	294,951	191,952	123,347
Variance	0	-1,413	76,653
ROAD DESIGN AND INVESTIGATIONS Updated 31st December 2016			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	184,438	50,281	50,281
Transfer to road construction	-168,616	0	-22,800
Transfer to rezoning	0	-12,968	0
	15,822	37,313	27,481
Expenditure			
Salaries	0	0	0
Consultants	12,333	37,313	16,835
Other	3,488	0	0
Commitments in 2016/17	0	0	0
	15,821	37,313	16,835
Variance	0	0	10,646

SA17.31

ROAD CONSTRUCTION			
Updated 31st December 2016			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded (from investigations)	168,616	0	22,800
General Fund	0	3,000	0
Strategic Projects (2008/09)	82,020	41,738	11,750
Special Rate Funded	232,640	141,011	77,108
Infrastructure Special Rate (Loan)	7,200,000	0	0
Transfer to Estate Rezoning		-5,213	
Transfer to Estate Rezoning (returned)		5,213	
Transfer from Estate Rezoning	55,049		
	7,738,325	185,749	111,658
Expenditure			
Salaries	50,282	33,432	5,569
Consultants	11,662	0	12,575
Other	3,180,754	146,554	79,996
Commitments in 2016/17	1,065,331	0	0
	4,308,029	179,986	98,139
Variance	3,430,296	5,764	13,519
Notes:			
Expenditure details will be updated quarterly.			
Upon completion of the rezoning investigations, any excess funding from rezoning investigations will be redirected to road investigations and construction for the relevant Estate at the appropriate time. Options to address any negative variance values will be considered in the future. If necessary, funding may be transferred between the rezoning investigation, road investigation and road construction budgets for each Estate. Funding will not be transferred from one Estate to another.			

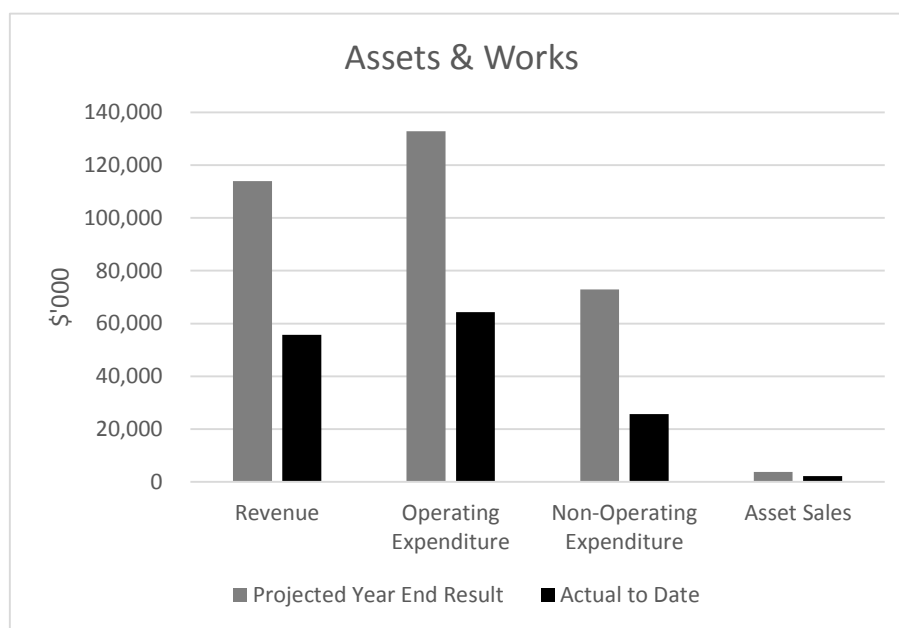
Nebraska Estate: \$75,653 remains for progressing rezoning investigations.

Verons Estate: The \$150,000 borrowed in 2006 to fund the rezoning investigations has been fully spent. A total of \$25,000 has now been transferred from the Strategic Planning Consultants budget, which has been over spent by \$1,413. This will need to be recouped from the landowners at a later date. Further transfer(s) may be necessary to complete the project.

Road investigations and construction: The balance of the roadwork design budget for Nebraska Estate for 2016/2017 is \$10,646. The balance of the construction budgets for Jerberra, Verons and Nebraska Estates for 2016/2017 are \$3.4M, \$5,764 and \$13,519 respectively. The overspend in Verons will need to be recouped from the landowners at a later date.

SA17.31

Assets and Works



The recommended budget changes, revised budget and result to date for the Assets and Works Group are summarised below, details of the adjustments and variances are included in the December Quarterly Budget Review Statement

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result	Actual to Date	%
Revenue	100,116	105,581	112,538	1,389	113,927	55,660	49%
Operating Expenditure	133,007	133,150	132,812	89	132,901	64,370	48%
Non-Operating Expenditure	44,902	61,473	70,989	1,925	72,914	25,655	35%
Asset Sales	2,246	2,246	3,736	0	3,736	2,208	59%

Group Director's Comments:

Revenue for the group is tracking close to budget. Changes to the Rural Fire Fighting Fund has seen a writeback of last years expected reimbursement that had been accrued and this was offset by changes this year. Natural Disaster reimbursements for landslips, Kinghorne Street drainage, roads and levees have been approved and have been accounted for in this quarter.

Operating expenditure is tracking well and each Section of the Assets and Works Group operated close to budget, with operational expenditure being on target at 48%. A number of large capital projects that were grant funded have been delivered including Turpentine Road, Hillcrest Avenue rehabilitation, Sussex Inlet Road. Two major projects exceeded the budget, the Springs Road upgrade due to major pavement failures identified adjacent to the work and Flinders to Browns Road due to additional work required in relation to drainage and these funds will be allocated from Roads to Recovery.

A key project in the program is the upgrade of the full length of Flinders Road and substantial changes to underground services have commenced and tender documents finalised. Another key project is the Shoalhaven Indoor Sports Centre which is currently being progressed with the redesign of the car park submitted in response to JRPP conditions this is likely to add over \$0.5M to the cost.

As highlighted at the last quarter, current risk to time and budget on the Sports Centre going forward is the construction management methodology awarded to Zauner construction which has multiple packages and not a lump sum price.

Bereavement Services are now operating two new cremators, and the next project is the generator for the site that is to be loan funded for back-up power supply for the Worrigee site.

Waterways infrastructure projects that were completed last quarter included Sanctuary Point boat launching ramp at John Williams reserve, and the car and trailer parking at Lakehaven Drive, Sussex Inlet. Due to poor ground conditions, they have slightly exceeded budget and a request has been made to RMS for the balance of funds required. The reconstruction of Currumbene Street as part of the extended works of Huskisson Wharf is also to be funded through an additional allocation of the special rate.

A number of major project for Roads have commenced this quarter, and others are out to Tender. Capital expenditure overall at the end of December is at 35%.

Stormwater Levy

Spending against the Stormwater Levy is 42% of budget.

Stormwater Levy Progress 2016/17

	Stormwater Levy Budget					Actual	Budget Remaining	% Spent
	2015/16 unspent	2016/17	Adjustment	Adjustment Notes	Current			
Drainage Program								
St Andrews Way Coolangatta Stage 2	\$123,345	\$0			\$123,345	\$1,283	\$122,063	1%
Katela Avenue Bomaderry	\$39,350	\$0	\$30,665	8	\$70,015	\$111,857	\$0	100%
Canal Improvements Sussex Inlet	\$115,841	\$0	\$15,000	9	\$130,841	\$130,842	\$0	100%
Mollymook Creek Stage 1 Mollymook	\$20,625	\$0			\$20,625	\$18,524	\$2,101	90%
Bannisters Head Rd Mollymook	\$21,384	\$0	-\$17,156	1	\$4,228	\$3,869	\$359	92%
Burrill St North Ulladulla	\$22,054	\$0	\$40,621	2	\$62,675	\$62,676	\$0	100%
Penguins Head Rd Culburra Beach	\$0	\$90,000	-\$20,000	6	\$70,000	\$61,970	\$8,030	89%
The Park Dr Sanctuary Point	\$0	\$150,000			\$150,000	\$8,012	\$141,988	5%
Dowling St Ulladulla	\$22,781	\$0			\$22,781	\$5,543	\$17,238	24%
Wayfarer Dr Sussex Inlet	\$0	\$40,000			\$40,000	\$0	\$40,000	0%
Lackersteen St Callala Bay	\$0	\$100,000			\$100,000	\$8,028	\$91,972	8%
Orient Ave Orient Point	\$0	\$100,000	-\$45,683	7	\$54,317	\$54,317	\$0	100%
James Cres Kings Point	\$0	\$150,000			\$150,000	\$138,609	\$11,391	92%
Old Berrara Rd Sussex Inlet	\$3,264	\$0			\$3,264	\$3,242	\$22	99%
Dacres St Vincentia Drainage	\$0	\$70,000			\$70,000	\$1,032	\$68,968	1%
Sussex Inlet Rd Sussex Inlet	\$0	\$75,000			\$75,000	\$0	\$75,000	0%
Central Ave South Nowra Drainage	\$0	\$245,000	-\$155,000	3	\$90,000	\$0	\$90,000	0%
Greville Ave Sanctuary Point	\$8,000	\$0			\$8,000	\$2,481	\$5,519	31%
Bolong Rd Bomaderry Culvert upgrade	\$0	\$0	\$75,000	4	\$75,000	0	\$75,000	0%
Adelaide & Church St Greenwell Point	\$0	\$0	\$80,000	5	\$80,000	\$0	\$80,000	0%
Sunset Strip Manyana	\$0	\$40,000			\$40,000	\$1,823	\$38,177	5%
River Rd Sussex Inlet Drainage	\$0	\$30,000			\$30,000	\$2,126	\$27,874	7%
Total Stormwater Levy	\$376,645	\$1,090,000	\$3,447		\$1,470,092	\$616,233	\$895,702	42%

Note: - The projects may have other additional funding, but only the Stormwater Levy is included in this table

1. September QBR - Transfer from Bannisters Head Rd to Burrill Street - \$17,156
2. September QBR - Transfer to Burrill St from Bannisters Head Rd - \$17,156
December QBR - Additional stormwater levy received \$3447
December QBR - transfer of stormwater levy funding \$20,018
3. Redistribution to Bolong Rd and Adelaide Street - \$155K
4. Redistribution from Central Ave \$75K
5. Redistribution from Central Ave \$80K
6. December QBR - project completion, transfer to other projects \$20K
7. December QBR - project completion, transfer to other projects \$45,683
8. December QBR - project completion, transfer from other projects \$30,665
9. December QBR - transfer of stormwater levy funding \$15K

Works were completed during the quarter at Orient Avenue, Orient Point and were also completed early into the third quarter at Penguins Head Road, Culburra.

St Andrews Way, Coolangatta and the Park Drive, Sanctuary Point continue to be delayed due to land matters. The opportunity to transfer funds from these works to the Bolong Road drainage, which is associated with flooding adjacent to the sports ovals will be explored during the third quarter.

Special Rate Variation

Spending against the Special Rate Variation is 22% of budget.

Special Rate Variation Progress 2016/17

	Special Rate Variation Budget					Actual	Budget Remaining	% Spent
	2015/16 unspent	2016/17	Adjustment	Adjustment Notes	Current			
Drainage Program								
Agars Lane Sealing	\$0	\$300,000	\$0		\$300,000	\$0	\$300,000	0%
Mollymook Beach Reserve Cycleway - Mitchell Pde	\$0	\$65,000	\$0		\$65,000	\$0	\$65,000	0%
Matron Porter Drive Shared User Path	\$32,293	\$160,000	\$0		\$192,293	\$55,171	\$137,122	29%
Coolangatta Road	\$0	\$1,200,000	\$0		\$1,200,000	\$302,161	\$897,839	25%
Jacobs Dr, Sussex Inlet	\$0	\$401,614	\$0		\$401,614	\$20,699	\$380,915	5%
Round The Bay Walk Callala Bay	\$130,888	\$0	-\$129,706	1	\$1,182	\$1,182	\$0	100%
Orion Beach Walk	\$17,806	\$0	\$0		\$17,806	\$17,806	\$0	100%
Naval College Road	\$74,482	\$340,000	\$0		\$414,482	\$83,434	\$331,048	20%
Curumbene Street Huskisson	\$0	\$0	\$129,706	2	\$129,706	\$129,706	\$0	100%
Total Special Rate Levy	\$255,470	\$2,466,614	\$0		\$2,722,084	\$610,160	\$2,111,924	22%

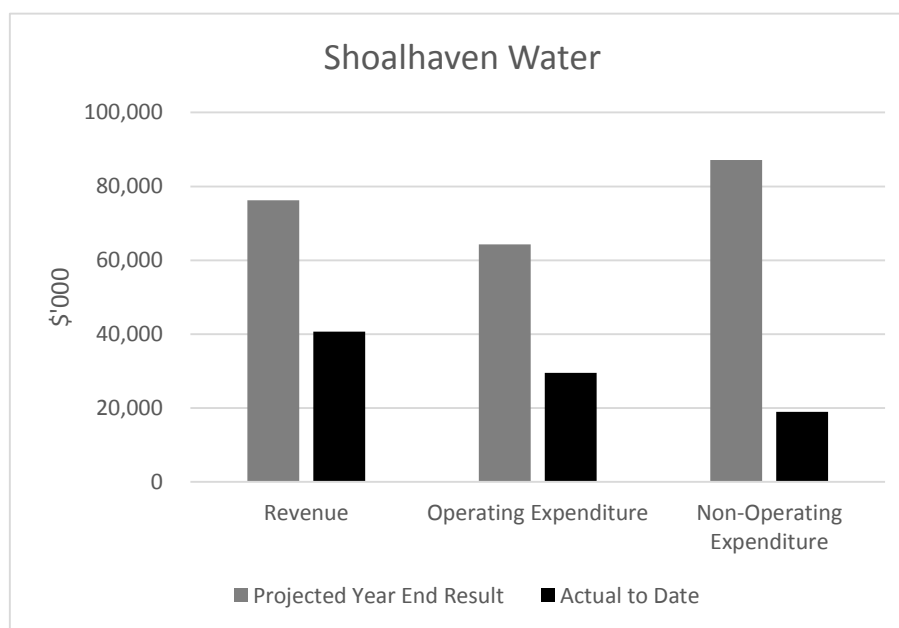
Note: - The projects may have other additional funding, but only the Special Rate Levy is included in this table

1. December QBR - Transfer to Curumbene Street Huskisson
2. December QBR - Transfer from Round The Bay Walk

Agars Lane road construction has commenced in February, and will be nearing completion by the end of this month. Matron Porter Drive shared user path works continue towards Mollymook, with land matters nearing resolution. It was highlighted previously that funds for Jacobs Drive streetscape renewal is only funded for approximately 40% of the full scope of works, the business chamber has again requested Council consider full funding.

Major works on Coolangatta Road will continue from March through to June 2017. Naval College Road upgrades will also continue throughout the next quarter.

Shoalhaven Water



The recommended budget changes, revised budget and result to date for the Shoalhaven Water Group are summarised below, details of the adjustments and variances are included in the December Quarterly Budget Review Statement.

	Adopted Budget	Adopted Incl. Revote	Current Budget	Recommended Adjustments	Projected Year End Result	Actual to Date	%
Revenue	74,885	74,885	75,135	1,137	76,272	40,670	53%
Operating Expenditure	64,771	64,771	64,324	(21)	64,303	29,512	46%
Non-Operating Expenditure	90,224	93,995	94,045	(6,900)	87,145	18,962	22%
Asset Sales	260	260	260	122	382	349	91%

Group Director's Comments:

The Shoalhaven Water group has operated close to budget over the last 6 months, with operational expenditure on target at 46%. The adjustment to revenue primarily relates to an adjustment in Section 64 income, resource reallocations and interest on investments. The capital program is progressing and requires a number of adjustments this quarter. These adjustments mainly relate to projects being postponed to correspond with the matching of development and program requirements for the REMS1B project.

Financial Implications

Adjustments made in the December quarter budget review have resulted in a projected cash deficit budget. Council will need to be mindful of the situation and not introduce new works or services unless a funding source is clearly identified.

SA17.32 Re-establishment of Alcohol Free Zones - East Nowra, Shoalhaven Heads, Culburra Beach, Orient Point, Mollymook

HPERM Ref: D17/28001

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Attachments:

1. Map - East Nowra [↓](#)
2. Map - Shoalhaven Heads [↓](#)
3. Map - Culburra Beach Area 1 [↓](#)
4. Map - Culburra Beach Area 2 [↓](#)
5. Map - Culburra Beach/Orient Point - Area 3 [↓](#)
6. Map - Mollymook [↓](#)

Purpose / Summary

To consider a proposal to re-establish Alcohol Free Zones in the following areas of the Shoalhaven as detailed in this report:

- East Nowra
- Shoalhaven Heads
- Culburra/Orient Point
- Mollymook

Recommendation

That:

1. Council proceed with the re-establishment of the Alcohol Free Zones for a period of four (4) years in the areas of East Nowra, Shoalhaven Heads, Culburra Beach/Orient Point and Mollymook, including consultation with licensees in the surrounding areas;
2. Should no objections be received to the re-establishment of these zones, authority be given to staff to proceed with the declaration of the above areas as an Alcohol Free Zone, without further reference to Council.

Options

1. As recommended
2. That Council not proceed with the re-establishment of the Alcohol Free Zone in the areas specified in the report.

Implications: This may result in the increase of anti-social behaviour and property damage resulting from irresponsible street drinking.

Background

Council has four (4) alcohol free zones listed below and these zones are all due to expire in the foreseeable future. Council has received support from NSW Police Service, Shoalhaven Local Area Command, Council's Business and Property Section Manager and Council's Ranger Services for the zones to be re-established for the allowed four (4) year period, for the purpose of preventing alcohol related crime in the area.

Council has established the Alcohol Free Zones in accordance with Section 644 of the Local Government Act 1993, which prohibits consumption of alcohol on Council owned footpaths, roads and carparks within the zone specified in this report.

The recommendation provides for a term of four (4) years for all Zones identified in this report. This will reduce the duplication of this process throughout the year to re-establish the included individual zones in 2015.

Council has proposed that the following areas be declared Alcohol Free Zones:

- East Nowra (Refer Map Attachment 1)
- Shoalhaven Heads (Refer Map Attachment 2),
- Culburra Beach/Orient Point (Refer Maps Attachments 3, 4 and 5)
- Mollymook (Refer Map Attachment 6)

In accordance with the requirements for establishment of Alcohol Free Zones, notice has been provided to the NSW Police who have written in support of the reestablishment of the zones in by email received on Thursday 9 February 2017 which stated the following:

"In relation to the below alcohol free zones, as a nominated representative, I hope you will note the following.

In relation to the current zones, now up for reinstatement, all the area's which we have discussed, have over the time, been hotspots for public consumption of intoxicating liquor, most are known for some type of juvenile drinking.

Police under the current climate, and present usage of the legislation, according to alcohol free zone's, allows for a more flexible approach, to both public drinking and overall time span appeal.

Police through the usage of the alcohol free zone, are able to then utilise, powers of stop, remove the alcohol, and utilise, further legislation, such as move on direction, intoxicated person move on direction, etc. This allows a wider scope interaction, which then assists the community at large, they feel safer, knowing the area is an alcohol free zone.

Although, there is no actual monetary value in an alcohol free zone, the power, to remove alcohol from an offender, has increase, that is, all product is forfeited to the crown. What has increase, however, is the value of infringements, relating to those, who show signs of intoxication, and continue their behaviour.

From a police point of view, any legislation which assists in keeping the public safe, or assisting in keeping the peace and quiet order of a neighbourhood, such be encouraged."

Community Engagement

Alcohol free zones are created in streets and car parks with the aim to reduce anti-social behaviour and property damage resulting from irresponsible street drinking. Advice from Police is that re-establishing these zones certainly assists them in performing their role.

In accordance with the Guidelines, should Council proceed with the re - establishment community consultation will be conducted.

Financial Implications

The direct costs associated with the re-establishment of the alcohol free zones detailed in this report, includes advertising, general administration costs and the erection or placement of a sticker on signs, which can be funded within the current years budget.













SA17.33 Council Policy - Asbestos

HPERM Ref: D17/11876

Group: Corporate & Community Services Group
Section: Human Resources, Governance & Customer Service

Attachments: 1. Draft Asbestos Policy (under separate cover) ➡

Purpose / Summary

Council reference POL16/57 Asbestos Policy

This policy aims to outline:

- The role of council and other organisations in managing asbestos
- Council's relevant regulatory powers
- Council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- General advice for residents on renovating homes that may contain asbestos
- Council's development approval process for developments that may involve asbestos
- Waste management and regulation procedures for asbestos waste in the LGA
- Council's approach to managing asbestos containing materials in council workplaces
- Sources of further information.

Recommendation (Item to be determined under delegated authority)

That Council adopt the draft Asbestos Policy as attached to this report.

Options

1. As recommended.
2. Continue with existing documents.

Implications: Continued confusion on behalf of community and workers as to the processes to be followed.

Background

The policy provides information for Council workers, the local community and wider public.

The Policy is in line with the Model Asbestos Policy for NSW Councils issued by the Division of Local Government in November 2012.

Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public.

Part 2 is information that applies to workers associated with Council including employees, contractors, consultants, and volunteers (as defined by the NSW Work Health and Safety Regulation 2011)..

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact Council or the appropriate organisation (as detailed in the policy at Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- *Code of practice on how to manage and control asbestos in the workplace* (catalogue no. WC03560) published by SafeWork NSW.
- *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) published by SafeWork NSW.
- Additional guidance material listed in Appendix B of the policy.
- Detailed information on Council's procedures and plans may be found in other documents, which are referenced in part 2 under section 17.1.

Community Engagement

The Policy is based on the Model Asbestos Policy for NSW Council's developed by LG NSW in consultation with various stakeholders.

The Policy provides guidance to the public in relation to development, land management and waste management requirements.

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Policy Implications

To have an Asbestos Policy consistent with Model Asbestos Policy issued by the Division of Local Government, describing both Community and Workplace obligations on Council.

Risk Implications

Shoalhaven City Council acknowledges the serious health hazard of exposure to asbestos.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in Council workplaces.

The adoption of the policy will allow Council to meet its obligations in relation to educating residents and land and waste management for asbestos.

SA17.34 Council Policy - Events Policy (Revision)

HPERM Ref: D17/30515

Group: Corporate & Community Services Group
Section: Tourism

Attachments: 1. DRAFT Event Policy (under separate cover) [↗](#)
2. DRAFT Event Application Form (under separate cover) [↗](#)

Purpose / Summary

To revise the Sustainable Events Policy with significant amendments due to a recent change in the Local Environmental Plan.

Recommendation (Item to be determined under delegated authority)

That:

1. Council endorse the new Events Policy taking into consideration the changes due to new LEP requirements and place it on public exhibition for 28 days.
2. If no significant comments are received after 42 days the policy be adopted. If significant comments are received a further report be presented to Council

Options

1. Adopt the recommendation

Implications: This will lead to the draft Event Policy being placed on exhibition for 28 days and submissions receipted for 42 days. Adopting the recommendation will lead to the policy being adopted if no significant community feedback is received. Approval will align the council Event Policy with the current Local Environmental Plan (LEP) and allow council staff to stream line event approvals on public land in line with the relevant legislation. Significant feedback will result in an additional report to Council.

2. Adopt the recommendation with an amendment.

Implications: Any significant change to the policy(s) should consider consultation with council staff because of legislation requirements and/or alternatively may have a resourcing implication.

3. Rescind the policy(s).

Implications: Not recommended as this will result in the Event Policy not being in line with the current LEP.

Background

In late 2016 there was a change to the LEP which resulted in Temporary Events being exempt from a Development Application under certain circumstances. If an event meets all the listed criteria outlined in the clause it would be exempt from requiring a Development Application (outlined under Part 4 of the EP&A Act).

Due to this change the Sustainable Events Policy required review and all associated forms and templates that related to approvals for events on public land.

Extensive staff consultation has been conducted to deliver this Draft Events Policy and ensure both the legislative and Council risk needs are appropriately addressed. Consideration was also given to cutting the red tape for event organisers were possible so that the Shoalhaven remains “open for business”. Staff consultation included workshops with representatives from Parks and Recreation, Planning, Waste, Strategic Planning, Executive Strategy, Insurance and Risk, and Tourism

Research was also conducted into best practice for event approvals across a variety of Local Government Areas to ensure the Draft Policy was competitive and in line with approvals required in other areas.

Policy Implications

No.	Original Policy	Revised Policy	Reason For Change
1	Included “Sustainable” in the policy title and included a detailed Sustainable Events Management Plan Framework to be completed by the event organiser.	Removed “Sustainable” from the policy title and replaced the Sustainable Events Management Plan Framework with a series of sections and templates that address all aspects of sustainability that are relevant to holding an event.	To make the policy up to date and directly inform the reader.
2	Included a detailed statement on what types of events Council would like to occur, referenced other documents and repeated other content that occurs later in the Policy.	Summarised the statement to make it more “user friendly”/ relevant to the reader and included this information in the introduction.	To make the policy up to date and concise.
3	Included a detailed application procedure/ process that is now out of date in relation to some legislative references and DAs.	Updated the application and approvals process, in the form of 4 simple steps. The policy then walks the reader through “how to” each of the 4 steps.	To make the policy up to date and concise.
4	Included separate sections on fees, charges, bonds and financial assistance.	Created a single section that informs the reader of fees & charges (via web link), financial assistance and how bonds are calculated. This section also informs the reader of possible external costs.	To directly inform the reader.
5	Included a list of matters to be considered.	Explained the matters to be considered and web links to templates that can help the reader address these matters. The layout was aligned with the revised application form, so the event organiser can easily reference the policy when completing the application form.	To directly inform the reader and ensure Council receives all relevant information from the event organiser.
6	Included an appendix that built on the matters to be considered (referenced in Pt 5 above) that	Reviewed all standard Terms and Conditions and included as an appendix.	To directly inform the reader and ensure Council is addressing

	was laid out in the form of possible Terms and Conditions (but not titled this way).		all matters associated with an event being held on their (or Crown) land, including risk.
--	--	--	---

Financial Implications

Previously, when an event required a DA, applicants had to pay DA fees. With the changes to the LEP these fees no longer apply for many events who now no longer require a DA. Administration fees have been created to assist with costs of processing the Event Applications.

Fees associated with the new policy relate to small, medium and large events. A category for Community Not for Profit events has also been created. Fees will be reported to council as part of the usual Fees and Charges process but are listed below as a reference.

- Community Not For Profit - \$25.00
- Small Events - \$123.00
- Medium Events - \$270.00
- Large Events - \$392.00
- Preapproved* Small Event No Change - \$61.50
- Preapproved* Medium Event No Change - \$135.00
- Preapproved* Large Events No Change - \$196.00

**Throughout the region there are events that run regularly, often annually.*

In the past, event organisers could apply for a DA for an event with the option for approvals for up to 5 years. Organisers would then also apply for an “Event Permit” per event to use public land. This is necessary to check insurances and valid licences are in place and valid.

Under the proposed changes, event organisers will now only need to complete an “Event Application” for approval, but this will need to be done per event without the option of long term blanket approvals. The reduction of fees for “preapproved” events recognises that if there are no significant changes to the event organisation and running year on year, there is far less work involved in processing the application.

Risk Implications

Risk implications have been considered in the development of the new policy and discussed during the staff consultation process. The purpose of this policy is to reduce risk to council for public events on public land and place the responsibility onto the event organiser where appropriate.

Community Consultation

It is planned that the Draft Policy will be placed on public exhibition for 28 days and submissions receipted for 42 days.

SA17.35 Council Policy - Park Management (Policy Consolidation)

HPERM Ref: D17/23615

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments:

1. Park Management Policy (under separate cover) ➡
2. Parks & Reserves - Emplacement of Plaques & Artefacts & Trees Policy (under separate cover) ➡
3. Reserve Naming Policy (under separate cover) ➡
4. Park Enhancement Policy (under separate cover) ➡
5. Icon Parks Policy (under separate cover) ➡

Purpose / Summary

To review, consolidate and reaffirm the following current policies which become superseded by the Park Management Policy:

- Parks & Reserves – Emplacement of plaques & artefacts & trees
- Reserve Naming
- Park Enhancement
- Icon Parks

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopt the Park Management Policy POL17/7.
2. Rescind the following policies:
 - Parks & Reserves – Emplacement of plaques & artefacts & trees
 - Reserve Naming
 - Park Enhancement
 - Icon Parks

Options

1. Adopt the recommendation.

Implications: This will allow consolidation of current park management policies into one policy document.

2. Amend the recommendation.

Implications: Any significant change to the policy(s) should consider consultation and input from the wider community and/or alternatively may have a resourcing implication.

3. Rescind the policy(s).

Implications: Not recommended as this will result in a loss of provisions and controls for park management.

Background

Council currently has a number of separate policies that guide management of Council's parks network. Whilst some of these policies are relevant, some policies/policy provisions have been superseded by other policies and/or strategies. Based on this assessment, it is recommended that all "park" related policies/policy provisions be consolidated into one document which has the capacity to be updated with future policies/policy provisions and become one reference document for park related policies, offering consistent information.

The following summary outlines what policies/policy provisions have been included in the new "Park Management" policy (see Attachment 1) and what policies/policy provisions are recommended to be rescinded.

Parks & Reserves – Emplacement of plaques & artefacts & trees

The current policy (see Attachment 2) has been very successful in encouraging the community to fund provision of seats with memorial plaques in parks. However, this success has resulted in the oversupply of seats in some locations (in particular Sussex Inlet) and requests for seats are now being declined by Council staff in many parks. In addition, the provision of such infrastructure does have a long term asset implication for Council where upkeep and replacement of the seats is not resourced and potential infrastructure is not meeting all user needs. Request for trees have been minimal but also difficult for Council to manage when a tree is damaged or needs to be removed. A limitation of this policy is that it does not allow funding of "other" infrastructure which is needed in a park.

Building on both the successes and limitations of the above policy, it is recommended that the policy be amended to encourage the community to contribute to a wider variety of park infrastructure with a minimum contribution of \$1,000 and the policy have the ability to allow the community to fund a plaque or similar item to recognise the financial contribution. Currently, supply and installation of a memorial seat (as per adopted 2016/17 fees & charges) is \$2,861 and installation of a plaque costs \$376. The amended policy provisions are detailed in Attachment 2 (see 3.1 Assisting funding of park infrastructure) of this report.

This current policy is recommended to be rescinded and replaced by the Park Management Policy.

Reserve Naming

The current policy (see Attachment 3) has been reviewed and updated with the revised policy being outlined in Attachment 1 (see 3.2 Naming of Parks). The revised policy text outlines the process for Council to consider such reserve naming requests which is a weakness of the current policy.

A current policy provision in Attachment 3 also outlines that, "*For large subdivisions with multiple streets an overall theme for the naming of streets and parks is recommended*". This content is duplicated in Council's Road Naming Policy (POL14/16). Council's Development Control Plan (Chapter G11 Subdivision of Land, Section 6.3.8) requires compliance with the Road Naming Policy and therefore this text is not required as part the Reserve Naming Policy.

This current policy is recommended to be rescinded and replaced by the Park Management Policy.

Park Enhancement

The current policy (see Attachment 4) has been reviewed and updated with the revised policy being outlined in Attachment 1 (see 3.3 Park Appointment). The policy provisions are to identify the level of infrastructure appointment within district and local parks which do not have a dedicated master plan to guide provision of infrastructure within the open space.

This current policy is recommended to be rescinded and replaced by the Park Management Policy.

Icon Parks

The current policy (see Attachment 5) has been successful in raising the profile, development and funding of key parks across the city. The notion and development of icon parks has been captured in Council's draft Community Infrastructure Strategic Plan with the hierarchy identification of local, district and regional recreational parks. Therefore, this current policy is recommended to be rescinded and replaced by the future Community Infrastructure Strategic Plan.

Community Engagement

The review and consolidation of the above policies into one document is considered a minor policy change that does not warrant community engagement. The proposed changes will make the policy more accessible and easier for the community to understand and act on. It will also make the implementation for both staff and the community more streamlined. Community engagement is recommended only if the policy is significantly considered for amendment by the elected Council.

Policy Implications

Reaffirmation and consolidation of relevant park policies into one document and rescission of redundant relevant policies.

Financial Implications

No financial implications result from reaffirming the existing policy.

SA17.36 Bay and Basin Community Hub - Draft Master Plan

HPERM Ref: D17/28287

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments: 1. Draft Bay and Basin Community Hub Master Plan (under separate cover) [↗](#)

Purpose / Summary

To seek Council endorsement to publicly exhibit the Bay & Basin Community Hub Master Plan.

Recommendation (Item to be determined under delegated authority)

That Council

1. Endorse public exhibition of the draft Bay & Basin Community Hub Master Plan for a period of 28 days.
2. Advise stakeholders involved in the preparation of the draft Bay & Basin Community Hub Master Plan of its public exhibition.
3. Receive a further report after public exhibition of the draft Bay & Basin Community Hub Master Plan.

Options

1. Adopt the recommendation.

Implications: This will allow the community the opportunity to comment on the draft plan.

2. Adopt the recommendation with an amendment.

Implications: Depending on the significance of any amendment this may delay finalisation of the draft plan and may require additional resourcing.

3. Council not adopt the recommendation and provide direction to staff.

Implications: This may delay/halt completion of the draft plan and would not provide strategic direction on this matter.

Background

Past planning

Council has recognised the potential to further develop the Bay & Basin Leisure Centre and surrounding land since the Centre was opened in 2001. Further development has previously been limited by some unknowns associated with the adjacent shopping centre and

significance of surrounding flora & fauna. Recently, the extent of these “unknowns” has been clarified and Council has commenced master planning the available land.

Master planning of the site has focused on further developing and enhancing the existing facilities to provide a multi-use community hub. This has involved securing a site for facilities for the wider Bay & Basin community which have been identified in past planning/consultation with the community that include:

- library and community centre
- regional skate park
- netball courts

Draft Master Plan

Council engaged Group GSA as a consultant to develop a Master Plan in collaboration and consultation with Council and the Community.

The draft Master Plan identifies a staged process to expand and build on successes of the existing Bay & Basin Leisure Centre and surrounding sportsground area to become a larger and more multiuse, vibrant community hub for the surrounding community. As outlined in the attached document, the draft Master Plan identifies opportunities to guide future development and provision of community facilities such as:

- community meeting places
- new crèche
- library
- exhibition space
- additional administrative spaces
- extension of the existing gym
- skate park
- two netball courts
- community garden
- improved access
- improved drainage to existing sportsground
- additional parking to cater for increased visitor and staff numbers

Outcomes of the draft Master Plan focus on providing:

- a precinct that invites dialogue within the community
- a venue for all to get fit, relax, meet, browse, learn and participate in the community
- an environment for the community to experience and participate in local culture and arts, as well as access the latest technologies and information
- fully accessible and inclusive facilities
- highly visible and transparent, inspiring and inviting facilities
- a focal point for the community
- facilities that are sympathetic to its surrounds and the environment
- safe and secure facilities
- flexible and adaptable facilities
- functionally efficient and economically sustainable development
- easy to navigate facilities with minimum direction and easy to supervise
- a symbol of Councils commitment to sustainability

Priority Projects

To action Council's past planning/consultation commitments for the Bay & Basin community, and current feedback from development of the draft Master Plan, key priority projects identified for delivery are:

- library and community centre
- regional skate park
- netball courts

It should be noted that delivery of the library will require prior construction and relocation of the current leisure centre gym facilities.

Community Engagement

Council has sought initial feedback into the development of the draft Master Plan via community workshops that occurred on the 21 July 2016. This included a Community Information Forum (15 attendees) and a Stakeholder Group Workshop (17 attendees) which were held at Vincentia Public Hall.

In addition, an online survey was advertised and undertaken from 20 June to 21 July 2016 for the wider community to provide comments. A Councillor Briefing on this project was also held on 30 January 2017.

Upon Council consideration of the draft master plan, it is recommended that:

- Council endorse public exhibition of the draft Bay & Basin Community Hub Master Plan for a period of 28 days and to encourage feedback on the various proposals with the Master Plan
- Council advise stakeholders involved in the preparation of the draft Bay & Basin Community Hub Master Plan of its public exhibition
- Council receive a further report after public exhibition of the draft Bay & Basin Community Hub Master Plan which may include recommending change to the draft Master Plan

Policy Implications

The draft Master Plan is consistent with Council's draft Community Infrastructure Strategic Plan.

Financial Implications

The draft master plan provides an overall vision for Council and the community to work towards providing a "Community Hub" for the Bay & Basin community. Implementation of the full Master Plan vision is estimated to cost in the order of \$28.9 million and this could be provided from a variety of funding sources including Section 94, State and Federal Grants, sporting associations, loan borrowings and cash reserves as opportunities arise.

The next stage is to commence detailed design and this is part of the staff work program for FY 2017/18. Further the Master Plan implementation could be staged or reviewed as the project progresses. To continue to advance development and implementation of the draft Master Plan, budget allocations will requested in Council's long term funding program so the project can be shovel ready for grant funding/project delivery.

SA17.37 Adoption of Community Infrastructure Strategic Plan

HPERM Ref: D17/28535

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Attachments: 1. Draft Shoalhaven CISP (under separate cover) [⇒](#)
2. CISP Submission Summary table (under separate cover) [⇒](#)

Purpose / Summary

To seek Council approval to finalise and adopt the draft Community Infrastructure Strategic Plan (CISP) with amendments as identified in this report and the attached submissions table.

This matter was previously presented to Council's Strategy & Assets Committee meeting on 15 November 2016. At this meeting Council resolved (MIN16.867) that:

“... the Community Infrastructure Strategic Plan be deferred until has provided a detailed workshop for Councillors on this matter.”

To action the above resolution, a Councillor workshop occurred on Monday 30 January 2017.

SA17.37

Recommendation (Item to be determined under delegated authority)

That

1. Council finalise and adopt the draft Community Infrastructure Strategic Plan (including the recommendations in Section 12 and Appendix H) with the following main amendments:-
 - a. the term “rationalisation” be defined further in the plan and understood as explained in this report
 - b. tennis court facilities and netball courts to be included in the plan
 - c. to update provision guidelines for arts, museums and libraries
2. The minor amendments as outlined in the attached submissions table (outlined in Attachment 2) and staff feedback / amendments as identified in the report below also be included in the final version and adopted.
3. Council continue to work with community and sporting groups to develop more accurate information on utilisation rates, times, programs, etc. to better understand future infrastructure needs and facilities that can be utilised for events and marketed
4. Council staff commence exploring ways in which its community infrastructure facilities can be marketed to maximise community knowledge of the facilities and increase utilisation.
5. Council advise those that made submissions related to the draft plan, CCBs, community and sports groups of the resolution of this meeting.
6. Council rescind the *Sportsground Strategic Plan* which is superseded by the Community Infrastructure Strategic Plan:
7. The Community Infrastructure Strategic Plan inform a review of the Council's Section 94 Plan.

Options

1. Adopt the recommendation.

Implications: This will allow finalisation of the plan and allow staff to focus on delivering the recommendations and have clear strategic directions to work towards.

2. Adopt the recommendation with amendment(s).

Implications:

Council may resolve to remove a particular item from the plan or its recommendations.

3. Council not adopt the CISP at all and provide a different strategic direction to staff.

Implications: Not providing any strategic direction to staff will not meet the leadership direction expected from the elected council.

Background

In 2013 Council staff identified the need to develop a strategic plan to guide management of its community facilities and sought quotations for the project. Ross Planning were the successful consultant for the project and commenced community engagement as outlined in the Community Infrastructure Strategic Plan (CISP). The draft CISP can be viewed as Attachment 1 to this report.

In the draft CISP, the communication program undertaken and consultation feedback is outlined in section 6.0 of the draft plan and Appendix C & D. The consultation process sought feedback from all Shoalhaven based Community Consultative Bodies (CCBs), sporting groups, community facility management committees, relevant groups listed on Council's Community Directory and the general public.

Draft CISP purpose / community infrastructure definition / methodology

The draft CISP guides provision and management of all Council's community infrastructure for the next 30 years, therefore it is a comprehensive and strategic document.

A definition of what is Community Infrastructure is outlined in the executive summary of the draft CISP.

The methodology used to develop the plan is identified in the section 1.3 and Appendix A of the draft CISP.

Draft CISP objectives

The draft CISP objectives (as outlined in Section 1.1. of the plan – see Attachment 1) are to:

- *determine the current and future needs of communities within the Shoalhaven*
- *identify a hierarchical model for the delivery of community infrastructure that is consistent with community needs, gaps in provision and operational / maintenance levels*
- *provide an assessment of existing community infrastructure*
- *assess the current minimum standards for the provision of community infrastructure*
- *review Council's recreation and community infrastructure plans, Development Control Plans and Strategic Plans*
- *provide a revised list and methodology of Section 94 community infrastructure projects*
- *review and rationalise assets including the integration, co-location, multipurpose and/or decommissioning of facilities*

- *recommend current and future projects, prioritised by short, medium and long time frames*
- *review and provide various management and delivery options*
- *assess the current minimum standards for the provision of community infrastructure”*

In achieving these objectives, a key outcome of the draft CISP is to provide where possible “cluster & connection” facilities where co-usage and economies of scale are achieved.

Recent Council resolution

Council at its Strategy and Assets Committee meeting on 12 April 2016 resolved that:

- Council endorse public exhibition of the Draft Community Infrastructure Strategic Plan for 40 days.*
- Notification of the Draft Community Infrastructure Strategic Plan be advertised in local newspapers, Council website and notification to Community Consultative Bodies and key stakeholders including several Council Advisory Committees as identified during the development of the draft strategic plan.*
- A post exhibition report for the Draft Community Infrastructure Strategic Plan be presented to a future Strategy & Assets Committee meeting.*

Draft CISP recommendations

The draft CISP outlines future recommendations for Council staff to prioritise and action. Section 12 of the draft CISP outlines these recommendations which are based on research, consultation and analysis with Council, community and key stakeholders when developing the plan.

Section 12.1 of the draft CISP outlines 39 recommendations related to the whole Shoalhaven Local Government Area and cover the following matters:

- Activation of community infrastructure.
- Diversify income streams of community infrastructure to make user groups become less reliant on Council funding.
- Improve communications internal and external.
- Improve awareness of community infrastructure to encourage greater use and awareness of existing infrastructure.
- Effective and efficient management of community infrastructure.
- Appropriately designed community buildings that provide for multiple users and are financially sustainable.
- Community groups development, education and training.
- Planning for future community infrastructure.
- Undertake relevant monitoring and review to ensure community infrastructure meets the community’s needs and regularly used.
- Development of partnerships and funding opportunities to embellish existing community infrastructure and increase usage.
- Community infrastructure specific.

The above matters would be achieved by a number of actions which for example could be: improved booking systems, promotion (websites, brochures, advertising communication etc.), development of strategies (access, signage sponsorship increased usage etc.), policy reviews, etc.

Section 12.2 of the draft CISP refers to 67 area specific recommendations which are grouped into Council's planning areas. Appendix H of the draft plan then (visually) maps these recommendations. A summary of these area specific recommendations follows:

- 34 recommendations refer to 'upgrades' of community infrastructure (i.e: Edwards Avenue Reserve upgrade to district recreation park, Bicentennial park addition of exercise equipment, Sussex Inlet Community Centre, Ulladulla Sports Park – netball courts & internal paths).
- 3 recommendations refer to 'master plan' sites for community infrastructure (i.e. Vincentia Sportsground, Paringa Park, Marriott and Harry Sawkins).
- 3 recommendations refer to 'decommission' of community infrastructure (i.e. Davis Park remove toilets, Blackett Park relocate toilets, Sampson Cres remove play equipment develop as dog park).
- 1 recommendation refers to 'construct' community infrastructure (i.e. Bay & Basin Community Hub).
- 1 recommendation refers to 'investigate' community infrastructure (i.e. develop Milton Community Buildings Study).
- 2 recommendations refer to 'implement' community infrastructure outcomes (i.e. Voyager Park Master Plan and Lady Denman Reserve Strategic Business and Master Plan).
- 23 recommendations refer to 'rationalise' community infrastructure (i.e. Eldeberry Avenue, Arunta Close and Liberty park remove play equipment at end of life (in line with Council endorsed playground strategy), former Culburra Scout Hall if current occupier leaves, Willunga Crescent Reserve (lacks casual surveillance)).

Of these 23 'rationalise recommendations', 5 reference sale of land which this Council report is recommending to remove text related to sale of land and to undertake the rationalise process for relevant sites.

Public exhibition period

The draft CISP was placed on public exhibition from 4 May to 18 June 2016 and a workshop was held on 8th June 2016 for community (i.e. CCBs) and sporting groups. Councillor, internal staff and Shoalhaven Sports Board briefings were undertaken during the exhibition period.

Public Submission Feedback / Amendments

Council received thirty seven (37) submissions as shown in the submissions table (see Attachment 2). The submissions table outlines the feedback received during the exhibition process and provides comment from Ross Planning and Council staff. The submissions table also recommends amendments to the final plan. The main amendments are:

- I. The term "rationalisation" be defined further in the plan as explained in this report (see below).
- II. Tennis court facilities and netball courts to be included in the plan.
- III. The need for more accurate information from sporting users / associations and community facility users to better understand infrastructure needs.
- IV. To update provision guidelines for arts, museums and libraries.
- V. Remove reference to 'sell' any facilities/land and replace with 'rationalise' (the rationalisation process is outlined below in this report).

Staff Feedback / Amendments

The following staff feedback, identified the following amendments to the draft Plan.

Social & Infrastructure Planning

- Identified inclusion of tennis, netball and equestrian facilities.
- Identified mapping changes which included the addition of a small number of parks / reserves which were not noted in the plan and removal of some areas that were natural areas with no community infrastructure.
- Changes of classification colours in plan maps that were identified as being incorrect.
- Changes regarding some high, medium, low and ongoing priorities to reflect community needs.
- Deletion of “*develop a new contribution for inclusion in the contributions plan for active and passive recreation and community building projects based on the estimated cost of replicating existing standards for each planning area.*” (page 70, CISP)

Library

- Identified library categories as incorrect for Sanctuary Point and Milton which are local libraries not district.
- Identified changes to the library categories that will ensure they are correctly reflected in the document.
- Identified changes to the provision standards that will ensure clearer direction and ensure flexibility and alignment with State Libraries into the future.

Arts

- Identified that the provision standards based on population was not an industry supported methodology and the following changes should be incorporated in the plan.

Regional Gallery / Museum is where audiences can be expected to travel between 60-90min for a regional gallery.

District Gallery / Museum is where audiences can be expected to travel between 45-60min for a district gallery.

Local Gallery / Museum is where audiences can be expected to travel up to 30min for a local gallery.

Term rationalisation / further definition

As outlined in the draft CISP, the term rationalisation highlights a need for investigation of community infrastructure in regards to its low use, aging condition, appropriateness of location and potential for future uses, maintenance embellishment, etc. This investigation includes engagement consultation and evaluation of the facility with the community.

Through undertaking public exhibition of the draft CISP, the term rationalisation has been the most prominent item raised in community feedback with concerns raised related to:

- Council is going to get rid of a facility that they use
- Council is going to sell the facility that they use
- Council is changing the status quo and therefore forcing change

In acknowledging and understanding these concerns, the term rationalisation is recommended to be better explained and defined in the plan. The term rationalisation is about a process which exhausts a sequence of options to make community infrastructure relevant, sustainable and affordable for the community. The process involves the following steps:

1. Identification of low use
2. Attempts to increase usage
3. Attempts to minimise maintenance / running costs
4. Identification of nearby infrastructure that can meet existing needs
5. Ongoing consultation with the community

Possible outcomes of the above process would consider the following options:

- Increased marketing and improvements in utilisation
- Alternate use of land i.e. conversion of open space to community building or environmental protection area, developing a multipurpose infrastructure, creating additional uses for a facility.
- Lease of land i.e. to retain land in Council ownership whilst earning rental income for the permissible use of the land.
- Community trustee, giving the halls operation/maintenance and management to a community group (similar to a lease/licence), this would release council from the ongoing financial responsibilities of maintaining the facility.
- Sale of land for commercial or residential purposes (this would require reclassification/rezoning which will always require community consultation and a formal decision of Council).

Should sale of land be considered by the community and/or Council, the income generated from this process is recommended to be reinvested in the relevant network i.e. open space or community buildings and increase the capacity of existing space or community buildings. In addition, it must be acknowledge that not all land identified will have the potential for sale due to site constraints or other infrastructure needs identified (i.e. land may contain utility services).

Resistance to change

Many of the submissions received from exhibition of the draft CISP also have a theme of resistance to any change and this is a normal response. In recognition of this point, Council must understand the need to include the community in its decision making process and to ensure that any change is discussed, understood and potentially aligned with any future community needs.

The draft plan identifies changes for future community infrastructure supply/provision (which could be co-location, multipurpose use, etc.) and prior to any of these changes being undertaken there will be community consultation and evaluation to identify clear and common objectives to move forward.

Some of the key themes emerging from the submission feedback was the communities desire to have quality facilities rather than quantity and the preparedness to travel 30 minutes or more for quality facilities.

Section 94 Plan

The final CISP will be a valuable tool in undertaking future reviews of Council's Section 94 Plan and to identify future community infrastructure needs and potentially assist with the re-direction of associated Section 94 funds. It is anticipate that amendments to the current Section 94 Pan for community infrastructure will be undertaken after finalisation of the CISP. In commissioning this strategic plan a key objective was to use the information to review the Section 94 Plan with regard to Active and Passive Open Space and Community Facilities.

Strategies / plans superseded by CISP

This document will supersede Councils current Sportsground Strategic Plan.

Community Engagement

Development of the draft CISP, and subsequent public exhibition of the draft plan, has involved significant and extensive community involvement which is outlined in the following sections of the plan (see Attachment 1):

- Program of engagement identified in Appendix C
- Consultation feedback identified in Section 6.0
- Consultation notes identified in Appendix D

Once finalised the CISP will provide strategic direction regarding delivery and management of community infrastructure into the future. The plan is recommended to be reviewed every 5 years to ensure that it remains relevant and reflects our community needs.

Policy Implications

The CISP will be the overarching strategic document to guide Council's Social and Infrastructure Planning and therefore will assist in associated policy development for Council.

Financial Implications

At its Ordinary Meeting held on 28 October 2014, Council considered a financial sustainability report. This report highlighted Council's current financial position, upcoming future financial demands, and the financial advantages of asset rationalisation. Rationalisation of community infrastructure is also consistent with achieving Council's Fit for the Future outcomes

SA17.38 Grant Offer - Community Development Grants Programme - Construction of Ulladulla Netball Courts

HPERM Ref: D17/45952

Group: Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To consider accepting the Federal Government grant funding offer of \$150,000 from the Community Development Grant Programme for construction of two (2) additional netball courts at Ulladulla Sports Park.

Recommendation

That Council

1. Accept the Federal Government grant funding offer of \$150,000 from the Community Development Grant Programme for construction of two (2) additional netball courts at Ulladulla Sports Park.
2. Write to Ann Sudmalis MP the Member for Gilmore and the Hon Fiona Nash, Minister for Regional Development, thanking them for the Federal Government funding assistance to assist in the delivery of two (2) additional netball courts at Ulladulla Sports Park.

Options

1. Council accept the Federal Government grant funding offer of \$150,000 to assist with construction of two (2) additional netball courts at Ulladulla Sports Park.

Implications: This will allow Council to fully fund and deliver these additional netball courts.

2. Council not accept the Federal Government grant funding offer of \$150,000 to assist with construction of two (2) additional netball courts at Ulladulla Sports Park.

Implications: This would result in Council not being able to fund provision of two (2) additional netball courts at Ulladulla Sports Park and direction is requested to staff regarding how to deliver this project.

Background

Ulladulla Sports Park Master

In the master planning for Ulladulla Sports Park, Council and the community have identified the need to upgrade the two (2) remaining grassed netball courts to become sealed all weather flexipave netball courts. Whilst a number of significant improvements have occurred over recent years at the Sports Park (i.e. construction of AFL Field, access road / car park sealing, drainage improvements, etc.) sufficient budget has not been available to deliver the

two (2) additional all weather netball courts. Subsequently, the Ulladulla and Districts Netball Association has made ongoing representation to Council on this matter.

Whilst Council staff have made ongoing budget bids, and applied for grant funding, the available Council budget for this project is \$125,000 (Job No. 82568) and is not sufficient to deliver the project which is estimated at \$275,000.

Grant Funding Offer

Council on 24 January 2017 received written notice from the Hon Fiona Nash, Minister for Regional Development, advising that Council had been successful in obtaining a \$150,000 grant from the Federal Government to assist in the delivery of (2) additional netball courts at Ulladulla Sports Park. This funding offer relates to a 2016 Federal Government election commitment from Ann Sudmalis MP, the Member for Gilmore.

The grant offer is subject to Council signing a funding agreement with the Federal Government and meeting the agreed terms and conditions. Previously, Council has signed similar agreements which have provided grant funding for projects such as:

- Round The Bay Walk – Orion Beach Foreshore
- Berry School Of Arts - Building Rehabilitation

Community Engagement

Community engagement will occur with the Ulladulla Netball Association and to update them on the construction programme and to minimise impacts of construction activities on their sporting competition/training.

Financial Implications

Council has allocated General Revenue funding of \$125,000 (Job No. 82568) and the estimated cost to provide two (2) additional netball courts at Ulladulla Sports Park is \$275,000. Acceptance of the Federal Government grant funding offer of \$150,000 will allow Council to fully fund and deliver these netball courts based on current estimates provided.

SA17.39 Public Policies for Review - Asset Management

HPERM Ref: D16/359772

Group: Assets & Works Group

Section: Asset Management

Attachments:

1. Cycleways & Footpaths - Charges Applicable [↓](#)
2. Drainage Easements - Maintenance of Open Drains [↓](#)
3. Drainage Easements - Piping in Existing Subdivisions [↓](#)
4. Kerb & Guttering - Charges Applicable [↓](#)
5. Kerb & Gutter Construction- Ratepayer Financing [↓](#)
6. Community Use of Rural Fire Service Stations [↓](#)
7. Private Use of Public Parking [↓](#)
8. Council Waterways Infrastructure - Commercial Uses [↓](#)

Purpose / Summary

To adopt existing public policies which are the responsibility of the Assets and Works Group (Asset Management section)

Recommendation (Item to be determined under delegated authority)

That

1. the following public policy be rescinded
 - Cycleways and Footpaths – Charges Applicable
2. the following public policies be adopted with the minor changes
 - POL16/142 Drainage Easements – Maintenance of Open Drains
 - POL16/143 Drainage Easements –Piping in Existing Subdivisions
 - POL16/148 Kerb and Guttering – Charges Applicable
 - POL16/154 Private Use of Public Parking
 - POL16/155 Ratepayer Financing Policy for Kerb and Gutter Construction
 - POL16/158 Rural Fire Stations – Community Use
 - POL16/138 Council Waterways Infrastructure – Use of for Commercial Purposes

Options

1. Adopt and rescind existing public policies, as recommended
Implications: Council will continue to implement the Public Policies and rescind the Cycleways and Footpaths Policy
2. Make an alternative recommendation.
Implications: Council may choose to amend the Policies however additional consultation should be undertaken if significant changes are proposed.

Background

The following public policies have been reviewed and amended, where necessary, to allow their adoption within 12 months of a Council election (see Attachments 1 to 8).

Cycleways and Footpaths – Charges Applicable (2093E)

Under Section 217 of the Roads Act 1993, Council is entitled to recover, from the landowner, up to 50% of the cost of a path constructed immediately adjacent to their property. Council has not charged for path construction for the last 10 years. However, there is no need to have a separate policy on this matter as Council can resolve at any time to reintroduce a Section 217 charge. Consequently, it is recommended the policy now be rescinded and Council will be advised of next financial years projects in a future report where a Section 217 charge may be introduced, this would be for Councils consideration.

However, additional revenue would be generated if Council considers reintroducing a Section 217 charge. As an example, if charges still applied, the total revenue which could have been expected for all non-grant funded path projects in the last 12 months is about \$227,000. This excludes any charges for path projects which were fully or partially grant funded. Although most of Council's largest projects are grant funded, Section 217 still allows Council to obtain contributions of up to 50% of the actual expenditure to Council. For example, most grant funded projects are on a 50% each basis. In this case, Council would still be entitled to, under Section 217, up to 25% of the total project cost as a contribution from landowners. The notional additional revenue for the last 12 months projects, if 25% of grant funded projects was 'recouped' from land owners, is approximately \$195,000.

If Section 217 charges were fully reinstated, the potential revenue from the next 12 months of projects would be about \$218,000 and \$130,000 from non-grant funded and grant funded projects respectively.

Drainage Easements – Maintenance of Open Drains (30633E)

No changes are recommended to this policy.

Drainage Easements – Piping in Existing Subdivisions ((30633E)

No changes are recommended to this policy.

Kerb and Guttering – Charges Applicable (22638E)

No changes are recommended to this policy.

Ratepayer Financing Policy for Kerb and Gutter Construction (16016E)

No changes are recommended to this policy.

Rural Fire Stations – Community Use (21692E)

No changes are recommended to this policy

Private Use of Public Parking (17432E)

The following changes are recommended: in 3(b)(ii) replace "for Local Government use" with "Shoalhaven City Council operations"; in 5.2 and 6.6 replace "where car parking demand is high (as evidenced by timed parking restrictions)" with "where there are time parking restrictions"; in 6.2 replace "government departments (except local government)" with "government authorities (except Shoalhaven City Council)"; and in 6.6 delete "at cost" and "is".

Council Waterways Infrastructure – Use of for Commercial Purposes (27563E)

No changes are recommended to this policy

Community Engagement

As no significant changes have been made to the policies, Council may consider that it is not necessary to undertake community engagement before their adoption.

Policy Implications

No significant changes have been made to the policies.

Financial Implications

Not applicable.

Risk Implications

Not applicable.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

CYCLEWAYS AND FOOTPATHS - CHARGES APPLICABLE

Policy Number: POL12/235 • **Adopted:** 15/11/1983 **Amended:** 19/10/2004, 31/01/2007, 15/04/2014 •
Reaffirmed: 21/09/2009 • **Minute Number:** MIN83.2751, MIN04.1322, MIN07.10, MIN09.1292, MIN14.266 •
File: 2093E • **Produced By:** Assets and Works Group • **Review Date:** 1/12/2016

1. PURPOSE

To clarify Council's position in regard to the application of Section 217 of the Roads Act 1993 which allows a contribution to be recovered, from the owner of land adjoining a public road, towards the costs incurred by Council in constructing or paving any footway along the side of the public road adjacent to the land.

2. STATEMENT

This policy statement is based on Council Minute 07.10 of 30th January 2007.

3. PROVISIONS

That Council not apply Section 217 of the Roads Act to seek contribution for new pedestrian / cycleways construction.

4. IMPLEMENTATION

The Assets and Works Group has responsibility for implementing this policy.

5. REVIEW

The Assets and Works Group will review this policy within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

Cycleway/pedestrian infrastructure constructed in order to encourage greater use by cyclists and walkers and to reduce reliance on motorised transport.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

DRAINAGE EASEMENTS - MAINTENANCE OF OPEN DRAINS

Policy Number: POL16/142 • **Adopted:** 11/04/1983 • **Amended:** 22/05/2005, 20/01/2009, 21/06/2013 • **Minute Number:** MIN83.608, MIN05.138, MIN09.21, MIN13.601 • **File:** 30633E • **Produced By:** Assets & Works Group • **Review Date:** 6

1. PURPOSE

To clarify the conditions under which Council is prepared to undertake maintenance works on open drains within drainage easements on private property, to safeguard the public interest and the rights of other property owners.

2. STATEMENT

This Policy statement is based on Council minute 83.608 of 11th April 1983. Council reaffirmed the policy in its revised format with minor amendments on 22nd February 2005 & 20th January, 2009.

3. PROVISIONS

The individual property owner should be responsible for the normal maintenance of an open stormwater drain within a drainage easement (in favour of Council) that passes through their property. When the open stormwater drain becomes obstructed with matter which has been washed into it such that it will significantly reduce its conveyance capacity and potentially cause loss of water from the easement, then Council should seek to rectify the situation by exercising its right, in accordance with the terms and conditions of the easement, to enter the property and undertake any maintenance work as considered necessary, to safeguard the public interests and rights of other property owners.

4. IMPLEMENTATION

The Assets and Works Group has responsibility for implementing this policy.

5. REVIEW

The Assets and Works Group will review this policy within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

Assists with protection from flooding and disruption to social amenity where drainage obstructions occur within watercourses.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

DRAINAGE EASEMENTS - PIPING IN EXISTING SUBDIVISIONS

Policy Number: POL16/143 • **Adopted:** Original date of adoption unknown. • **Reaffirmed:** 22/2/2005 •
Amended: 30/07/2013 • **Minute Number:** Original minute unknown, MIN05.138, MIN13.743 • **File:** 30633E •
Produced By: Assets and Works Group • **Review Date:**

1. PURPOSE

To allow property owners to bring forward in Council's Capital Works Program, the piping of an existing drainage easement by contributing to the cost of works.

2. STATEMENT

This policy is targeted at addressing long standing open easement drainage problems and is a mechanism to enable a long term problem to be addressed in advance of normal programmes by the landowner making a contribution to the works.

Council reaffirmed the policy in its revised format by Minute 05.138 on 22 February 2005.

3. PROVISIONS

That Council carry out the piping of isolated drainage easements containing open drains through existing subdivisions in its annual Capital Works Program, where the following requirements are met:-

- (a) A written request has been submitted by the owner
- (b) The land is built upon or a building application has been approved
- (c) The owner makes a contribution towards the cost of the work representing 50% of the estimated cost of the work within his property
- (d) Council considers the work merits the necessary allocation of funds.

4. IMPLEMENTATION

The Assets and Works Group has responsibility for implementing this policy.

5. REVIEW

This policy will be reviewed within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

Assist in controlling stormwater runoff, reducing erosion and sedimentation and improving the local amenity.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

KERB AND GUTTERING - CHARGES APPLICABLE

Policy Number: POL16/148 • **Adopted:** 14/07/1969 • **Reaffirmed:** 19/10/2004 • **Amended:** 26/08/2008, 20/01/2009, 30/07/2013 • **Minute Number:** MIN69.1559, MIN04.1322, MIN08.1171, MIN09.21, MIN13.741 • **File:** 22638E • **Produced By:** Assets and Works Group • **Review Date:**

1. PURPOSE

To specify the amount of contribution to be recovered, from the owner of land adjoining a public road, towards the costs incurred by Council in constructing kerb and guttering along a public road adjacent to the land, in accordance with Section 217 of the Roads Act 1993.

2. STATEMENT

This policy statement is based on Council Minute 69.1559 of 14 July 1969. Council reaffirmed the policy in its revised format on 19th October 2004 and modified the policy on 26 August 2008, 20 January 2009 and 30 July 2013.

3. PROVISIONS

The charge for kerb and guttering be half the cost for work adjacent to property frontages and a quarter of the cost for work adjacent to side and rear boundaries and that such charge apply to all kerb and guttering works.

Where a property has only three sides and a wide frontage, kerb and gutter charges be applied as follows:

- a) 50% of the property frontage at the full front boundary rate and
- b) 50% at the side boundary rate.

4. IMPLEMENTATION

The Asset and Works Group has responsibility for implementing this policy.

5. REVIEW

The Asset and Works Group will review this policy within one year of the election of every new Council.

6. APPLICATION OF ESD PRINCIPLES

Controlling stormwater runoff, reducing erosion and sedimentation and improving the local amenity.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

KERB AND GUTTER CONSTRUCTION – RATEPAYER FINANCING POLICY

Policy Number: POL16/155 • **Adopted:** 29/06/2004 • **Amended:** 25/06/2007, 25/08/2009, 30/07/2013 • **Minute Number:** MIN04.740, MIN07.822, MIN09.1143, MIN13.742 • **File:** 16016E • **Produced By:** Assets and Works Group • **Review Date:**

1. PURPOSE

The aim of this policy is to give ratepayers and occupiers of urban land within the City the opportunity to advance the construction of kerb and gutter and associated shoulder seal fronting their property by way of ratepayer advances.

2. STATEMENT

2.1. Background

The ratepayer financing scheme allows ratepayers to fund the cost of kerb and guttering fronting their property in advance of the work being undertaken via Council's normal construction works programs.

2.2. Scope

This policy applies to all urban residential areas across the City where Council ultimately intends to provide kerb and guttering.

2.3. Relationship to Other Documents

This policy should be read in conjunction with the relevant section of Council's current Fees, Charges and Rentals

3. PROVISIONS

3.1. Repayment of Loan Advance

Where ratepayer advances are made to fund the construction of kerb, gutter and shoulder seal, the amount advanced (less the adjoining owner's normal contribution) will be repaid on a date 5 years after the day on which the advance is made at a rate of 5% per annum simple interest.

[Note: The "adjoining owners normal contribution" is outlined in Council's current Fees Charges and Rentals for the recovery of costs in accordance with Section 217 of the Roads Act 1993.]

3.2. Criteria for Eligibility

Shoalhaven City Council - Ratepayer Financing Policy for Kerb, Gutter and Footpath Construction

Approval to applications for works to be carried out under this policy will be subject to the Director Asset and Works Group certifying that the required work is feasible and not deleterious to any other work or property. For kerb and guttering, approval will only be issued for construction fronting two adjoining properties, two or more adjoining properties or sections of at least 30 metres in length, or shorter if infill works allow two existing sections of kerb & gutter to be joined.

3.3. Fees and Charges

For the purpose of such ratepayers advances, a standard charge per metre will be adopted and such charge to be included in Council's Fees, Charges and Rentals and adjusted annually.

3.4. Additional Costs

Where additional costs will obviously be required and the work is nonetheless seen as desirable, then such additional costs will be incorporated into Council's Capital Works Programme. Additional provision will be made in the programme for these costs which should also include Council's contribution for shoulder seal.

3.5. Driveways

Council also encourages ratepayers and occupiers at their own cost, to have constructed driveway slabs or strips between the property boundary and kerb line particularly, where new kerb and guttering is being constructed.

4. IMPLEMENTATION

Asset and Works Group staff will provide copies of this policy to ratepayers who request kerb and guttering in advance of Council's normal Capital Works Programme. Where interest is shown, Council staff will facilitate and encourage other property owners in the street to take advantage of the policy and to maximise the number of participants. Any viable project will be reported to Council for a resolution to enter into a Ratepayer Advance Agreement as a Legal Document. The General Manager does not have delegation under the Local Government Act to borrow money.

All finances will be administered in accordance with that Agreement by the Director Corporate and Community Services.

5. REVIEW

The Asset and Works Group will review this policy within one year of the election of every new Council or earlier should circumstances arise to warrant revision.

6. APPLICATION OF ESD PRINCIPLES

The construction of kerb and guttering will reduce the effects of stormwater erosion in many under developed catchments.



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

COMMUNITY USE OF RURAL FIRE SERVICE STATIONS

Policy Number: POL16/158 • **Adopted:** 26/04/2005 • **Amended:** 21/09/2009, 23/11/2012 • **Minute Number:** MIN05.420, MIN09.1283, MIN12.1266 • **File:** 21692E • **Produced By:** Assets and Works Group • **Review Date:**

1. PURPOSE

To ensure that the community use of Rural Fire Service (RFS) stations does not impact on RFS routine operations, emergency response or RFS member or public safety.

2. STATEMENT

For many years, RFS stations have been made available for community use in a number of village locations where no public hall or venues suitable for local meetings and other community activities exist. An increasing focus on risk management and occupational health and safety issues has highlighted areas of potential conflict between community and RFS use of these stations. This policy is aimed at avoiding such conflict.

3. PROVISIONS

- 3.1.1. The community use of RFS stations will not generally be permitted in localities where public halls or other suitable venues are available.
- 3.1.2. Negotiations and agreements need to be reached between the community group(s), the District Manager and local Rural Fire Brigade (RFB) members on a brigade-by-brigade basis where community use is proposed.
- 3.1.3. Where permission for community use is allowed, a nominated community member must be placed in charge of the activity and the community group must accept responsibility for adherence to any protocols that have been established by the RFS for co-use of the station.
- 3.1.4. Where any dispute over community use arises, Council will make the final decision on whether or not uses are agreed to after considering each case on its merits. The determining factor is whether the use can be managed in such a way that routine RFS operations, emergency response and member/public safety will not be compromised.
- 3.1.5. Use of RFS stations by community groups will be subject to the same “casual hirers” insurance policy requirements applicable to other public halls and buildings owned by Council.
- 3.1.6. The local brigade may charge a reasonable hire fee for the use of the RFS station.

*Shoalhaven City Council - Community Use of Rural Fire Service Stations***4. IMPLEMENTATION**

Council's Assets and Works Group administers this policy. Local RFS District Manager in conjunction with affected RFB Captain(s) are responsible for implementing the policy in the local context.

5. REVIEW

This policy will be reviewed within one year of the election of every new Council, or earlier if circumstances warrant.

6. APPLICATION OF ESD PRINCIPLES

None applicable



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets & Works Group

PRIVATE USE OF PUBLIC PARKING

Policy Number: POL16/154 • **Adopted:** 18/12/2007 • **Amended:** 20/1/2009, 22/10/2013 • **Minute Number:** MIN07.1801, MIN09.24, MIN13.1042 • **File:** 17432E • **Produced By:** Assets and Works Group • **Review Date:**

1. PURPOSE

The purpose of this Policy is to:

- a. set the guidelines for the private use of public parking
- b. set the guidelines for the basis for fees charged under section 608 of the Local Government Act 1993
- c. preserve the availability of public car parking, by applying Fees and Charges for the private use of public parking.

2. STATEMENT

Council provides a combination of timed (restricted) and untimed (unrestricted) public parking spaces on public roads and within car parks for use by the community. This document sets guidelines for the exclusive private use of public car parking spaces as well as the basis for setting fees and charges for any private use.

3. EXEMPTION CIRCUMSTANCES

The details of exemptions that may or may not be provided are

- a) No exemptions shall be granted for the Application Fee, or for the process in general
- b) A Parking Usage Fee exemption shall apply:
 - i) in all areas where parking is unrestricted.
 - ii) for all Shoalhaven City Council operations.

Note the Parking Usage Fee shall apply to all other government and public utilities authorities.

- c) 'Not for Profit' organisations may apply for a reduction or an exemption of the Parking Usage Fee.
- d) The Signage Installation and Restoration Fee shall apply for all approvals for periods of four weeks or more. There are no exemptions to this fee.

4. CRITERIA FOR DETERMINATION OF AN APPLICATION

Shoalhaven City Council - Private Use of Public Parking

- 4.1. All applications shall be received on the Application Form (Appendix 1).
- 4.2. No application will be considered until such time as payment of the Application Fee (as detailed in Council's current Fees and Charges) has been paid.
- 4.3. This Policy applies only to Council owned and controlled car parking spaces.
- 4.4. Private use of Public Parking shall only be approved for:
 - a) temporary development construction purposes,
 - b) private maintenance purposes,
 - c) public utility maintenance / construction purposes
 - d) short –term use by government departments for public information purposes eg mobile health checks'
 - e) community group activity purposes use
 - f) use by charitable organisations.
- 4.5. Private use of Public Parking shall not be approved for any ongoing use not listed in 4.4 above. (ie Exclusive use of space to provide parking of vehicle close to business or residential premises).
- 4.6. To limit the impact on the availability of parking spaces for the public, generally, no more than two spaces will be approved at any one time.

5. FEES AND CHARGES

- 5.1. Application Fee – as detailed in Council's Annual Fees and Charges shall be charged for all applications.
- 5.2. Parking Usage Fee, as detailed in Council's Annual Fees and Charges, shall apply in all areas where there are timed parking restrictions. Where pavement marking does not delineate individual parking spaces, a maximum of 6m in kerb length is permitted for parallel parking and 3.4m of kerb for angle parking. Payment of the Car Parking Usage Fee is required in advance of the use of the parking space/s.

If requested, the Parking Usage Fee may be reduced or waived for not for profit organisations.

- 5.3. Signage Installation and Restoration Fee shall apply for all approvals of four weeks or more. This fee is detailed in Council's Annual Fees and Charges shall be charged for each zone installed.

6. PROVISIONS

- 6.1. In areas where there are timed parking restrictions, a Parking Usage Fee will apply for each week (or part thereof) to each parking space approved.
- 6.2. The Parking Usage Fee shall apply for use by Government authorities (except Shoalhaven City Council) and public utilities.

Period of Use

Shoalhaven City Council - Private Use of Public Parking

- 6.3. Requests for exclusive use of public car parking spaces for periods of less than four weeks shall be referred to the General Manager (Director, relevant group) for determination.
- 6.4. All approvals for periods of four weeks or more shall require the installation of regulatory Work zone signage to delineate the zone. Accordingly, these requests shall be referred to the Shoalhaven Traffic Committee for consideration.

Delineation of parking space/s

- 6.5. Where approval is granted for a period of less than four weeks, the applicant is to identify the affected space/s by use of traffic cones or bollards together with the approval notice clearly displayed on the dashboard of the approved vehicle. Parking spaces will not be reserved or delineated by any signage.
- 6.6. Where approval is granted for a period of four weeks or more, the applicant is to bear the full cost of installation (and subsequent removal) of 'Work zone' signage as deemed necessary by Shoalhaven Traffic Committee. The Signage Installation and Restoration Fee will be in addition to the Application Fee and Car Parking Usage Fee.

Refund of unused portion of Parking Usage Fee

- 6.7. No portion of the Parking Usage Fee will be refunded for use not required, where the approval is for less than four weeks.
- 6.8. A pro-rata refund of the Parking Usage Fee for periods in excess of four weeks may be provided where:
 - a. the applicant no longer requires the parking spaces, and
 - b. Provides two weeks notice to Council for the removal of the Work zone and the re-instatement of the timed parking restrictions signage.
 - c. the refund will only apply to full weeks of non use (after the two week notification period, or last date of required use – whichever is the latter).

Extension of period

- 6.9. Sequential applications and/or applications for an extension of the agreed period must be submitted 6 weeks prior to the expiry of the current approval period.

Penalty

- 6.10. A penalty shall apply for all unauthorised exclusive use of public parking. The details on this penalty are provided under Section 138 of the Roads Act.

7. INSURANCE

- 7.1. Public Liability insurance in an amount of \$20 million is to be maintained for the period of private use, noting Shoalhaven City Council as an interested party. Written evidence of a current policy is to accompany the application.

8. REPAIRS AND MAINTENANCE TO INFRASTRUCTURE

- 8.1. It is to be the applicant's responsibility to report, repair and / or pay for any damage to Council infrastructure, such as pavement damage, damage to signage or other infrastructure, etc.

9. OTHER MATTERS

Implementation

The Assets and Works Group has the responsibility for implementing this Policy by reviews of requests and reporting to Council for individual determination.

Review


In accordance with S 165 (4) of the Local government Act 1993, this policy will be reviewed within one year of the election of every new Council.

Application of ESD Principles

Social Integrity - the policy aims to minimise the degradation of parking facilities, particularly in areas of high parking demand, while recognising the benefit to the community via:

- a. Development and maintenance of commercial premises within these areas
- b. Provision of ad-hoc community health and other information services via mobile services.

Shoalhaven City Council - Private Use of Public Parking



Application for Private use of public car parking spaces

Assets & Works Group

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541
Address all correspondence to: The General Manager, PO Box 42, Nowra, NSW, Australia, 2541 I DX 5323 Nowra
council@shoalhaven.nsw.gov.au I www.shoalhaven.nsw.gov.au I Phone: (02) 4429 3111 I Fax: (02) 4422 1816

1 Applicant

Mr / Ms / Mrs / Other: _____

Family/Company Name: _____

First Name: _____

Flat/ Street No: _____

Street Name: _____

Town or Locality: _____

State: _____ Postcode: _____

Phone: _____ Mobile: _____

Email: _____

Vehicle Registration No.: _____

Applicant's Reference: _____

3 Parking Use

Tick appropriate use of car parking

☐ Construction / Maintenance

DA Reference: (if applicable) _____

☐ Government Use

☐ Community Group / Charity Activity

This application is for the period:

from _____

to _____ (Date)

2 Location of car parking spaces

Type or parking required: On Street / Car park

Street Name / Car park Location: _____

Town or Locality: _____

Are there current Parking Restrictions? Yes / No

If Yes: 1P / 2P / 3P / No Parking / No Stopping / Other
(Circle the current parking restriction signage)

Other - Details: _____

No. of Spaces Requested: _____

Attach a location diagram.

4 Public Liability Insurance

Insurance Policy Company: _____

Policy No.: _____

Value: _____ Expiry Date: _____

Please attach a copy of your Certificate of Currency noting Shoalhaven City Council as an interested party

5 Declaration

☐ Copy of Insurance Certificate attached

☐ Location diagram attached

I/We hereby apply for the Private Use of Public Parking as described above.

Signed: _____

Date: _____

Privacy Notification: The information will be used solely by Council staff for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on voluntary basis and they may apply to Council for access or amendment of the information at any time.


This form may be published on Council's website in accordance with Government Information (Public Access) Act 2009

OFFICE USE ONLY

Fee: _____ Receipt: _____ File no.: _____

Date: _____ Ledger: _____

Form Number: 830	Issue Date: 09/2013
Version Number 1	Next Review date: 09/2015



F O R M 8 3 0

Shoalhaven City Council - Private Use of Public Parking

Advice to Applicant's for Private Use of Public Parking

There is regular demand for the use of public car parking spaces for development construction / maintenance purposes, and / or parking of mobile public health purposes. Requests can apply to on street parking as well as within public car parks.

1. An application fee shall apply to all requests. Payment of the application fee does not guarantee approval of the request.
2. Payment of the application fee is required at the time of lodgement.
3. This application applies only to Council owned and controlled car parking spaces.
4. Council will only permit the use for development /construction purpose or short-term government use e.g - mobile health checks.
5. Requests for periods of four weeks or more require the installation of 'Work Zones' (as defined in Australian Road Rules 2008). Installation of these zone/s require referral to the Shoalhaven Traffic Committee.
6. In addition to the Application Fee the following fees and charges shall apply if the application is approved:
 - a. Parking Usage Fee - as detailed in Council's fees and charges shall apply to each space per week or part thereof, where timed parking restrictions apply.
 - b. Signage Installation/Restoration Fee - as detailed in Council's fees and charges shall apply to each work zone.
7. Sequential applications and/or applications for an extension of the agreed period must be submitted 6 weeks prior to the expiry of the current approval period.
8. It is the applicant's responsibility to report, repair and / or pay for any damage to Council facilities such as pavement damage.
9. Public liability insurance in an amount of \$20 million noting that Shoalhaven City Council is an interested party is to be maintained for the period of private use. Written evidence of a current policy is to be provided prior to the commencement of private use.
10. The applicant shall meet all obligations under the Work Health and Safety Act 2011, and relevant Workcover requirements including appropriate traffic controls



City Administrative Centre
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Assets and Works Group

Council Waterways Infrastructure - Commercial Uses

Policy Number: POL16/138 • **Adopted:** 22/04/2008 • **Amended:** 30/07/2013 • **Minute Number:** MIN08.527,
MIN13.743 • **File:** 27563E • **Produced By:** Assets and Works Group • **Review Date:**

1. PURPOSE

To define when a licence is required for commercial use of Council's waterways infrastructure

2. STATEMENT

- Waterways Infrastructure includes wharves, jetties and boat launching ramps that are owned and/or managed by Council.
- Waterways infrastructure is provided and maintained for the broad community benefit
- Council recognises the important role that commercial vessels contribute to the Shoalhaven tourism industry.

3. PROVISIONS

A licence for the commercial use of Council's infrastructure is required when:

- The use is for any activity other than embarkation and disembarkation of passengers and/or loading/unloading of goods
- The use is for any commercial activity (including embarkation and disembarkation) at the Huskisson Public Wharves or the Woollamia public wharves.
- Berthing/use is in excess of more than 30 minutes.

Use of the Greenwell Point Fishermans timber jetty that is under the control and management of the Greenwell Point Wharf Management Committee is not covered by this policy.

Where a licence is required, approval may also be required from the land owner (South Coast, Crown Lands NSW Trade & Investment) and the NSW Roads & Maritime Service (RMS).

4. IMPLEMENTATION

Assets and Works Group will administer this policy.

5. REVIEW

This policy will be reviewed within one year of the election of every new Council

Shoalhaven City Council - Council Waterways Infrastructure - Use of for Commercial Purposes

6. APPLICATION OF ESD PRINCIPLES

For the protection of the environment, licence agreements will make provision for commercial vessels to have an environmental management system in place for:

- The servicing of toilets/galleys,
- Collection of solid waste
- Replenishment of fuel and oil
- Maintenance and Cleaning

SA17.40 Building Better Regions Fund - Projects

HPERM Ref: D17/48198

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

Council to confirm the projects for which applications will be made under the Building Better Regions Fund.

Recommendation (Item to be determined under delegated authority)

That;

1. Applications be made for the following projects under the Building Better Regions Fund – Infrastructure Projects Stream
 - a. Woollamia Regional Boating Maintenance Facilities (Project cost \$1,980,000 with Council contribution of \$990,000)
 - b. Shoalhaven Indoor Sports Centre (Project cost \$12,000,000 with Council contribution of \$8,000,000)
2. Applications be made for the following projects under the Building Better Regions Fund – Community Investments Stream
 - a. Nowra Waterfront – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)
 - b. Stewart Place – investment strategy (Project cost \$500,000 with Council contribution of \$250,000)

Options

1. As recommended.
2. Make applications for other council projects or the Bundanon Trust project.

Implications: Time frames are short to prepare applications.

3. Make no applications

Implications: Council will not have an opportunity to bid for grant funds to help deliver council project. The Woollamia Regional Boating Maintenance Facilities, the Stewart Place and Nowra Waterfront – investment strategies and the Indoor Sports Centre project will continue to have a very constrained budget further limiting the level of service provided

Background

The Federal government has invited applications for projects under two different streams of its Building Better Regions Fund (BBRF). Applications for the Infrastructure Stream close on 28 February 2017 and for the Community Investments Stream close on 31 March 2017.

A councillor briefing was held on 9 February 2017 to consider projects for each stream which would meet the eligibility criteria for making applications under the BBRF.

The Infrastructure Projects Stream will “support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas.” (Reference the BBRF Program guidelines). Similarly, the Community Investments Stream will “fund community-building activities including new and expanded local events, strategic regional plans, and leadership and capability-building activities. These projects will deliver economic and social benefits to regional and remote communities.”

Projects for both streams must be ready to commence within 12 weeks of executing the grant agreement. Applications can be made for two projects for each funding stream.

The table below shows the projects which were considered.

INFRASTRUCTURE PROJECTS STREAM	
RECOMMENDED FOR CONSIDERATION	NOT RECOMMENDED (not yet ready or insufficient economic benefit)
<ul style="list-style-type: none"> • Woollamia Regional Boating Maintenance Facilities • Shoalhaven Indoor Sports Centre • Resource Recovery Park • Nowra CBD enhancement 	<ul style="list-style-type: none"> • Ulladulla boardwalk • East Nowra Sub-Arterial road (ENSA) • Sussex Inlet streetscape • Huskisson service lanes • Nowra multi-storey car park • Shoalhaven Heads river opening • Berry equestrian centre • Moona Moona Creek ‘cycleway’ bridge • Ulladulla employment land
COMMUNITY INVESTMENTS STREAM	
RECOMMENDED FOR CONSIDERATION	NOT RECOMMENDED (not yet ready or insufficient economic benefit)
<ul style="list-style-type: none"> • Nowra waterfront – investment strategy • Stewart Place – investment strategy • Bomaderry sporting master plan – investment strategy 	<ul style="list-style-type: none"> • Gateway Park redevelopment

At the Councillor Briefing the Mayor & General Manager also “tabled” a request from the Bundanon Trust to consider a “partnership” for the Riversdale Development Proposal. This would require council to be the applicant similar to the partnership with the UOW “Mind the Gap” Project application. Council would assume many contractual responsibilities as the applicant and similar indemnity safeguards as the UOW situation would be necessary.

Councillors at the briefing favoured the Woollamia Regional Boating Maintenance Facilities and the Shoalhaven Indoor Sports Centre, and Nowra waterfront and Stewart Place, for the respective funding streams. The ‘investment strategy’ projects build on existing master plans and develop “sub-strategies” for infrastructure needs; project parcels; ownership options; approval processes; cost estimates; financial modelling; market testing and branding.

Community Engagement

Owing to the tight deadlines for the submission of applications, community consultation on the proposed projects could not be readily undertaken. But further engagement will be undertaken should funding be provided.

The local Federal Member circulated the opportunity for funding, to some local CCBs and interest was shown by the Hiskisson Woollamia Community Voice for the Moona Moona Creek 'cycleway' bridge, unfortunately this doesn't meet the criteria as strongly as those recommended in the report.

Financial Implications

Applications under both funding streams require a financial commitment of at least 50% of the estimated project cost. Successful applications will be reported to Council to confirm its commitment before the execution of any grant agreement.

The proposed project costs and contributions for the favoured projects are as follows:

Project	Project Cost	Council Contribution
Woollamia Regional Boating Maintenance Facilities	\$1,980,000	\$990,000
Shoalhaven Indoor Sports Centre	\$12,000,000	\$8,000,000
Nowra waterfront – investment strategy	\$500,000	\$250,000
Stewart Place – investment strategy	\$500,000	\$250,000

SA17.41 Greenwell Point Wharf Management Committee

HPERM Ref: D17/2806

Group: Assets & Works Group

Section: Asset Management

Purpose / Summary

To report on the results of Council seeking Expressions of Interest (EOI) for re-establishment of the Greenwell Point Wharf Management Committee.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Request NSW Department of Primary Industry – Lands remove Council as Trust Manager for the Greenwell Point Fisherman's Wharf Reserve, as the Greenwell Point Wharf is used primarily by commercial vessels and not for recreation vessels.
2. Write to NSW Department of Primary Industry – Lands as the asset owner for the Greenwell Point main concrete wharf and advise that upgrading of the facility is required as a high priority to cater for the future needs of commercial and charter fishing vessels.

Options

1. As recommended

Implications:

NSW DPI (Crown Lands) is the asset owner of the main concrete wharf and would manage the wharf going forward. This would be a similar situation as the Commercial areas of the Ulladulla Harbour.

2. Manage berthing by Council by way of occupation licence with vessel owners (not recommended)

Implications:

If Council was to pursue this option, a berthing policy needs to be adopted similar to the Huskisson Wharves in that berthing priority should be given to vessels loading and unloading and public wharf users are also considered. This is complicated and will require significant input to resolve current requirements from commercial operators. If staff are diverted to the management of this facility for commercial operators it will impact resourcing and potentially other Council priority works on waterways for the public benefit. The recent demand from other fishing vessels is likely to require negotiation and a broad understanding of the management of commercial vessels in the region.

3. Appoint a committee with Council staff to actively seek additional members by invitation to achieve a quorum of four (4) persons (Not recommended).

Implications: There is high risk of the Committee being resource intensive for Council staff to resolve for the benefit of seven (7) commercial berthing customers. It is likely that

the allocation of berths will be controversial as there is suggestions that licenced fishing vessels should have priority for berthing compared to charter vessels.

Background

Council at its meeting of 4 October 2016 considered a notice of motion on issues associated with the Greenwell Point Wharf Management Committee. Council resolved to:

1. *Re-establish the Greenwell Point Wharf Management Committee.*
2. *Advertise for expression of interest for individuals interested in serving on the Committee with a report back to council in respect of the suggested Committee membership, terms of reference, and fee structure.*
3. *Receive a further report on the stability of the old Council owned facility pending the future planned grant application to replace the wharf.*
4. *Staff consider report back on temporary relocation of pontoons after the River Festival Event.*

It is key to note that NSW DPI (Crown Lands) is the major owner and manager of fishing fleet berthing facilities throughout NSW including Ulladulla Harbour. They have expertise (relative to Council) to manage the berthing needs of the NSW commercial fishing fleet. Based on limited interest shown for the Wharf Management Committee, the report therefore recommends to council that NSW Department of Primary Industry – Lands remove Council as Trust Manager for the Greenwell Point Fisherman's Wharf Reserve and then berthing holders would liaise directly with Crown Lands and not a Wharf Committee.

Other key points to note is that NSW DPI (Crown Lands) commissioned a Planning and Engineering Investigation Report into the facility in 2012. This report identified:

- that the main concrete jetty was in a state of decline
- there is a need to upgrade the facility
- the need to review revenue of the facility for it to remain operational

Management of the wharf is legislated by the *Crown Lands (General Reserves) By Law 2006* that includes a special schedule for the Greenwell Point Wharf Reserve.

Another alternative to consider is for council to manage the Wharf but this is complicated as there is currently a waiting list of two commercial fishing boats seeking berths that includes a recent arrival of a 40 tonne fishing vessel relocated from Bermagui. These two boats are currently berthing without authority on the adjacent old timber jetty.

An increase in fees may facilitate some existing wharf berth holders to consider the need for their berthing position and they may vacate to a lower cost RMS mooring in the estuary that would free up berths to allow access for commercial fishing boats requiring more frequent access for loading and unloading.

Engagement

Council contacted all licenced fishermen within the Shoalhaven and the previous Secretary and President of the last appointed Wharf Committee. An advertisement was also placed in the local paper. Only one formal expression of interest was received from the community consultation process and this was from:

- Cheryl and Mark Bell - owner of the trawler "Wendy Bell" moored at the wharf since 1978.

Prior to advertising, an EOI was received from another operator.

Financial Implications

Maintenance of the main concrete wharf asset is currently a significant financial liability for the asset owner (Crown Lands). Council as Trust Manager is responsible for non-structural elements. A minor upgrade for the structural elements would cost in excess of \$700,000. In all likelihood if there was an accident/incident as a result of the structural elements, and a claim resulted, council would be joined in such action.

An independent valuation of the market rental for berths was obtained in October 2016 recommending that berthing fees should be in the order of \$4,290 per annum (Inclusive of electricity and water) and this is proposed to be included in the draft 2017/18 fees and charges. Current rental is \$500 per annum as set by the previous Committee.

Design is in progress for the establishment of a pump out facility and floating pontoon at the Wharf. This project will be eligible for funding and considered in the next round of the NSW Better Boating Now Program subject to it being primarily of benefit to recreational boats and not commercial vessels.

Risk Implications

If Council is to remain as the trust manager for the reserve, there is a risk of Council being burdened for the structural upgrading of the facility (greater than \$700K). This is a cost that cannot be funded by facility revenue and Crown have previously highlighted this in their future funding programs.

Based on the current results of the EOI there is insufficient interest to form a workable Management committee.

SA17.42 Intersection of Mernie Street and The Wool Road, Old Erowal Bay

HPERM Ref: D17/32181

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

To report on the possibility of creating a dedicated right turn lane into Mernie Street from The Wool Rd, Old Erowal Bay following a Notice of Motion (MIN16.752).

Recommendation (Item to be determined under delegated authority)

That the General Manager (Director Assets & Works) continue to review conditions at the intersection of The Wool Road and Mernie Street, and actively pursue any available grant funding opportunities to provide safety improvements (in particular regarding right turn movements) for vehicles on The Wool Road turning right into Mernie Street, Old Erowal Bay.

Options

1. As Recommended

Implications: No action will be taken in the short term. The existing arrangements at the intersection will remain un-changed due to the current criteria not being met for grant funding, and there being no other available funding.

2. That Council resolve to undertake the intersection works and allocate a budget of \$300,000 from ??? (not recommended)

Implications: To do this will require council to defer some other budgeted project to free up funds necessary. A reallocation of funds to make this project a higher priority is not warranted in the opinion of staff.

3. Consider banning the right turn movement into Mernie Street from The Wool Road (not recommended)

Implications: Community consultation has not been carried out on a proposal to restrict the right turn movement into Mernie Street from the Wool Road. Restricting movements at the intersection is likely to be unpopular with the community and create non-compliance issues. Currently this restriction is not warranted.

Background

Council resolved at its meeting on 4 October 2016 (Minute MIN16.753)

That the General Manager report to council on the possibility of creating a dedicated right turn lane into Mernie Street from The Wool Road at Old Erowal Bay for north flowing traffic.

Council traffic unit staff have inspected the intersection of Mernie St and The Wool Rd.

On site, it was identified that sight distance at the intersection does not comply with current “safe intersection sight distance” standards (deficient to the west) due to the crest located on The Wool Road, however the intersection does comply with current minimum “stopping sight distance” standards.

This means that if a vehicle is waiting to turn right into Mernie Street, the sight distance available for an approaching vehicle to the back of queue will allow sufficient time for the approaching vehicle to be able to observe the conflict and stop to avoid a collision, based on current standards. This explains why there is no significant history of rear end collisions.

Safe intersection sight distance standards are associated with the right turn out of Mernie Street. The deficiency (sight distance less than minimum standards) means that if a vehicle were to turn right out of Mernie Street, eastbound vehicles on The Wool Road are currently required to decelerate to a lower speed than advisable under AUSTROADS in order to accommodate the entering traffic.

Council however does not have a budget available for major intersection upgrades, and relies on grant funding opportunities for safety improvements such as right turn lanes.

In the 5 year period from January 2011 to December 2015 there were two reported tow-away crashes (1x right rear, 1x head on). There were no reported injury crashes during this period.

Grant funding conditions therefore have not been met, to apply for any form of right turn improvements at this location i.e. there are inadequate number of crashes and a low benefit cost ratio.

Due to funding constraints no action is recommended at this time, however conditions will be monitored. If ongoing crashes occur in the vicinity, action may have to be taken to restrict problem movements including the right turn into Mernie Street from the Wool Road, and the right turn out of Mernie Street on to The Wool Road if funding can't be identified.

Given future traffic growth forecasts it may be that access points to Erowal Bay will have to be restricted in future. The Shoalhaven Local Environmental Plan (SLEP2014) provides for a significant road realignment in future and provision of sole access in the future via Woodhill Street. It is envisaged under this scenario that the current road may be able to be retained as a service road to minimise the impacts of the sole access.

In the short to medium term restricting turn movements at the intersection would require further consultation with the community and consideration by the Shoalhaven Traffic Committee, if or when required.

Community Engagement

Further consultation would be required if Council was to pursue restricting turn movements at the intersection of Mernie Street and The Wool Road, and in regards to the longer term access arrangements.

If grant funding becomes available, the community will also be consulted on the design for local safety improvements.

Financial Implications

Given the constraints of the site, the need for road widening, drainage relocation, and tree clearing (to accommodate a dedicated right turn lane into Mernie Street) means upgrading the intersection to provide right turn improvements in accordance with Austroads is estimated to cost in the order of \$300,000. Council does not have a budget available for intersection upgrades, and relies on grant funding opportunities.

If Council wishes to pursue the option of restricting movements at the intersection of Mernie Street and The Wool Road, although this is not currently warranted, associated line marking and signage would be required to be installed at an estimated cost of \$3000. This can be funded from the traffic facilities block grant.

SA17.43 Land Acquisition - Easement for Drainage - Lot 202 DP1119087 - Jack Kooij

HPERM Ref: D16/377516

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Easement for Drainage - Kaross Close South Nowra [↓](#)

Purpose / Summary

To seek Council approval to acquire a drainage easement over part of Lot 202 DP 1119087, Kaross Place, South Nowra. This is based on an agreement with the Shoalhaven District Football Association to work in partnership with Council and resolve drainage issues.

Recommendation

That Council resolve to:

1. Acquire an Easement for Drainage 3 metres wide along the northern boundary of Lot 202 DP1119087 at Kaross Close, South Nowra, shown by broken line on attached easement plan;
2. Endorse the agreement with Shoalhaven District Football Association that all costs associated with the acquisition, including the payment of compensation, be met by the Association; and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to assist in alleviating the drainage issues currently being experienced at the Ison Park playing fields.

2. Not resolve as recommended and provide further directions to staff.

Background

Council has been aware of ongoing drainage issues affecting Ison Park playing fields in South Nowra for many years. There were functional issues arising out of the previous two designs to improve the drainage at the subject property. These designs were created ensuring that the drainage infrastructure would be contained wholly within Council owned land. Upon further review of the issues at the property it was determined that the best course of action was to negotiate the right to drain through the adjoining landowner's property, via the creation of a drainage easement.

Shoalhaven District Football Association completed a Project Nomination Form through the Voluntary User Contributions Policy for the 2015/2016 financial year. The project nominated

by the Association for funding was for the completion of the design and construction work associated with the drainage works. At the time, Council voted to fund 2/3 of the costs associated with the design and construction of stormwater drainage works. The following funds have been allocated:

- a. Council - \$49,793; and
- b. Soccer \$24,897.

The total allocated funds being \$79,690. It was agreed that the Football Association would be responsible for all costs associated with the acquisition and creation of the easement including compensation, legal and registration costs.

Accordingly, Shoalhaven Football Association have been in discussions with the owner of Lot 202 DP1119087 and have reached an agreement for the easement acquisition as follows:-

1. *"The easement would have the least impact on Lot 202 as possible – this has been achieved by creating the easement along the northern boundary, over which there is an easement already in place;*
2. *The standard terms for an Easement for Drainage of Water will be used;*
3. *The owner of Lot 202 would not be liable for any costs associated with surveys, legal representation or valuations, or any other expenses incurred as a result of the easement creation;*
4. *The compensation for the easement to be in the amount of \$2,000 – Council has obtained valuation advice on the proposed easement and associated injurious affectation which provides that the requested compensation figure is fair and reasonable."*

Financial Implications

The compensation and reasonable costs associated with the acquisition are to be met by Shoalhaven District Soccer Association. The drainage construction will be funded up to 2/3 of the cost by Council.

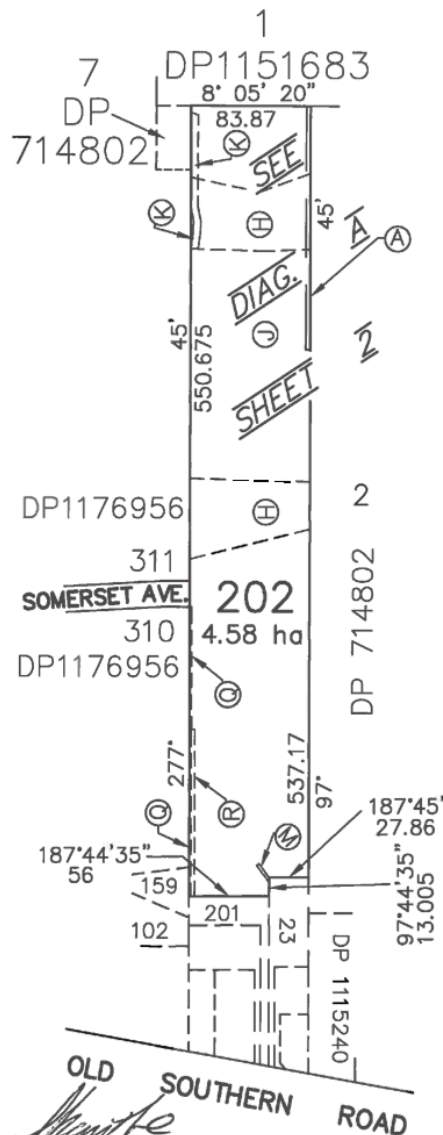
Risk Implications

Acquisition of the easement is necessary to alleviate the ongoing drainage issues at Ison Park playing fields.

PLAN OF PROPOSED EASEMENT FOR DRAINAGE OF WATER 3 WIDE AFFECTING PART LOT 202 DP 1119087

LGA: SHOALHAVEN
LOCALITY: SOUTH NOWRA
PARISH: NOWRA
COUNTY: ST VINCENT

Ⓐ PROPOSED EASEMENT FOR
DRAINAGE OF WATER 3 WIDE



- Ⓐ PROPOSED EASEMENT FOR DRAINAGE OF WATER 3 WIDE
- Ⓐ RESTRICTION ON THE USE OF LAND (VIDE DP 604614)
- Ⓐ RESTRICTION ON THE USE OF LAND (VIDE DP 604614)
- Ⓐ EASEMENT TO DRAIN WATER 5 WIDE (DEALING 0486763)
- Ⓐ EASEMENT FOR DRAINAGE OF WATER 2 WIDE (VIDE DP 1115240)
- Ⓐ EASEMENT FOR DRAINAGE OF WATER 1.3 WIDE (VIDE DP 1119087)
- Ⓐ EASEMENT FOR SEWER MAIN 2.4 WIDE (VIDE DP 1119087)

THANH N LE
REGISTERED SURVEYOR
UNDER THE SURVEYING & SPATIAL
INFORMATION ACT 2002

DATE: 12 DECEMBER 2016
SURVEYORS REF: N26824-01

SHEET 1 OF 2 SHEET
RATIO 1:4000

SA17.43 - Attachment 1

PLAN OF PROPOSED
EASEMENT FOR DRAINAGE OF WATER 3 WIDE
AFFECTING PART LOT 202 DP 1119087

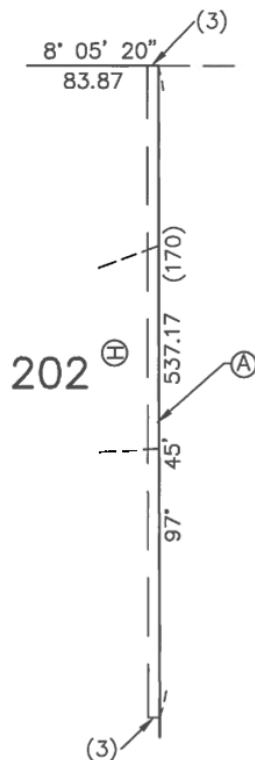
LGA: SHOALHAVEN
LOCALITY: SOUTH NOWRA
PARISH: NOWRA
COUNTY: ST VINCENT

Ⓐ PROPOSED EASEMENT FOR
DRAINAGE OF WATER 3 WIDE




DIAGRAM A

REDUCTION RATIO 1:1500



- Ⓗ RESTRICTION ON THE USE OF LAND
(VIDE DP 604614)
- Ⓙ RESTRICTION ON THE USE OF LAND
(VIDE DP 604614)
- Ⓚ EASEMENT TO DRAIN WATER 5 WIDE
(DEALING 0486763)
- Ⓜ EASEMENT FOR DRAINAGE OF WATER
2 WIDE (VIDE DP 1115240)
- Ⓠ EASEMENT FOR DRAINAGE OF WATER
1.3 WIDE (VIDE DP 1119087)
- Ⓡ EASEMENT FOR SEWER MAIN 2.4 WIDE
(VIDE DP 1119087)


THANH N LE
REGISTERED SURVEYOR
UNDER THE SURVEYING & SPATIAL
INFORMATION ACT 2002

DATE: 12 DECEMBER 2016
SURVEYORS REF: N26824

SHEET 2 OF 2 SHEET
RATIO 1:1500

SA17.44 Acquisition of Fire Trail Easements at Jerberra Estate, Tomerong

HPERM Ref: D17/14579

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Location Plan of Easement [↓](#)
2. Previous Council Resolution [↓](#)

Purpose / Summary

This report is to recommend Council acquire a fire trail easement in favour of the Rural Fire Service over Lots 55, 61 & 62 DP 11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation. See Attachment 1 for the location of the fire trail easement.

Recommendation

That Council:

1. Approve the acquisition of a fire trail easement approximately 6 metres wide and variable under the Land Acquisition (Just Terms Compensation) Act 1991, in favour of the Rural Fire Service, over Lots 55, 61 & 62 DP 11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation (Attachment 1);
2. Agree to pay the effected land owners of Lots 55, 61 & 62 DP 11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from Job No. 85286; and
3. Authorise that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Recommended as outlined above.

Implications: The owners will be eligible to apply for development approval on their land once the fire trail easement is in place across all lots ie not until the negotiation with other landowners is complete.

2. Do not recommend as outlined above.

Implications: The owners will not be eligible to apply for development approval on their land as the fire trail easement will not be in place.

3. Provide further direction to staff and propose an alternative.

Background

The stand-alone Jerberra Estate Shoalhaven Local Environmental Plan 2014 (JESLEP 2014) legally commenced on 22 February 2014.

Under Clause 6.2 of the JESLEP 2014, land is unable to be developed unless essential infrastructure is in place. The subject fire trail easement is essential infrastructure, as Lots 55, 61 & 62 on Invermay Avenue are located directly adjacent to bushfire prone vegetation on Crown Land.

The affected land owners have all agreed to the creation of the fire trail easement for no compensation.

Council has previously resolved to acquire the fire trail easement over Lots 56 to 60 DP 11629 and Lots 66 to 69 DP 11629 (refer Attachment 2).

Community Engagement

This matter is considered to be a Local Area Low Impact issue, as detailed in Council's Community Engagement Policy and Handbook, therefore only the affected land owners have been informed.

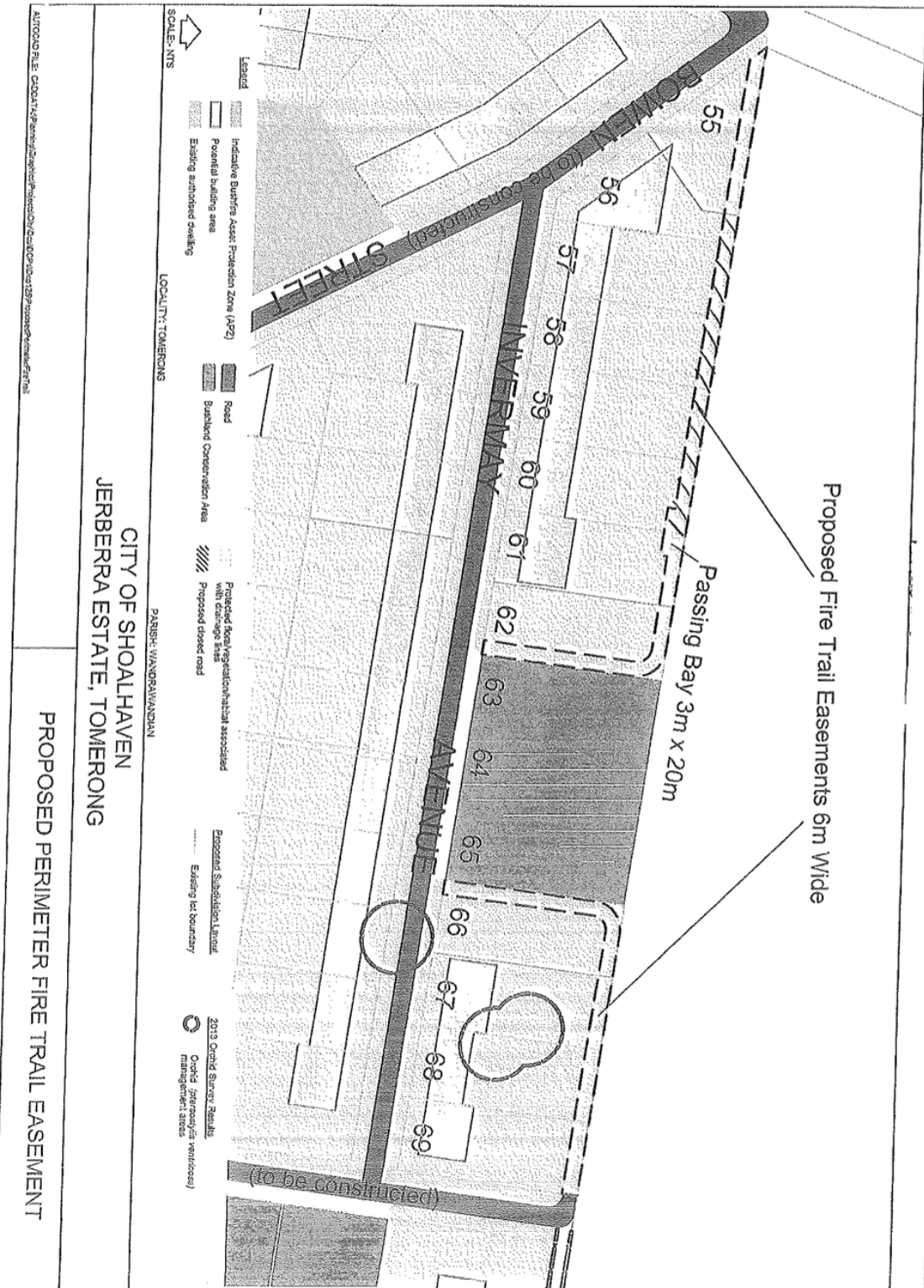
Financial Implications

Council has agreed with the affected land owners to acquire the fire trail easement for nil compensation.

Risk Implications

The fire trail easement is required to comply with the requirements of the NSW Rural Fire Service's *"Planning for Bushfire Protection 2006"*.

SA17.44 - Attachment 1



ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 5 AUGUST 2014 - RECONVENED
FROM 29 JULY 2014

520. Acquisition of Fire Trail Easement at Tomerong File 49109E, 49108E, 49107E, 49106E

That Council:

- a) Approve the acquisition of a fire trail easement approximately 6 metres wide and variable under the Land Acquisition Act 1991 in favour of the Rural Fire Service, over Lots 66 to 69 DP11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation. See Attachment A for the location of the fire trail easement (shown by hatching);
- b) Agree to pay the effected land owners of Lots 66 to 69 DP11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from Job No. 85286; and
- c) Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

ADOPTED AT COUNCIL MEETING HELD ON TUESDAY 19 MAY 2015

314. Acquisition of Fire Trail Easement at Jerberra Estate, Tomerong File 48778E

That:

- a) Approve the acquisition of a fire trail easement approximately 6 metres wide and variable under the Land Acquisition Act 1991, in favour of the Rural Fire Service, over Lots 56 to 60 DP11629, Invermay Avenue, Jerberra Estate, Tomerong, for nil compensation (Attachment A);
- b) Agree to pay the effected land owners of Lots 56 to 60 DP11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from Job No. 85286; and
- c) Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

SA17.44 - Attachment 2

SA17.45 Classification of land - Lot 116 DP1226471 Dolphin Point

HPERM Ref: D17/25477

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Deposited Plan [↓](#)

Purpose / Summary

To classify the land described as Lot 116 DP 1226471 Dolphin Point as Operational land.

Recommendation

That Council approve the classification of the land described as Lot 116 DP 1226471 Dolphin Point as Operational land.

Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose (Drainage Reserve) as noted on the Deposited Plan DP 1226471.

2. Not resolve as recommended.

Implications: The land will default to Community Land and therefore is subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

Background

Lot 116 DP 1226471 was dedicated and transferred to Council as drainage reserve upon registration of the Deposited Plan, DP 1226471. Registration occurred on the 12th December 2016.

The lot is part of a subdivision creating Bimbla Avenue that leads into the three-way intersection of Highview Dr, Seaside Pde and Dolphin Point Rd.

Of note is Lot 115 DP 1226471 in the same subdivision was dedicated and transferred to Council as a public reserve which given the purpose of the dedication will be allowed to default to Community Land.

Section 31(2) of the Local Government Act, 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two Classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – Land in Council's ownership which is held for and on behalf of the Community – subject to the Community Land provisions of the LGA93.

A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

Community Engagement

In accordance with Section 34 of the LGA93, public notice of Council's intention to classify the land as Operational land was placed in the local press 18 January 2017 allowing 28 days for written submissions, closing 15 February 2017. At the time of writing this report no submissions have been received and any submissions prior to the closing time will be advised at the Committee meeting.

[illegible]

SA17.46 Acquisition and Extinguishment of Easement for Drainage - Woollamia - Pt Lot 1 DP650295 785 Woollamia Road

HPERM Ref: D17/30854

Group: Assets & Works Group
Section: Business & Property

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

Purpose / Summary

To seek Council approval to extinguish an existing 3 metre wide drainage easement and acquire a 2 metre wide drainage easement over part of Lot 1 DP650295, known as 785 Woollamia Road, Woollamia (owner; Mireille Turner & Scott Ball, Jervis Bay Caravan Park) to alleviate flooding in Woollamia Road.

Recommendation

That Council:

1. Resolve to acquire a 2 metre wide Easement for Drainage and extinguish an existing Easement for Drainage over part of Lot 1 DP650295 known as 785 Woollamia Road, Woollamia as shown in Attachment 1;
2. Pay all reasonable legal and ancillary costs associated with the acquisition and be funded from Job number 74901.39954; and
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Resolve as recommended.

Implications: Acquisition of the easement is required to formalise legal access for drainage and maintenance purposes for the already existing stormwater pipeline.

2. Not resolve as recommended and provide further directions to staff.

Implications: Council will not have guaranteed access to maintain drainage infrastructure.

Background

The proposed 2 metre wide drainage easement is required for the already constructed stormwater pipeline over privately owned land at Lot 1 DP650295. The new 600mm diameter stormwater pipeline was constructed to replace the existing 300mm diameter pipeline that passes through the Jervis Bay Caravan Park to alleviate localised flooding on Woollamia Road.

The existing pipeline and 3 metre easement is located close to or under established structures that made access for maintenance impossible. The new pipeline is located a small distance further to the north and underneath the roadway which services on-site caravans and cabins along the northern boundary of the park and provides a clear and unobstructed access to the pipe if needed.

The existing Easement for Drainage over the Caravan Park land is obsolete and is to be extinguished upon creation of the new drainage easement.

Community Engagement

This matter is considered to be a local area low impact issue as outlined in Council's Community Engagement Policy and Handbook and therefore no community engagement apart from the property owner directly affected by the acquisition referred to in this report.

Financial Implications

No compensation is payable to the owner in relation to the creation of the new easement or extinguishment of the old easement.

Council is responsible for the land owner's reasonable legal and ancillary cost associated with the acquisition. These costs are to be funded from job no. 74901.39954.

Risk Implications

Registration of the easement is necessary to secure Council's access for the maintenance of essential public infrastructure and right to drain water through privately owned land.



SA17.47 Classification of land - Sunset Strip Manyana-Sewer Pump Station - SPS

HPERM Ref: D17/41087

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Plan of DP 1222243 [↓](#)

Purpose / Summary

To classify the land described as Lot 100 DP1222243, known as Sunset Strip Manyana as Operational land.

Recommendation

That Council resolve to classify the land described as Lot 100 DP1222243 known as Sunset Strip Manyana as Operational land subject to no submissions being received objecting to this position by the closing date of 15 March 2017.

Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose (Sewer Pump Station).

2. Not resolve as recommended.

Implications: The land will default to Community Land and therefore is subject to the Community Land provisions as outlined in the Local Government Act 1993 (LGA93).

Background

Council, at its meeting 28 June 2016 (MIN16.498) resolved to acquire Lot 100 in a plan of subdivision, being part of Lot 682 and part of Lot 705 DP613881, at Manyana for a sewer pump station as shown by hatching on the plan marked 'Attachment 1'.

Section 31(2) of the Local Government Act, 1993 (LGA93) provides that before Council acquires land, or within 3 months after it acquires land, Council may resolve to classify it.

There are two Classifications available:

1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business; and
2. Community Land – Land in Council's ownership which is held for and on behalf of the Community – subject to the Community Land provisions of the LGA93.

A resolution of Council, within the time frame prescribed in the LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

Community Engagement

In accordance with Section 34 of the LGA93, public notice of Council's intention to classify Lot 100 DP 1222243 as Operational land has been placed in the local press, with the advertising open from 15 February 2017 allowing 28 days for written submissions, closing 15 March 2017. The statutory 3 month period to resolve to classify the land finishes on 21 March 2017, before the next meeting of council.



SA17.48 Rural Fire Service - RFS - Proposed Closure of Part North Street, Berry

HPERM Ref: D17/28879

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Part Road Closure North St Berry [↓](#)

Purpose / Summary

To seek a Council resolution to close part of North Street, Berry which, upon the opening of the Berry Bypass, will be surplus to requirements and will be physically closed. It is intended to retain the land in Council's ownership as Operational land to allow for the proposed construction of a new Rural Fire Service station.

Recommendation

That Council resolve to:

1. Make an application to the Minister administering the Roads Act 1993, for the part of North Street, Berry shown by hatching on Attachment "1" to be closed and retained by Council as Operational land; and
2. Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

Options

1. Resolve as recommended.

Implications: Closure of the road will have no detrimental effect on the surrounding properties as the physical closure will not proceed until the completion of the Berry bypass access roads, thereby ensuring all adjoining landowners retain legal and practical access at all times. The closure will provide Council with a parcel of Operational land for the possible construction of a Rural Fire Services Station.

2. Not resolve as recommended.

Implications: To not proceed with the road closure application would detrimentally affect the plans to have an emergency services facility in this location.

3. To provide further direction to staff and propose an alternative.

Background

The Rural Fire Service, in consultation with Council, has been actively seeking alternative accommodation from their current site at Albert Street, Berry. On 14 August 2014 the RFS Strategic Planning Committee resolved to allocate \$50,000 to fund all seeding costs associated with finding suitable alternative accommodation.

Initially, RFS and Council were interested in a Roads and Maritime Services residue lot located on the northern side of North Street known as Berry District Park. This land is to be vested in Council by Roads and Maritime Services at the completion of the bypass construction. However due to the unforeseen increase in size of the bund wall, the remaining area has been deemed too small to include the RFS station.

An alternative site which was favoured by RFS is the subject area located on the Western side of the bypass. Unfortunately due to the market value of the properties in this area, the purchase of the residue lot was prohibitive. To circumvent this issue, whilst still enabling RFS to relocate to this area, it was decided to investigate the possibility of closing the area of North Street which will no longer be physically usable following the construction of the bypass. Upon closure of the road a lot will be created upon which the new RFS station could be constructed. The subject site is considered to be ideal for an emergency services facility owing to its location and consequent reduction in response times.

Community Engagement

The road closure process requires public notification and advertising, calling for submissions on the merits of the proposal by potentially affected landowners. This has been completed with the submission period closing on 28 December 2016, during this time one (1) submission was received from Shoalhaven Water outlining their requirement to have the trunk main infrastructure located within the road reserve protected by an easement.



SA17.49 Sale by Expression of Interest - Lot 1 DP 1021332 George Evans Road, Mundamia - Update

HPERM Ref: D17/37826

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

In accordance with s10A(2)(d)(i) of the Local Government Act 1993 some information should remain confidential and will be considered as part of a separate confidential report to Council. It is not in the public interest to disclose this information as it contains “commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it”.

To inform Council of the current status of the sale by Expression of Interest of – Lot 1 DP 1021332 George Evans Road, Mundamia.

Recommendation (Item to be determined under delegated authority)

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

Options

1. Council accept the recommendation as presented.

Implications: Consider a separate confidential report which outlines progress to date.

2. Provide further direction to staff and propose an alternative.

Background

At Council’s Ordinary Meeting of 19th April 2016 (MIN16.829C) Council resolved to “*sell Lot 1 DP1021332 George Evans Road, Mundamia*” via an expression of interest process, submissions closed on 16th September 2016 and were reported to Council.

The established evaluation and probity plans for Mundamia, ensure transparency of the process and ensures dealings in public land considers the public interest.

This report was previously presented to Council’s Ordinary Meeting dated 20th December 2016 where it was resolved (MIN16.1C) to:

“That this matter be deferred pending a Cllr Briefing to be held in early February 2017.”

The requested Councillor briefing occurred on the 30th January 2017 with the matter now being resubmitted to Council for consideration.

SA17.50 Proposed Retail Lease of 41 Kinghorne Street, Nowra

HPERM Ref: D17/38082

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To obtain approval from Council to enter into a two (2) plus two (2) year lease with Christian Mathew Wykniet (Trading as Pump House Pies) for the shop premises known as 41 Kinghorne Street, Nowra

Recommendation

That Council:

1. Enter into a lease with Christian Mathew Wykniet (Trading as Pump House Pies) for two (2) years with a two (2) year option for an annual rent of \$21,529 per annum plus GST with annual increases of 3%; and
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended.

Implications: The retail lease for the premises will be able to be formalised allowing the applicant to take up occupation of the shop with Council receiving rental payments.

2. Not resolve as recommended.

Implications: The shop will remain vacant.

3. Provide further direction to staff and propose an alternative.

Background

41 Kinghorne Street Nowra is one of six (6) shops (in a line under one title) owned by Council and occupied under various retail lease agreements. The various occupants include a butcher, hairdresser, travel agency, cake shop and dress shop.

The subject shop was vacated by the previous tenant in November 2016. Since this time Integrity Real Estate as Council's Managing Agent for commercial/retail property has pursued a new occupant on behalf of Council.

Subsequent to finding a new tenant, the proposed lease terms are as follows:

Community Engagement

This matter is considered to be a Local Area Low Impact issue as detailed in Council's Community Engagement Policy and Handbook and no community engagement by Council has taken place.

Financial Implications

Premises	41 Kinghorne Street, Nowra
Commencing Date	13 March 2017 or thereabouts (subject to confirmation and execution of the lease)
Terminating Date	12 March 2019 (subject to confirmation of the commencement date)
Term	2 Years
Option Period	2 Years
Rent	\$21,529 per annum plus GST
Rent free period	5 weeks
Rent Review Mechanisim	3% Annually on the anniversary of the commencing Date
Outgoings	15.5% of Council Rates and Insurance 16.6% of water, sewerage, drainage and property management charges 10% of water and sewer usage

Council will receive an income of \$21,529 per annum increased annually at 3% for the term of the Lease which is in line with market expectations.

Each party is responsible for their own legal costs.

SA17.51 Determination of Review of Environmental Factors (REF) - Lake Conjola Boardwalk Replacement

HPERM Ref: D17/33957

Group: Assets & Works Group
Section: Project Delivery & Contract

Attachments: 1. Review of Environmental Factors (REF) (councillors information folder) [↗](#)

Purpose / Summary

To report to Council the outcome of the Aboriginal heritage due diligence and environmental assessment process and recommend the Review of Environmental Factors (REF) be adopted.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Adopts the Lake Conjola boardwalk REF and determines the activity may proceed, and
2. Acknowledges that the Lake Conjola boardwalk site remains culturally sensitive due to previous discovery of Aboriginal ancestral remains close to the boardwalk and Council will ensure relevant safeguards listed in the REF are implemented.

Options

1. Accept the recommendation
Implications: Construction works cannot commence if the recommendation is not accepted.
2. Not adopt the REF and defer works
Implications: Any deferral will cause concern within the community.

Background

Shoalhaven City Council (SCC) resolved on 21 April 2015 (MIN15.233) to replace the existing timber boardwalk at Lake Conjola, which was constructed during 1997. The original construction adopted residential grade material, without detailed design. The boardwalk is approaching the end of its life with extreme coastal exposure and mobility of the dune system impacting significantly on its structural integrity.

The REF (attached) was prepared by Assets and Works' Environmental Operations Officer with input from archaeologist Sue Feary. Both are suitably qualified and experienced for this scale and nature of Assessment.

Aboriginal cultural heritage was found to be the most important issue due to the presence of a recorded Aboriginal heritage site near the existing boardwalk. The adjacent site was where

Aboriginal heritage items were discovered in 1998 and subsequently salvaged and repatriated elsewhere.

Aboriginal consultation

Aboriginal consultation was conducted in accordance with the Office of Environment and Heritage's (OEH) published consultation requirements which included a site meeting with a number of Aboriginal representatives. During the meeting, Aboriginal attendees expressed the following views:

1. The preference for the entire boardwalk to be removed, with a minimum of disturbance, and not replaced, and that the unstable northern dune face stabilised and revegetated. This was expressed as what is needed to show an adequate level of respect to the ancestor/s who are buried there and to recognise the high cultural significance of the site.
2. If this cannot be done, at the very least the new boardwalk should be redesigned to remove the lookout, and the lookout and switchback and platform to the west be closed off and replaced with a straight section and avoid approaching the site.
3. The area of greatest concern is the high section of the dune.
4. Appropriate consultation with all custodians is essential if additional skeletal remains are found.
5. The footings of the existing boardwalk should be cut off at ground level, not physically removed, to minimise disturbance to the ground and any artefacts still present.

In recognition of the expressed concerns, the new boardwalk was re-designed away from the burial site and the requirement to leave the existing footings have been incorporated into contractor requirements. Feedback from the attendees in relation to the redesign was positive.

Additional safeguards have also been included in the REF including the use of a Jerrinja Site Officer to monitor excavation works in identified sensitive areas.

Subsurface archaeological investigation

Test excavations were conducted over three days in November by Sue Feary (consultant archaeologist), Geoff Young (SCC) and Leroy Gray (Jerrinja Site Officer) at or close to the location of the proposed boardwalk. The test excavations were undertaken in accordance with a permit issued by OEH.

Twelve test pits up to a depth of 74 centimetres were dug by hand and material sieved.

No Aboriginal objects were found in any of the test pits. The decision to not rebuild the switchback and lookout close to the burial site meant that the test pitting did not need to be done in the most archaeological and culturally sensitive area of the sand dune.

The results of the investigation indicate that the boardwalk can proceed with caution without applying for a permit from OEH. Cautionary measures are included in the impact mitigations and safeguards section of the REF.

Determination of the REF

1. The proposed safeguards identified in the report shall be adopted and implemented.
2. It is unlikely that there will be any significant environmental impact as a result of the proposed work. An environmental Impact Statement is therefore not required for the proposed activity.
3. The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement is not required.

The proposed activity is not a 'controlled action' for the purposes of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and referral to the Minister is therefore not required.

Conclusion

The REF includes a number of recommendations for implementation prior to, during and after the works and it is appropriate for Council's determination.

Community Engagement

Aboriginal consultation was conducted in accordance with the Office of Environment and Heritage's (OEH) published consultation requirements which included a site meeting with a number of Aboriginal representatives.

The Conjola Community Association has also continually been updated on the progress of the project, the design, the redesign and the proposed materials. The Association, which is the Community Consultative Body for the area, is fully supportive of the project.

The REF has not been released for public comment, but will be made available on the Council website.

SA17.52 Determination of Review of Environmental Factors (REF) - Rehabilitation of Coolangatta Road CH5400 to CH6550

HPERM Ref: D17/34043

Group: Assets & Works Group
Section: Project Delivery & Contract

Attachments: 1. Review of Environmental Factors REF - Rehabilitation of Coolangatta Road (councillors information folder) [↗](#)

Purpose / Summary

To report to Council the outcome of the environmental assessment process and adopt the Review of Environmental Factors (REF).

To inform Council of adjoining residents/landowners opposition to the proposed works.

Recommendation

That Council:

1. Adopts the Review of Environmental Factors (REF) and determines the activity may proceed to improve road safety,
2. Acknowledges the tree removal component of the works
3. Ensure relevant safeguards listed in the REF are implemented.

Options

1. Accept the recommendation

Implications: Road works will commence following the award of the Tender, construction works cannot commence if the recommendation is not accepted. Tree clearing will be undertaken to improve road safety for motorists and cyclists, however concerns from residents may continue.

2. Do not determine the REF and not proceed with the proposed work.

Implications: Motorist and cyclist safety along this section of road is not improved and the road remains in poor condition.

3. Council could provide an alternative direction to staff.

Implications: Delays to the delivery of the proposed works and potentially poorer outcomes for road safety.

Background

Shoalhaven City Council is proposing to upgrade a 1.2 kilometre section of Coolangatta Road 5.35 kilometres from the Wharf Road intersection in Berry. The road safety issues related to this narrow road have been reported and considered by council over the last two decades. The progressive widening including land acquisition and pavement rehabilitation

undertaken over the last 10 years commenced due to crash history along the length of Coolangatta Road. Funding was sought for a key 1.7 km length between Swamp Road and Agars Lane and that work was completed. At a similar time Council resolved to consider funding to provide continuous sealed shoulders for safe cycling along the full length of Coolangatta Road to achieve a cycle link from Berry to Shoalhaven Heads. These current works propose to both rehabilitate the road pavement and its surface and also seek to improve road safety by providing road shoulders and improved conditions.

Works would include:

- vegetation clearing including approximately 67 trees (minimum 1.5 metres from the edge of the travel lanes)
- extension, alteration and/or replacement of a number of culverts and associated headwalls
- road widening to approximately eight metres including shoulders
- ripping of existing pavement and stabilisation of the existing base material
- raising the existing pavement by placement of additional 200 millimetres of base course
- bitumen sealing
- construction of new earthen road-side drainage swales
- installation of guide posts and signage

The proposed activity also includes a number of environmental safeguards and impact mitigation measures listed in Section 1.3 of the REF.

The proposed works are funded under the Local Road Repair program in order to improve safety for road users, motorists and cyclists by widening and strengthening the existing narrow sealed road.

The REF prepared for the works (attached) was prepared by Assets and Works' Environmental Operations Officer and informed by numerous site visits and previous flora and fauna and Aboriginal heritage investigations.

During the environmental assessment process the impacts to adjacent residents / land owners associated with the proposed tree removal was found to be the most contentious issue and remains a concern with the immediate adjoining residents. Council staff have considered the concerns and have reviewed the design to achieve the road safety improvements with consideration of the impact on vegetation.

Tree removal component

Despite tree removal issues being considered during the design process and minimised as far as practical, the proposed works would result in approximately 67 trees being removed from the immediate roadside, for improved road safety.

Considering the level of tree removal, the following stakeholders were informed of the project:

- Berry Forum
- Shoalhaven Heads Forum
- Landowners / residents along the section of Coolangatta Road subject to the proposed works.

The Berry Forum responded in favour of the upgrade. A response from the Shoalhaven Heads Forum was not received.

A number of residents responded including:

- expression of interest in the wood from the tree removal operations.
- concerns with the traffic implications if the works were scheduled during the summer school holidays.

- comment that the works were long overdue
- concerns about the loss of trees fronting their property.
- concerns about the loss of trees fronting their property as well as damage to their property entrance.

Council's Project Manager and Environmental Operations Officer met with four residents on site on the 10th January 2017. Council staff advised that:

- the trees marked with pink tape and yellow tape were considered the minimum to be removed
- the trees marked with yellow tape and white painted 'H's were trees that may contain hollows and fauna removal activities would take place prior to their removal.
- there may be additional trees removed if problems with construction occur
- the clearance used from the edge of bitumen (1.5 metres) is far less than what would be required if full reconstruction was being undertaken.

The issues raised by the residents were:

- loss of mature trees from the roadside
- reduced visual and noise screening
- weed incursion and spread during and after works
- possibility of shifting the road north (to lessen the impact on trees on the southern side of the road).

Residents also requested consideration of a box culvert instead of the pipe proposed to be fully replaced in order to facilitate the movement of turtles to and from Coomonderry Swamp. This has subsequently been included as an option in the construction tender.

After the meeting further correspondence was received from the residents whose road frontage would be most affected by tree removal.

The correspondence was against the tree removal, as follows:

"This beautiful and irreplaceable wildlife corridor is now under threat from Coolangatta Road widening work scheduled for February / May 2017. The great majority of the estimated 85 trees scheduled for removal are very large mature trees and include at least 4 large trees with hollow containing nesting gliders and other animals..."

"The destruction of these large trees effectively removes most of the upper canopy of the corridor, leaving behind only small trees and shrubs which currently form a thin lower understorey."

"The corridor is uniquely positioned adjacent to Coomonderry Swamp Nature Reserve, Seven Mile National Park, Coolangatta Road and Coolangatta Mountain and is not the only remaining mature tree corridor on the western side of Coolangatta Road."

"The removal of the current mature trees and the widening of the road will therefore result in the loss of an important and irreplaceable wildlife corridor and effectively mitigate the major tree planting on the eastern side."

"The National Trust has classified the Berry Landscape as a conservation area and the destruction of this beautiful and irreplaceable wildlife corridor will not only substantially depreciate landscape values, but significantly detract from the rural ambiance and scenic amenity enjoyed by both affected landowners and tourists travelling through to Shoalhaven Heads."

The tree removal component of the proposed road safety work therefore remains contentious and opposition to it from affected residents and land owners remains strong.

Evaluation of Impact

Although the clearing of the trees and shrubs would have an adverse impact, the impact was not considered 'significant' requiring the preparation of an Environmental Impact Statement for numerous reasons outlined in the REF, including:

- The impact is considered acceptable considering the nature and purpose of the impact and the human safety benefits the activity would provide, *i.e.*, the proposal aims to improve road safety for motorists and cyclists.
- All practical efforts have been undertaken to reduce the impact on road-side vegetation during the design phase, with the design representing the minimal clearances that can be achieved whilst improving road safety in a cost-effective manner.
- The road-side in the location of the tree removal would still be predominantly bushland and form a wildlife corridor, albeit reduced quality.
- The proposed activity appears to have the support of the broader community and supports the previous Council position
- The impact would not result in a threat to the health and safety of individuals of the community.
- The works do not impact endangered ecological communities
- A number of measures would be implemented to mitigate potential impacts to fauna and reduce the amount of tree loss.
- No food resources critical to the survival of a particular species would be removed.
- No critical breeding habitat would be removed.
- Only four potential hollow-bearing tree would be removed and substantial procedures would be in place to minimise harm to any resident fauna.
- Bush regeneration works would be undertaken in the remaining road reserve to improve the quality of the remnant bushland which would include weed removal and tree planting in appropriate locations.

The liability implications for Council by not undertaking the works and establish minimum clearance zones should also be considered.

Determination of the REF

The REF concluded the following:

1. The proposed safeguards identified in the report (Section 1.3) shall be adopted and implemented.
2. It is unlikely that there will be any significant environmental impact as a result of the proposed work. An environmental Impact Statement is therefore not required for the proposed activity.
3. The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement is not required.
4. No additional NSW statutory approvals, licences, or permits are required.

The proposed activity is not a 'controlled action' for the purposes of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* and referral to the Minister is therefore not required.

Conclusion

The REF includes a number of recommendations for implementation prior to, during and after the works and it is recommended and appropriate for Council's determination by adopting the REF.

SA17.53 Resource Recovery Park - West Nowra AWT

HPERM Ref: D17/37694

Group: Assets & Works Group
Section: Works & Services

Attachments: 1. EIS and Master Plan - Biodiversity Assessment Report BAR and Biodiversity Offset Strategy BOS Final - 27 June 2016 (under separate cover) ➡

Purpose / Summary

The General Manager has disclosed a Significant Non-Pecuniary interest in this matter as one of his neighbours is an associate of a waste company. This matter is therefore being dealt with by the Director of Assets & Works.

This report provides a progress update of the Resource Recovery Park proposed to be constructed adjacent to the West Nowra Waste and Recycling Facility.

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

Recommendation (Item to be determined under delegated authority)

That Council:

1. That Council consider a separate confidential report in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993 on the procurement methodology for provision of Alternative Waste Processing Technology.
2. Establish a bio-banking site on land surrounding the Huskisson Recycling and Waste Facility and retire Environmental Offsets needed for the Resource Recovery Park and Landfill extension projects.
3. Receive a further report on options to provide the required Species Credits needed for the Resource Recovery Park

Options

1. As recommended.

Implications: Further information on the procurement methodology is available in the confidential report.

The environmental offsets need to be resolved before any physical works can commence on the RRP. The Huskisson land provides for the ecological credits and makes use of this otherwise unused vacant land.

2. Council amend the recommendation.

Implications: The proposed Huskisson Land Bio-banking site is an effective way to provide the environmental offsets required for the Resource Recovery Park. Purchasing credits from the market will be expensive.

Further information on the procurement methodology for the Alternative Waste Processing Technology is available in the confidential report.

Background

The State Government's Resource Recovery Target is to recycle / reuse more than 70% of Council's Municipal Solid Waste (MSW) by 2021 and divert this waste from landfill. Shoalhaven is currently diverting 43% from landfill, which includes the contents of the 'yellow lid bin'.

The development of a Resource Recovery Park, adjoining the West Nowra Waste & Recycling Facility, will enable Council to reach these targets. The RRP will see the construction of a facility that, through a series of processes, will remove recyclables and organics from residents' red lid bins. The removed organics are then processed further into products (e.g. mulch, soil conditioners) that are then reused. The kerb side collection of the red lid bin will remain unchanged.

The process involved in processing the red lid bin is known as Alternative Waste Processing Technology (AWT) and there are a number of companies in the market that provide different type of technologies.

Originally the RRP was being proposed on vacant, but heavily vegetated, land adjacent the West Nowra Waste Facility.

In mid-2014 the Office of Environment and Heritage introduced the NSW Biodiversity Offsets Policy for Major Projects which applies to State Significant Development and State Significant Infrastructure under the NSW Environmental Planning and Assessment Act 1979. This provided an opportunity to expand the existing landfill onto the site of the proposed RRP, giving the Council the capacity to extend the life for the West Nowra landfill by up to 50 years.

In order to take advantage of this regulatory change, various alternative locations for the RRP were considered. The preferred option was to relocate the RRP to the site of the current Animal Shelter (Council owned). This change required a new EIS and development application to be lodged with the Department of Planning for the RRP and added a new element to the overall project – redevelopment of the Animal Shelter in a new location.

A location plan is provided a **Figure 1**.



Figure 1 - Locality Plan

RRP Development Consent

Council received Development Consent for the RRP on 25 August 2016. The consent provides for development in two stages:

Stage 1 – Site preparation works, including clearing, demolition of the Animal Shelter, installation of erosion and sediment controls and external roadworks.

Stage 2 – Construction of Processing Facility, associated buildings and ancillary structures. Stage 2 has Concept Approval only and a further development application (and approval) will be required once there is a determination of the actual Processing Technology to be installed on the site. The successful technology provider (resolved through a tender process) will be required to obtain this approval.

Stage 1 of the consent needs to physically commence within 5 years of the consent being issued, otherwise the approval will lapse. A number of consent conditions need to be satisfied before the physical works can commence, with the most significant being the resolution of the Biodiversity Offset Strategy.

Biodiversity Offset Strategy

Under the Department of Planning and Environment's (DPE) Major Projects Assessment process for the RRP, Council is required to secure '*environmental offsets*' for the vegetation that is being cleared. These *offsets*, expressed as credits, are 133 'ecosystem credits' for the vegetation and 52 'species credits' for Squirrel Glider.

In accordance with the Development Consent for the RRP, the Environmental Offsets must be secured prior to the commencement of Stage 1.

The Biodiversity Offset Strategy is included at **Attachment 1** and is summarised below:

- 23 of the 133 'ecosystem credits' are available on Council land surrounding the Huskisson Recycling and Waste Facility (Huskisson Site) on Huskisson Road.
- If 'like for like' vegetation cannot be found, including the feasible purchasing of credits from another landowner, Council's proposal argues that the Huskisson site provides a more valuable vegetation type (than what will be cleared for the RRP) that could be used to offset all the ecosystem credits.
- Investigations are currently underway on Council land to identify populations of Squirrel Glider and the viability of using these lands for offset species credits (52 species credits).

The strategy document provides locality plans and land use details of the site.

Council has been unable to locate 'like for like' vegetation on its own land or find suitable land on the open market through the State Government bio-banking database. Therefore, a Biobank Agreement application has been lodged for the 'Biobank Site' at Huskisson. This would secure the site in perpetuity and would need to be managed for its biodiversity values, but would only come into effect once the 'credits' have been retired.

It is proposed to 'retire' the 23 'ecosystem credits' for the RRP and the balance of the remaining credits be used for the landfill extension project (if suitable) and / or make them available on the open market. The Huskisson site provides a low cost (ongoing management cost will apply) solution to provide the required credits. The site has limited other uses or development potential.

Investigations for the Squirrel Glider is continuing. If this animal cannot be located on any Council land, the required species credits will need to be purchased at an estimated cost of \$130,000 - \$200,000.

Animal Shelter Relocation

To make way for the RRP, the Animal Shelter needs to be relocated.

An investigation into suitable sites, considering land zoning, size requirements and location, identified a parcel of Council's land at BTU Road. This site was previously used to manage Council's former 'night soil' operations and is currently used by Shoalhaven Water to rehabilitate soils for reuse. Otherwise the land is undeveloped.

A Planning Proposal was required to update the zoning description applicable to the land to permit an animal shelter on the site. The land is currently zoned SP2 Infrastructure (Sewage System) in Shoalhaven Local Environmental Plan 2014, which does not allow an animal shelter, although it is considered this use is compatible with the objectives of the zone. The Proposal sought to make a minor change to the SP2 Infrastructure zone description.

The Planning Proposal was lodged in September 2015 and approved on 13 January 2017. The Development Application was lodged in December 2015, however its final determination is pending resolution of the zoning. With the zoning resolved, determination is expected shortly. A Construction Certificate Application will be submitted once the DA is determined.

In parallel with planning approvals, Tender documentation for construction of the shelter was issued in December 2016 and this closes on 28 February 2017.

It is expected the Shelter will take up to 12 months to construct. This will then allow Stage 1 of the RRP to commence, including demolition of the old facility.

Processed Waste

A consideration for Council is the limited market for the organic products of existing AWT facilities.

Currently, the organic outputs produced from the mechanical biological treatment of mixed waste, only has application in mine sites rehabilitation, plantation forestry use, non-contact agricultural use and broad acre farming agricultural use. AWTs operating in Sydney transport

the products to farming lands west of the Great Dividing Range or to mine sites. The customers accepting organic outputs derived from mixed waste generally do so on a 'no cost' basis, meaning the cost for processing the waste and transportation of processed product must be fully captured at the front end.

The end products from Council's proposed AWT may also be transported out of the region, where it will be used to help regenerate poor soils.

A trend in the Waste Processing industry is the processing of source separated (in the kerb side collection bin) green waste or combined green waste and food waste. Both Kiama and Shellharbour are processing this waste stream. The end product from the processing of these wastes is a higher quality providing for a wider range of uses such as compost and pasteurised garden organics. The downside is that lower diversion rates are achieved compared to red bin processing (more waste is sent to landfill). As SCC currently does not have a green bin or food bin service, the establishment of these bins will increase the cost of the project and the Domestic Waste Management Charge payable by residents.

The strategy to implement technology to process the red bin will reduced waste being landfilled, produce a product that has a limited, but important role in returning organics to soils whilst offsetting the payment of the waste levy. The risks associated with this major project are the long term viability of companies providing the service, changing regulation and end product value and demand.

Community Engagement

Community engagement of the project was part of the Environmental Impact Statement preparation. Subsequently feedback was invited by the Department of Planning during its assessment of the Development Application. Feedback received was considered in the assessment.

Financial Implications

The RRP and associated projects are to be funded by the Waste Reserve and loan funding (if required). The estimated construction value of the Animal Shelter is \$2.5m and Council will provide a capital contribution of up to \$10m to the successful contractor towards development of the RRP. Not all shortlisted tenders were relying on the full \$10m.

The current balance of the Waste Reserve is \$9.63m at end November 2016.

Any additional capital of the RRP will be recouped by the contractor through the collection of gate fees. The gate fees will also cover the contractor's ongoing operation costs. Council will need to pay these gate fees for waste it delivers to the RRP, and any corresponding increases to waste management costs will need to be charged back to residents through the Domestic Waste Management Charge (DWMC) and landfill users through Council's collection of landfill gate fees. Based on the EOI submission, there is not expected to be a significant increase in the DWMC, but this will be a key assessment criteria during the tender assessment phase.

The other financial impact on Council will be during operation phase of the RRP, with a significant reduction in landfill gate fees received as waste is diverted directly to the RRP.

A corresponding reduction in operating costs and payments to the EPA will also result, but not proportional to the loss of revenue. The West Nowra Recycling and Waste Facility will no longer be able to subsidise the operation of the smaller recycling and waste transfer stations to the current level of service.

The current effort to reduce operating costs associated with operating the smaller sites will assist, but further reducing access to these sites will need to be considered in the future.

SA17.54 Extension of Waste and Recycling Collection and Processing Contracts

HPERM Ref: D17/40470

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

The General Manager has disclosed a Significant Non-Pecuniary interest in this matter as one of his neighbours is an associate of a waste company. This matter is therefore being dealt with by the Director of Assets & Works.

The purpose of this report is advise Council of the need to consider the contract extension of 3 years to both the Waste and Recycling Collection Contract and the Materials Recovery Facility (recycling processing) Contract.

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

Recommendation (Item to be determined under delegated authority)

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

Options

1. Adopt the recommendation and consider a confidential report and contract extension
2. Council not accept the recommendation

Implications: Uncertainty for the contractors over the coming months may result if this contract extension is not considered. Council is required to consider the extension of contracts with sufficient notice prior to June 2017 and therefore a decision is required.

Background

Council are currently contracting SUEZ Recycling and Recovery Pty Ltd to provide kerbside garbage and recycling collection to premises in the Shoalhaven. The contract term expires on 30 June 2017, with provision to extend the contract for up to 3 years.

Council have contracted Shoalhaven Recycling to provide Materials Recovery Facility (MRF) services to sort and process kerbside collected recyclable materials. The contract term expires on 30 June 2017, with provision to extend the contract for up to 3 years.

Both contract extensions are to be considered in the confidential session.

Community Engagement

No community engagement specific to the extension of the contract, as there will be no change to the current service.

Financial Implications

This will depend on the decision of Council however existing contracts allow for increases in services provided (population and housing growth) and the indexed inflation increases. These financial implications are accounted for in the Waste Services annual budget.

SA17.55 Readoption of Environmental Services Policies.

HPERM Ref: D17/34240

Group: Planning & Development Services Group
Section: Environmental Services

Attachments: 1. Eradication and Control of Noxious Weeds Policy (under separate cover) [⇒](#)
 2. Companion Animals (Impact on Native Fauna) Conditions of Development Consent Policy (under separate cover) [⇒](#)
 3. Caravan Parks in Flood Prone Areas Policy (DCP / LAP) (under separate cover) [⇒](#)
 4. Flood planning levels for the lower Shoalhaven River floodplain. (under separate cover) [⇒](#)
 5. Foreshore Reserves Policy (under separate cover) [⇒](#)
 6. Mobile food stalls/ vehicles and temporary food premises policy (LAP) (under separate cover) [⇒](#)
 7. Food premises policy. (under separate cover) [⇒](#)

Purpose / Summary

To consider the re-adoption of existing public policies which deal with the responsibilities of Environmental Services Section.

Recommendation (Item to be determined under delegated authority)

That Council adopt the following policies, with the minor amendments outlined in the report:

1. The Control and Eradication of Noxious Weeds.
2. Companion Animals (Impacts on Native Fauna) – Conditions of Development Consent.
3. Caravan Parks on Flood Prone Land/ Local Approvals Policy
4. Flood Planning Levels for the Lower Shoalhaven River Floodplain Policy.
5. Foreshore Reserves Policy.
6. Mobile Food Stalls/Vehicles and Temporary Food Premises/ Local Approvals Policy
7. Food Premises Policy.

Options

1. Adopt the recommendation

Implications: The minor changes made to the policies will assist with policy implementation and interpretation.

2. Not adopt the recommendation and give further instruction to staff.

Background

The Environmental Services policies listed below have been reviewed, mostly without any substantive change but with minor amendments as follows:

The Control and Eradication of Noxious Weeds Policy does not require review as the intent and content of the policy reflects the legislative framework under which Council delivers the noxious weeds program.

In May 2017, it is expected that the Biosecurity Act 2015 will commence. Currently, the Department of Primary Industries and Parliamentary Counsel are drafting the orders that will allow transition to the new legislation.

The new Act will repeal the provisions of the Noxious Weeds Act 1993 and introduce a new operating environment for management of noxious weeds in NSW. It is important to note that the legislation, which came about from recommendations contained in the NSW Biosecurity Strategy 2013-2021, groups together the state's response to not only noxious weeds, but vertebrate pests, invertebrate pests, plant disease, animal health disease, and so on.

The driving principle behind the legislation is "that biosecurity is a shared responsibility between governments, industries and individuals." The Act will "provide NSW with the essential tools and powers to manage animal and plant pests and diseases, weeds and contaminants that threaten the NSW economy, environment and community."

A revised policy will be presented to Council for consideration after July 2017.

Companion Animals (impacts on native Fauna) – Conditions of development consent.

This policy reflects the intentions of the *Environmental Planning and Assessment Act 1979* and the *Threatened Species Conservation Act 1995* but also recognises the need for companion animals. The policy allows for appropriate restrictions or conditions of consent for the management of companion animals to be applied in sensitive environmental locations.

This policy has had minor alteration to add a definition of assistance animals under the Disability Discrimination Act 1992 and ensure that the aim of the policy is clear that it does not apply to assistance animals.

This policy will need to be reviewed after July 2017 as legislation referred to in the policy is being repealed and will be replaced with the proposed Biodiversity Conservation Act.

Caravan Parks on Flood Prone Land/ Local Approvals Policy. This policy is both a development control plan (DCP) and a local approvals policy (LAP). The DCP/LAP provides information and development controls needed to assess applications relating to manufactured home estates, caravan parks, camping grounds, moveable dwellings, rigid annexes and associated structures on flood prone land.

The DCP/LAP should be readopted by Council with minor changes to section 1.5.2. The changes have been introduced to remove the reference to the old State Government sea level rise benchmarks and instead refer to Council adopted sea level rise projections.

The DCP/LAP should be rescinded only once the citywide LAP is adopted by Council and the controls of this policy are reflected both in the citywide LAP and DCP.

Foreshore Reserves Policy. The purpose of this policy is to provide a management framework to guide decision making and to determine how foreshore reserves should be used and managed.

At this point in time, the policy should be readopted by Council without changes. However, it is noted that Council's decisions associated with the management of foreshore vegetation and vegetation vandalism at Collingwood beach may trigger a review of the policy to ensure consistency of this policy with Council's decisions.

Flood planning levels for the Lower Shoalhaven River Floodplain. This policy sets standard design modelling conditions for the determination of Flood Planning Levels for development on the Lower Shoalhaven River Floodplain.

Minor changes to section 2 (to update the reference to the Shoalhaven River Entrance Management Plan), section 4 (to update the reference to the relevant Group in charge of implementing the policy) and section 5 (to state that the policy will be reviewed following the adoption of a new floodplain risk management study and plan for the Lower Shoalhaven River.

Note: the review of the Lower Shoalhaven River Floodplain Risk Management Study and Plan currently in progress will re-assess the relevance and efficiency of this policy in mitigating flood risks.

Mobile Food Stalls/Vehicles and Temporary Food Premises/Local Approvals Policy.

This policy provides for an approval procedure to ensure food hygiene controls are observed. These requirements are supplementary to Council's Food Premises Code and have been designed to assist applicants who wish to provide temporary food premises at sports grounds, shows, school fetes and the like, or for those persons, organisations, clubs and the like who wish to trade upon public places.

The Illawarra Joint Organisation is developing and piloting an Outdoor Markets Policy which is expected to be introduced within the next 6 months. The aim of this policy is to reduce the duplication between Councils and recognise approvals issued by our counterparts in other local government areas.

A revised policy will be presented to Council for consideration with the review of the City wide LAP.

Food Premises Policy. This policy document has been prepared as a guide for the planning and construction of food premises. The implementation of the standards will assist in promoting a satisfactory hygiene standard, facilitate easy cleaning and maintenance with the ultimate achievement of efficient operation, preservation and promotion of public health.

The only amendment has been the inclusion of the 'Scores on Doors' program. Which details that a food premises will receive a rating as either Excellent (5 Star), Very Good (4 Star), Good (3 Star) or No Grade (No Star rating). The Environmental Health Officer's report concentrates on issues relevant to the construction of food premises, including animals and pests, design, construction and maintenance all issues that are specifically referred to within this policy.

SA17.56 Acquisition of Easement for Water Supply - 2 Wandean Road Wandandian

HPERM Ref: D17/23306

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. Easement Plan DP269010 [↓](#)

Purpose / Summary

This report is submitted to seek Council approval to compulsorily acquire an Easement for Water Supply variable width over Lot 5 DP1027962 at 2 Wandean Road Wandandian from G.P. McManus for an existing water trunk main.

Recommendation

That

1. Council resolve to compulsorily acquire an Easement for Water Supply variable width over Lot 5 DP1027962 at 2 Wandean Road Wandandian, shown by broken line on attached copy of DP269010.
2. Council pay compensation as determined by the Valuer-General in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and ancillary costs for the acquisition from Council's Water Fund.
3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Options

1. Resolve as recommended. Acquisition of the easement is required to formalise an existing pipeline
2. Not resolve as recommended and provide further directions to staff.

Background

A water pipeline was constructed along the Princes Highway frontage of the property for the water supply from Bewong to the Wandandian township. This is the only outstanding acquisition for the project.

Offers of compensation were made to Mr McManus in April 2003 and February 2005. By letter dated 14 June 2006 the owner advised the offer was unacceptable. He subsequently advised that a detailed submission was to be prepared and presented to Council. In February 2007 he advised the detailed submission was to be prepared and presented when an independent valuers report was finalised. No further correspondence was received and the matter lapsed.

A fresh conditional offer of \$7,650 plus legal costs was made on 27 July 2015, based on an updated valuation report by Walsh & Monaghan Pty Ltd. Mr McManus was also advised that, unless a meaningful and timely response was received, compulsory acquisition would be considered.

There has been no formal response to the offer. The matter was discussed with Mr McManus in a phone call in August 2015 and at two site meetings in July 2016 and January 2017, but agreement was not obtained.

This has been a prolonged matter and a negotiated agreement appears unlikely. Compulsory acquisition of the easement is therefore recommended. Throughout the process Council would be open to reaching an agreement on compensation if sought by the land owner, in accordance with normal practise.

Financial Implications

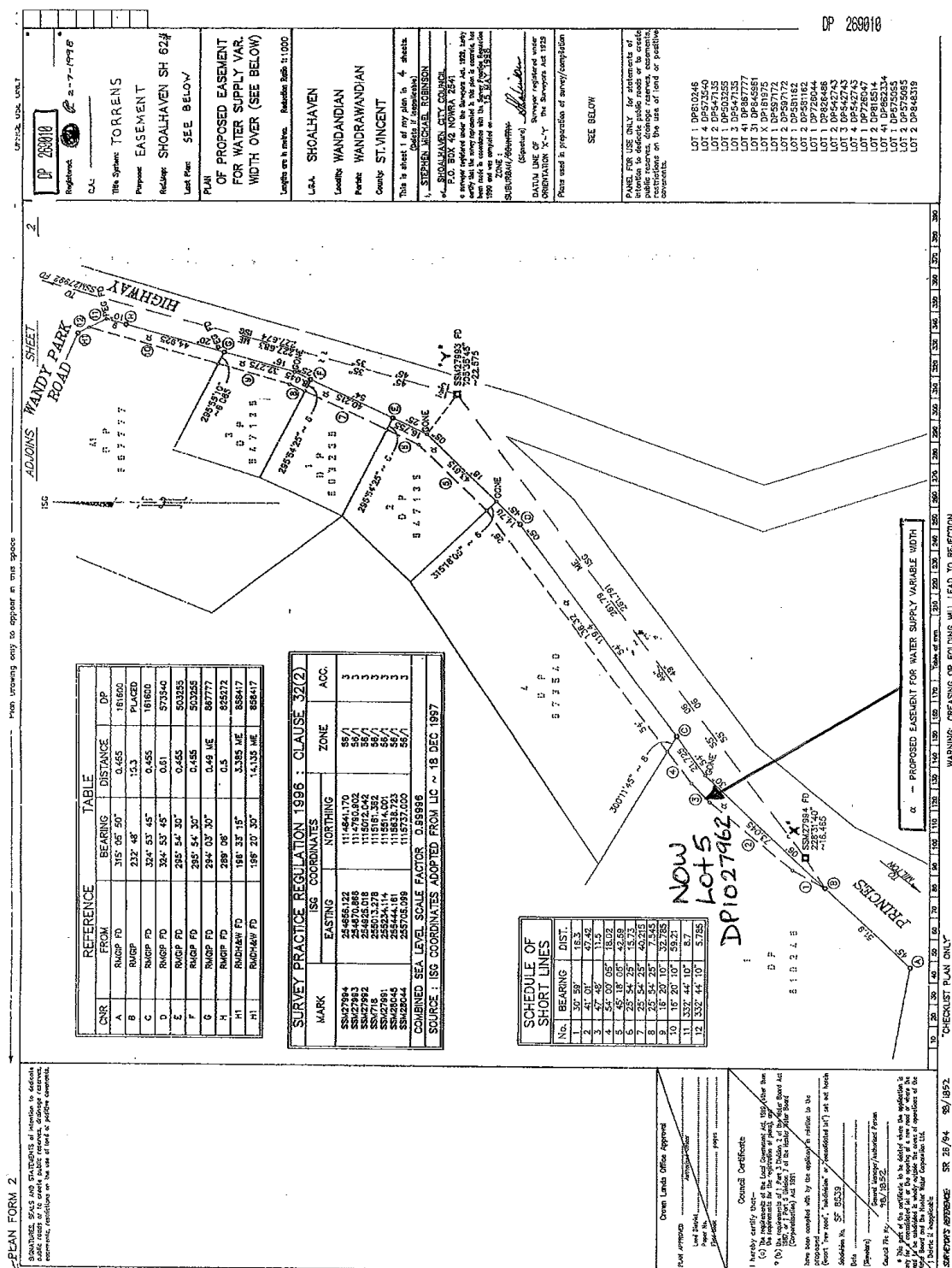
The compensation and reasonable costs associated with the acquisition are to be funded from Council's Water Fund.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's legal access for the supply of essential public infrastructure. The proposed action is administrative and has no environmental impact.

DP 269010

See sheet 4



SA17.56 - Attachment 1

SA17.57 Acquisition of Crown land and easement over Crown land at Ulladulla

HPERM Ref: D17/16594

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. DP1109186 - Land [↓](#)
2. Sewerage Easement [↓](#)

Purpose / Summary

To seek Council approval to vary MIN 16.497 for the acquisition of Crown land Lot 1 DP1109186 and Sewerage Easement 10 wide and variable over Crown land Lot 7305 DP1166765 and Lot 5 DP256334 at Ulladulla by also acquiring the easement over Lot 7304 DP1166765.

Recommendation

That the previous approval MIN 16.497 be varied and Council resolve to:

1. Compulsorily acquire from the Crown:
 - a. Lot 1 DP1109186, being part of Lot 7304 DP1166765, at Kings Point Drive Ulladulla, shown on the attached copy of DP1109186 marked Attachment 'A'.
 - b. A Sewerage Easement 10 wide and variable over Lot 7304 and Lot 7305 DP1166765 and Lot 5 DP256334 at Kings Point Drive Ulladulla, the attached copies of DP1109186 marked Attachments 'A' & 'B'.
2. Pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor for the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.
5. The land to be acquired to be classified as 'Operational' in accordance with Section 31(2) of the Local Government Act, 1993.

Options

1. Resolve as recommended. Acquisition of the land and easement are required for existing and future sewer infrastructure.
2. Not resolve as recommend and provide further directions to staff.

Background

As well as the acquisition of Lot 1 DP1109186 for the Ulladulla sewer treatment plant, Council also sought consent to the acquisition of an easement for an existing sewer pipeline over Crown land Lots 7304 and 7305 DP1166765 and Lot 5 DP256334.

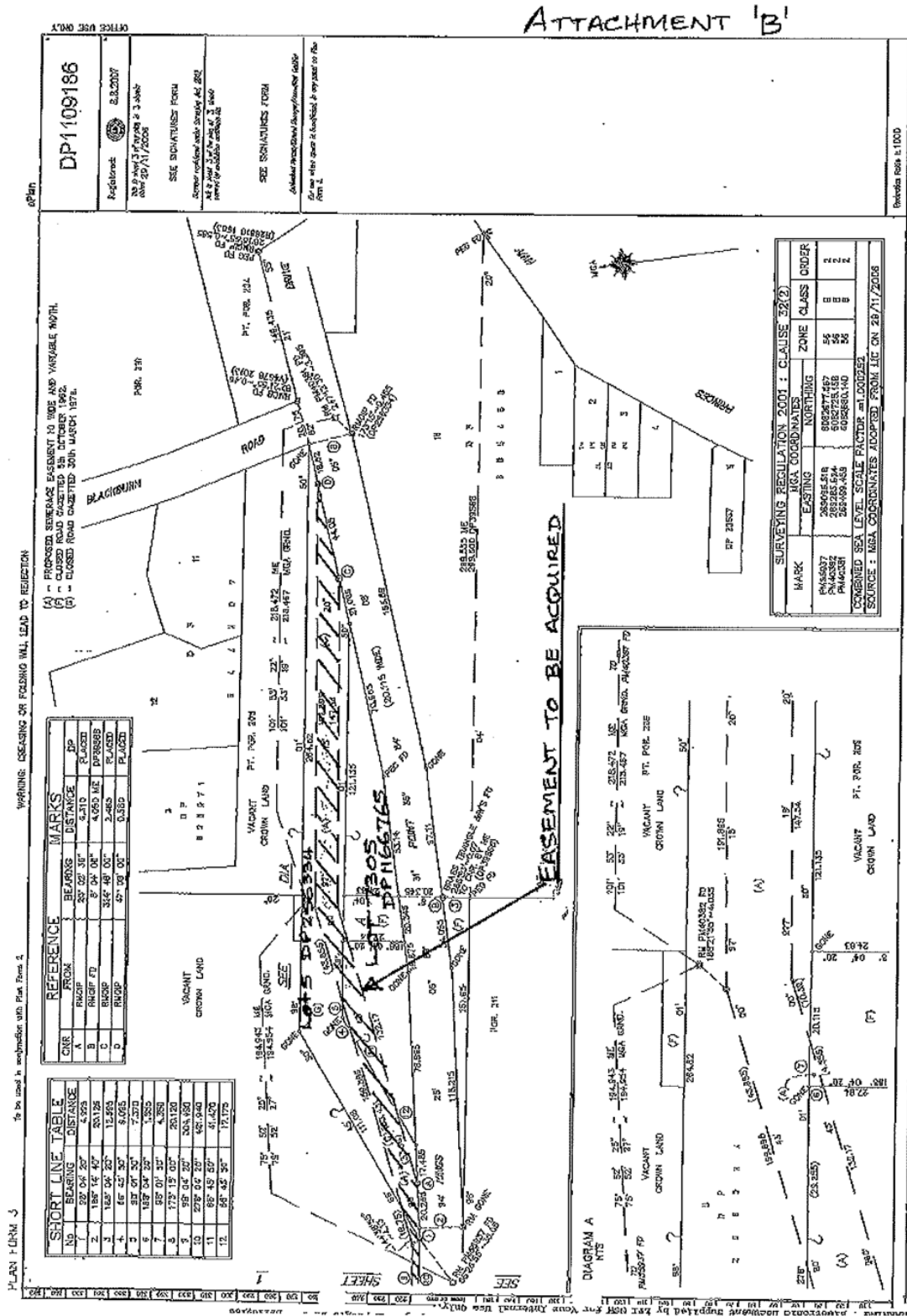
The Crown's consent letter inadvertently omitted reference to the easement over Lot 7304 DP 1166765. This omission was carried through to MIN 16.497. Crown Lands have now provided a revised consent which includes the easement over Lot 7304 DP1166765, as well as the acquisitions over the other lands.

A revised approval is now sought for Council to proceed with the compulsory acquisition process for all of the affected land. Compensation for the land and easements is to be determined by the Valuer-General.

ATTACHMENT 'A'

[illegible]

SA17.57 - Attachment 1



SA17.58 Grant of easement & restriction over Council land at Nowra

HPERM Ref: D17/36398

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. Annexure 'B' - Plan of Easement & Restriction [↓](#)

Purpose / Summary

To seek approval to grant an Easement for Padmount Substation 3.35 wide and a Restriction on the use of land, delineated (A) and (B) respectively on plan marked Annexure 'B', over Council land Lot 1 DP531142 at St Anns Street Nowra. The easement and restriction are to be granted to Endeavour Energy for a new electricity substation on a Shoalhaven Water sewer pump station site.

Recommendation

That Council resolve to:

1. Grant an Easement for Padmount Substation 3.35 wide and a Restriction on the use of land in favour of Endeavour Energy, over Council land Lot 1 DP531142 at St Anns Street Nowra. The Easement and Restriction are delineated (A) and (B) respectively on attached plan marked Annexure 'B'.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven to be fixed to any document required to be sealed.

Options

1. Resolve as recommended. Grant of the easement and restriction is required to meet standard requirements for new electrical substations.
2. Not resolve as recommended and provide further directions to staff.

Background

A new electrical substation has been constructed on the Council land for additional power supply to an existing sewer pump station to meet future demand.

In accordance with standard Endeavour Energy requirements the easement and restriction are to be granted at \$nil consideration to formalise the arrangements to supply power for the operation of the pump station.

Council approval is required for execution of a Transfer under seal to register the dealings on the title for the land.

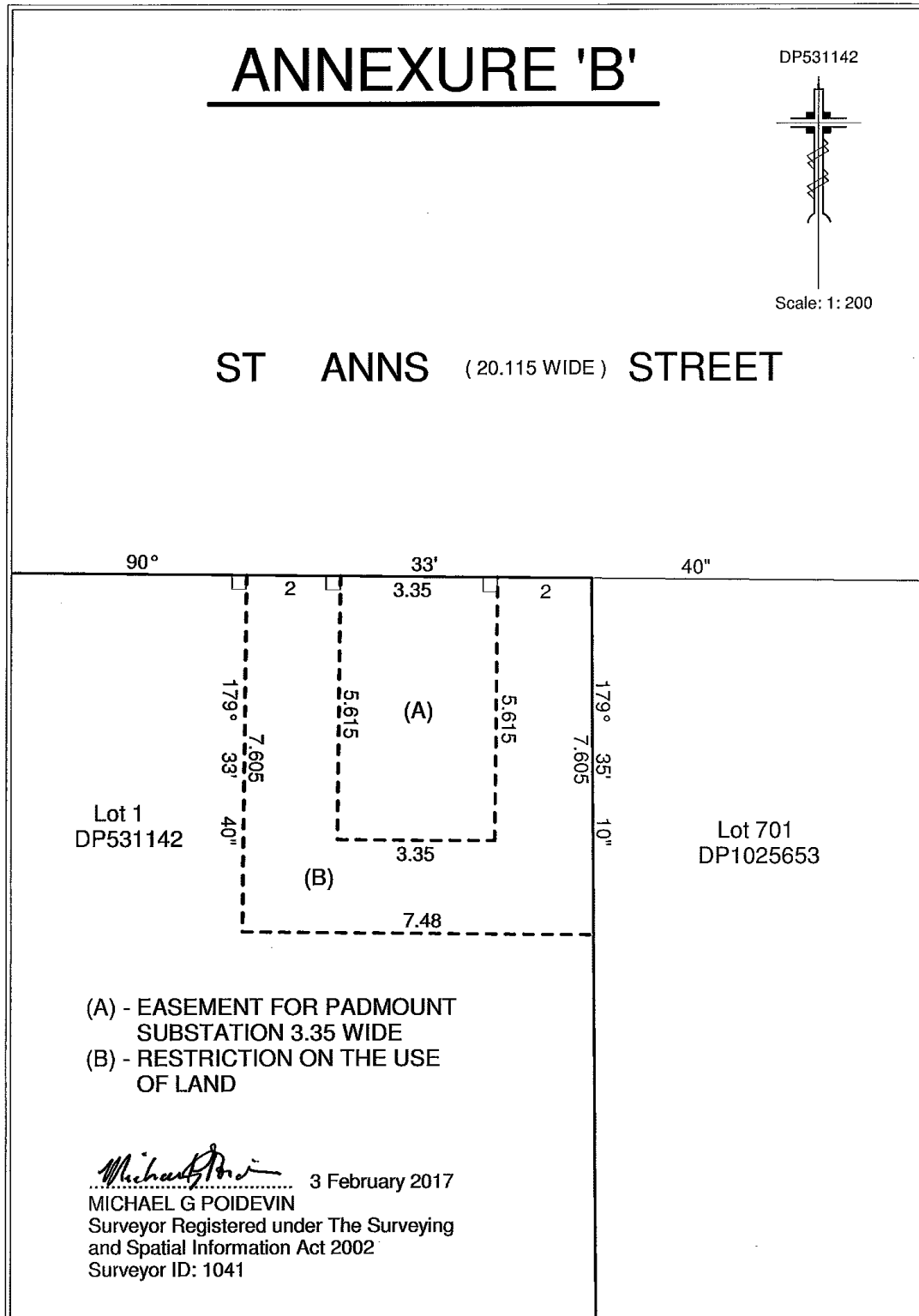
Financial Implications

Costs associated with the transactions are to be met from Council's Sewer Fund.

Risk Implications

The dealings are necessary for the operation and maintenance of Shoalhaven Water's essential public infrastructure.

The proposed action is administrative and has no environmental impact.



SA17.59 Future of Human Waste Removal Services

HPERM Ref: D17/27138

Group: Shoalhaven Water Group
Section: Water Customer & Business Services

Purpose / Summary

To provide Council with details concerning the current contract for human waste removal services, results of a survey of all the customers that use this service and options for a continuation or cessation of Council future involvement.

Recommendation

That Council;

1. Seek tenders for human waste removal services
2. Apply full cost recovery to all fees and charges relating to human waste removal services commencing 1 July 2018

Options

1. Council accept the recommendations as presented

Implications: Tenders will be sought early to allow charges to be resolved as part of the 2018/2019 annual Delivery Program & Operational Planning process and avoid future cross subsidy upon the sewer fund.

2. Amend the recommendation

Implications: Any significant change should consider the impact upon users of the service and cost implications to the sewer fund.

3. Cease providing a Council contracted human waste removal service to unsewered properties

Implications: This option will leave the servicing needs up to each property owner and to that available within the commercial market. Such would be contrary to the high percentage of customers that seek Shoalhaven Water to retain a contract managed service.

Background

Shoalhaven Water provided a report to the Strategy and Assets meeting in July 2016 regarding the future of effluent services under a continued contract arrangement. The report detailed;

- the reduction in the demand for effluent services consequent to the backlog sewerage program,
- the likely high cost of any new contract, historical charging policy, absorption of cost increases and cross subsidy to the sewer fund, and

- potential commercial interest to undertake the services.

Council were advised that before any future contracts were considered, it was proposed to hold discussions with private operators to ascertain whether a commercial market alternative existed and to gauge the level of interest by the operators and capacity to perform a larger demand. If a commercial market existed, it was proposed to undertake a survey of all effluent customers to gauge their level of interest in a market choice arrangement including cost increases and to seek feedback on the current contract.

For clarity, this report provides a precis of the matters reported previously and includes the results of the market enquiries and the comprehensive survey of effluent customers.

Reduction in demand for effluent services

The services are made available to all properties within the city which are not connected to the sewerage scheme and include;

- Effluent removal (cyclic and scheduled Pumpouts to urban located premises),
- Septic tank and aerated cleanouts (some urban but mostly rural properties with seep away septic systems), and
- Sewerage supporting services (provision of adhoc pumpout services to support sewerage operations at short notice when required eg power outages)

The large number of scheduled effluent pumpout services had historically allowed a contracted option through a competitive tendering arrangement. This enabled a bulk purchasing power to be achieved for what was a citywide benefit to customers requiring such a service. The number of effluent removal customers has significantly reduced with the commissioning of backlog sewerage schemes and therefore it makes the demand for the bulk service less financially viable. Table 1 below shows the reduction of services over the contract years since 2001;

Table 1

Year	Effluent Schedule Properties	Septic Cleanouts annually
2001	1579	853
2006	1735	698
2012	769	921
2015	686	558

The current contract expires on 28 February 2018 and the number of properties requiring effluent removal services is not likely to alter dramatically in the long term.

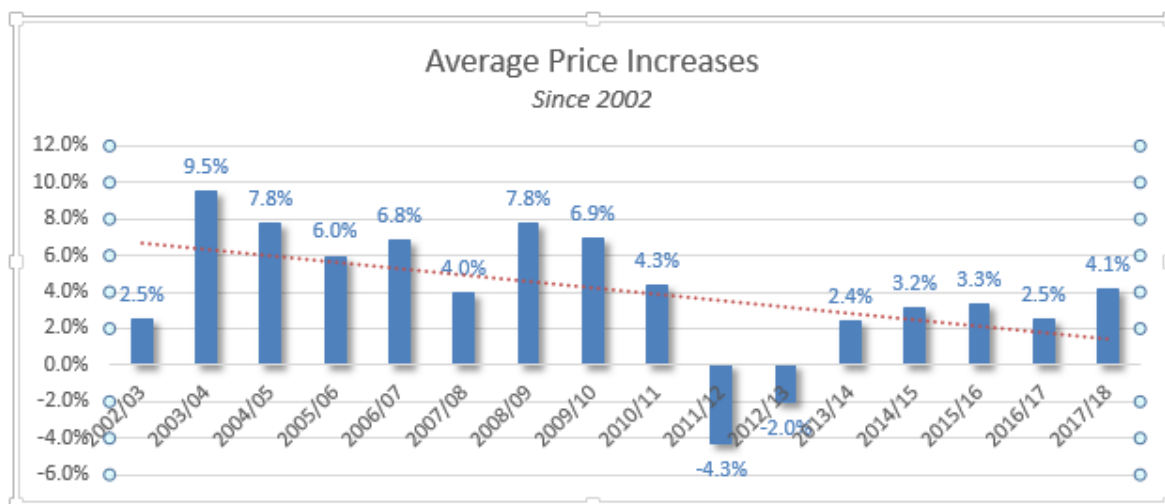
Increase in costs of new contract and charging policy

The current contract commenced in 2013 with a 3 + 2 contract period. This was a strategic decision mindful of the reducing demand for the services and to negate the frequency of cost increases from new contracts with the anticipated reduced customer numbers. **The increase in contract costs from 2013 were not entirely passed onto customers but were largely absorbed over a period of time through the re-organisation of staff duties within Shoalhaven Water and not allocating capital to address software functionality used to manage accounts. This was done as a short term measure given the level of uncertainty for a continued contract arrangement with reducing demand but this situation cannot continue if the service is to be retained.**

The cross subsidy to the sewer fund from the provision of effluent services has decreased since 2001 as a consequence of the “full cost recovery” resolution of Council.

Year	Cross subsidy to sewer fund
2001-2002	\$185,783
2015-2016	\$7,472

Full cost recovery is largely now being achieved but with parity yet to be reached for one aspect of the charging tariff due to the limit of increase under the previous resolution (increase by 5% + inflation) and the low base cost of that charge component. Regardless, effluent annual removal charges have generally remained stable despite fuel costs which heavily drive the contract pricing.



In 2012 the current contract saw tendered price increases ranging from 23.4% to 70.8% and it is expected that similar increases will occur from 2018. In addition to the contractor costs, more accurate allocation of Shoalhaven Water resources (waste treatment and contract administration including staff allocation and an effluent system upgrade) across each of the services will be required. The pressure on the sewer fund cannot sustain a large cross subsidy and therefore full cost recovery without a limiting increase must be undertaken with any continued contract arrangement.

As part of the information provided to customers about the review of effluent removal services, details were provided about the likelihood of cost increases. A specific question was asked regarding the preference of a continued service under a Shoalhaven Water contract arrangement, even when charges increase. Results of the survey are covered extensively in the Community Engagement section of this report.

Commercial interest

The contracted arrangement provides a service that may be used by customers but Council cannot legally require customers to utilise this service. Shoalhaven Water has effectively been providing an optional service as historically there had not appeared to be a competitive market.

In more recent times two commercial operators have been approved to discharge waste to the Shoalhaven Water sewage treatment plants and this brings the number of commercial operators approved in the city area to three. In addition, there are a number of commercial waste removal businesses operating in areas adjacent to the Shoalhaven. Discussions have been held with commercial operators to ascertain the degree of interest in conducting services in the Shoalhaven outside of a contract arrangement. It is Shoalhaven Water's opinion that a suitable market exists.

Of relevant note from the survey was the degree of resistance to the commercial option by customers regardless of increased costs. There was also a belief that it is a core requirement of Local Government to provide this service which is not accurate. In reviewing the results of the survey, staff contacted many customers that voiced this concern and the information portal was updated to address this and other points of concern. It remains that Council is not obliged to provide a means by which properties can be serviced nor can Council bind customers to only use a contract facilitated by Council.

Community Engagement

Shoalhaven Water communicated with every property owner that utilises the effluent removal service. This was done as part of an annual letter which outlines the upcoming service dates to individual properties over the peak season and provides a facility to arrange extra servicing needs. The letter included a comprehensive information sheet about the review being undertaken on the future of human waste removal services, background to the situation including the likelihood of significant increases to current charges, points of contact, website link to obtain further information and updates. A survey was also included and customers were requested to provide their feedback on the current contract, property use and preference for future servicing arrangements. The following summarises the results of that survey;

Response Rates

Total number of customers: 759

Number of survey returns: 304 (40%)

Percentage of follow up calls to customer surveys by staff: 10%

Bawley Point Kioloa Community Association submission to GM: 1

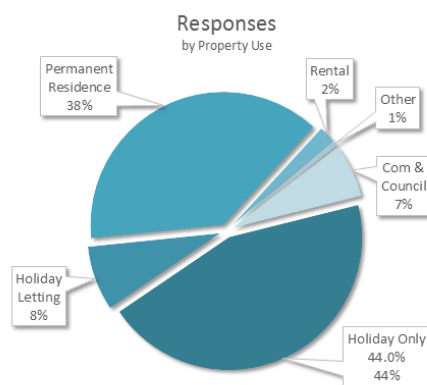
Individual submissions: 2

SA17.59

Responses by Property Use

council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au

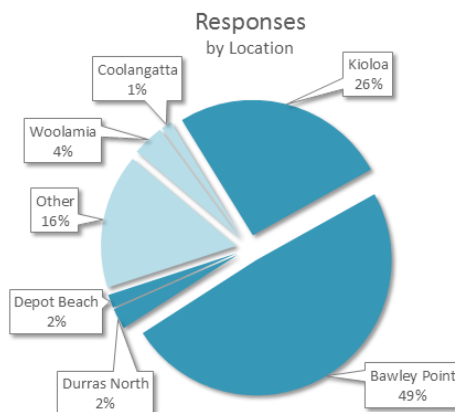
Property Use	Total	% of Total Customers	Number of Responses	% of All Responses
Holiday Only	n/a n/a		135	44.0%
Holiday Letting	n/a n/a		24	7.8%
Permanent Residence	n/a n/a		117	38.1%
Rental	n/a n/a		6	2.0%
Other	n/a n/a		2	0.7%
Commercial & Council	57 7.5%		20	6.5%
Commercial	35 4.6%		12	3.9%
Council	22 2.9%		8	2.6%



Responses by Location

council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au

Property Use	Total	% of Total Customers	# of Responses	% of Response
Woollamia	29	3.8%	13	44.8%
Coolangatta	10	1.3%	2	20.0%
Locations South of Lake Tabourie	598	78.8%	251	42.0%
Kioloa	195	25.7%	89	45.6%
Bawley Point	372	49.0%	142	38.2%
Durras North	19	2.5%	15	78.9%
Depot Beach	12	1.6%	5	41.7%
Other	122	16.1%	38	31.1%



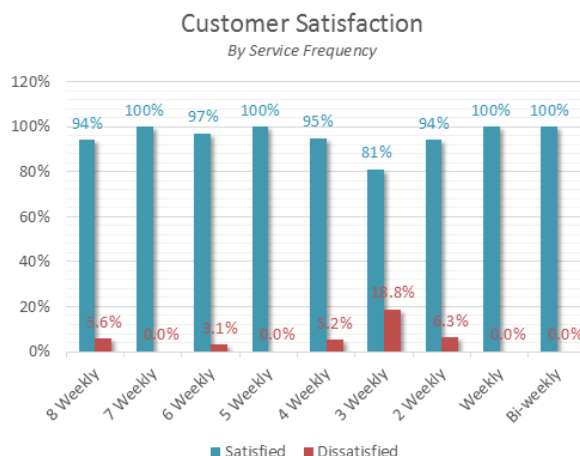
The response rate across the range of users (property type, frequency and location) indicated a good spread of return by which to gauge the general customer view on the issues with a high level of confidence.

Overall satisfaction with the effluent removal services currently

(Q1) Overall Satisfaction

council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au

Frequency	Satisfied	Dissatisfied
8 Weekly	152 94%	9 5.6%
7 Weekly	3 100%	0 0%
6 Weekly	31 97%	1 3%
5 Weekly	11 100%	0 0%
4 Weekly	55 95%	3 5.2%
3 Weekly	13 81%	3 18.8%
2 Weekly	15 94%	1 6.3%
Weekly	7 100%	0 0%
Bi-Weekly	3 100%	0 0%
Totals	290 94.5%	17 5.5%



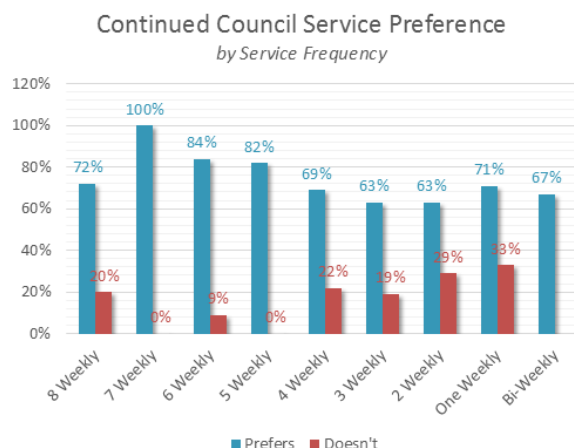
The customer level of satisfaction to the current service provision was extremely high. The 5.5% indicating dissatisfaction was further assessed and the highest reason was related to the lack of a sewerage service.

SA17.59

Preference for continued service under a Shoalhaven Water contract arrangement, even when the charges increase

(Q2) Prefer Continued Council Service
council@shoalhaven.nsw.gov.au | www.shoalhaven.nsw.gov.au

Prefer Continued Council Service				
	Yes		No	
Total	222	72%	56	18%
8 Weekly	116	72%	32	20%
7 Weekly	3	100%	0	0%
6 Weekly	27	84%	3	9%
5 Weekly	9	82%	0	0%
4 Weekly	40	69%	13	22%
3 Weekly	10	63%	3	19%
2 Weekly	10	63%	2	13%
Weekly	5	71%	2	29%
Bi-Weekly	2	67%	1	33%



The higher “yes” response % against the frequency of service corresponded with differing property and degree of use types (ie permanent resident with more frequent servicing and higher demand or holiday use with less frequency of service). The survey results indicated that customers seek a continuation of a contracted service regardless of an increase to charges. The overall total (72%) of customers who indicate a preference to continue under a contracted arrangement is considered very high.

Financial Implications

Should Council resolve to continue with a contracted service under the full cost recovery principle there will be limited financial impact on the sewer fund.

It would be intended to undertake competitive tendering early in order that Council can set the 2018/19 fees and charges as part of the DPOP process next year. This would capture any contract pricing increases stemming from a new contract and allow customers to consider the cost impact of remaining under the Council contract umbrella for services or seeking alternative commercial providers.

SA17.60 Kangaroo Valley Sewerage Scheme Capacity Assessment - Proposed 3 lot subdivision Rendga Cl, Kangaroo Valley

HPERM Ref: D17/37189

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. SF10539 - Plan of Proposed Subdivision [↓](#)

Purpose / Summary

This report to Council provides a summary of findings of an assessment of the Kangaroo Valley Sewerage Scheme flows. The outcome of the assessment is intended to provide Council with enough information to determine whether infill connections to the Kangaroo Valley Sewerage Scheme (pressure sewer system) can continue.

It also seeks Council's concurrence for connection of two additional lots proposed as a result of a proposed subdivision in Rendga Close, Kangaroo Valley.

Recommendation

That

1. Council approve the connection of the two additional lots (under SF10539) to the Kangaroo Valley Sewerage Scheme subject to development consent being granted.
2. Staff continue to monitor the Kangaroo Valley Sewerage Scheme capacity and report to Council only those development proposals in future that are considered to exceed normal infill development.

Options

1. Adopt the recommendation.

Implications: This is recommended as analysis has been completed indicating there is sufficient capacity in the Kangaroo Valley Sewerage Scheme and the proposal is considered reasonable infill development.

2. Council could choose not to allow connection to the Kangaroo Valley Sewerage Scheme
Implications: The subdivision is permitted within the zone and analysis indicates capacity exists within the scheme. The subdivision could still be approved with pumpout systems which is not favourable.

Introduction:

A development application for the subdivision of Lot 6 DP734376, No. 4 Rendga Close, Kangaroo Valley had been lodged at Council on the 11 October 2016 (known as SF10539 – refer to attached plan). The subdivision application is for the creation of three (3) lots,.

Background

The existing property currently has a brick cottage with tile roof. Sewerage services are currently provided by way of the pressure sewer unit connected to the town pressure sewer system. A pressure sewer unit was installed at the time the Kangaroo Valley sewerage scheme was implemented.

The subdivision proposal is for the two (2) new lots to have frontage to Marshall Street. Access to the pressure sewerage system can be provided from either Marshall Street or Rendga Close.

Kangaroo Valley Sewerage Scheme (KVSS):

The Kangaroo Valley Sewerage Scheme (KVSS) was constructed in 2013 as a defined sewerage scheme with limited capacity. As such Council on another residential subdivision application resolved on Tuesday 29th January 2013 under minute number MIN 13.32 :-

that:

- a) *The proposed 15 lot residential subdivision of Lot 4 DP 537784, permissible under the current zoning, be included as part of the Kangaroo Valley Sewerage Scheme design capacity;*
- b) *A report be provided to Council after 12 months operation of the Sewerage Scheme that demonstrates the theoretical vs actual loadings and determines any spare system capacity; and*
- c) *In the interim, (ie prior to the 12 month proving period), any development that seeks to take up spare capacity from the design allowance be reported to Council for consideration. The cumulative total of all additional development proposals serviced by the Scheme shall not exceed the 10% development capacity factored into the design of scheme, until the outcomes of Part (b) of this resolution are resolved.*

To date SF10297, a 15 lot subdivision (containing 12 additional lots or ETs), SF10464, a 2 lot subdivision and SF10521, a 3 lot subdivision have been approved to connect to the pressure sewerage system since the scheme's completion in 2013.

Assessment of Current Scheme Flows:

As reported to Council in December 2016, a response to part b) of the above resolution had been delayed due to factors that would distort the results of a scheme capacity assessment. Those factors included:

- A significant delay with the connection of the Pioneer Motel (17 ET design) to the scheme due to technical complexity.
- Significant infiltration/inflow experienced at a local commercial site during significant rain events.

The above issues have been resolved and analysis is now complete. The following summarises the results.

The Kangaroo Valley Sewerage Scheme is designed for an ultimate 395 ET and 1410 EP for peak periods. A geographic scheme boundary was established during the planning phase and any growth in the scheme would essentially be infill within that defined boundary. The other limiting factor to the scheme capacity was the area of land available for irrigation of the reclaimed water.

There are currently 345 ET contributing flow to the scheme. This equates to 469 EP in off-peak periods and 1220 EP in peak periods. The off-peak loads are used to ascertain average dry weather flow (ADWF) and peak periods (weekends and holidays, without rain)

are used to ascertain peak dry weather flow (PDWF). Peak wet weather flow (PWWF) is the highest recorded flow which generally occurs in heavy rain events during a peak period.

Flows have been measured into the treatment plant and compared to the design criteria in the EIS for each of the scenarios above (for the current level of development). These are shown in the following table.

Criteria	Actual Flow (measured) kL/day	Design Flow (from EIS) kL/day	Actual/Design %
ADWF	99	98	100
PDWF	239	261	92
PWWF	637	740 (EPA Licence)	86

Table 1 – Actual vs Design flows, KVSS - at 345ET Loading

The results indicate that the actual flows experienced are closely aligned to the predicted flows in the EIS for the current stage of scheme development.

The only real concern with the above results is the peak wet weather flow (637 kL/day) experienced during the east coast low event in early June 2016, during which Kangaroo Valley received approximately 300mm of rain. It is generally expected that the PWWF for a pressure sewer system is around 3 times ADWF. The PWWF during this rain event was in excess of 6 times ADWF.

In response to this high flow event staff investigated possible causes. It was found that inundation was occurring at a local commercial site and remediation work has proceeded.

It is also suspected that other properties are contributing higher than normal flows to the scheme, whether by inundation, broken pipes or illegal storm water connections to the sewer. Staff are trialling new technology that can identify individual properties with issues, which will enable targeted investigations.

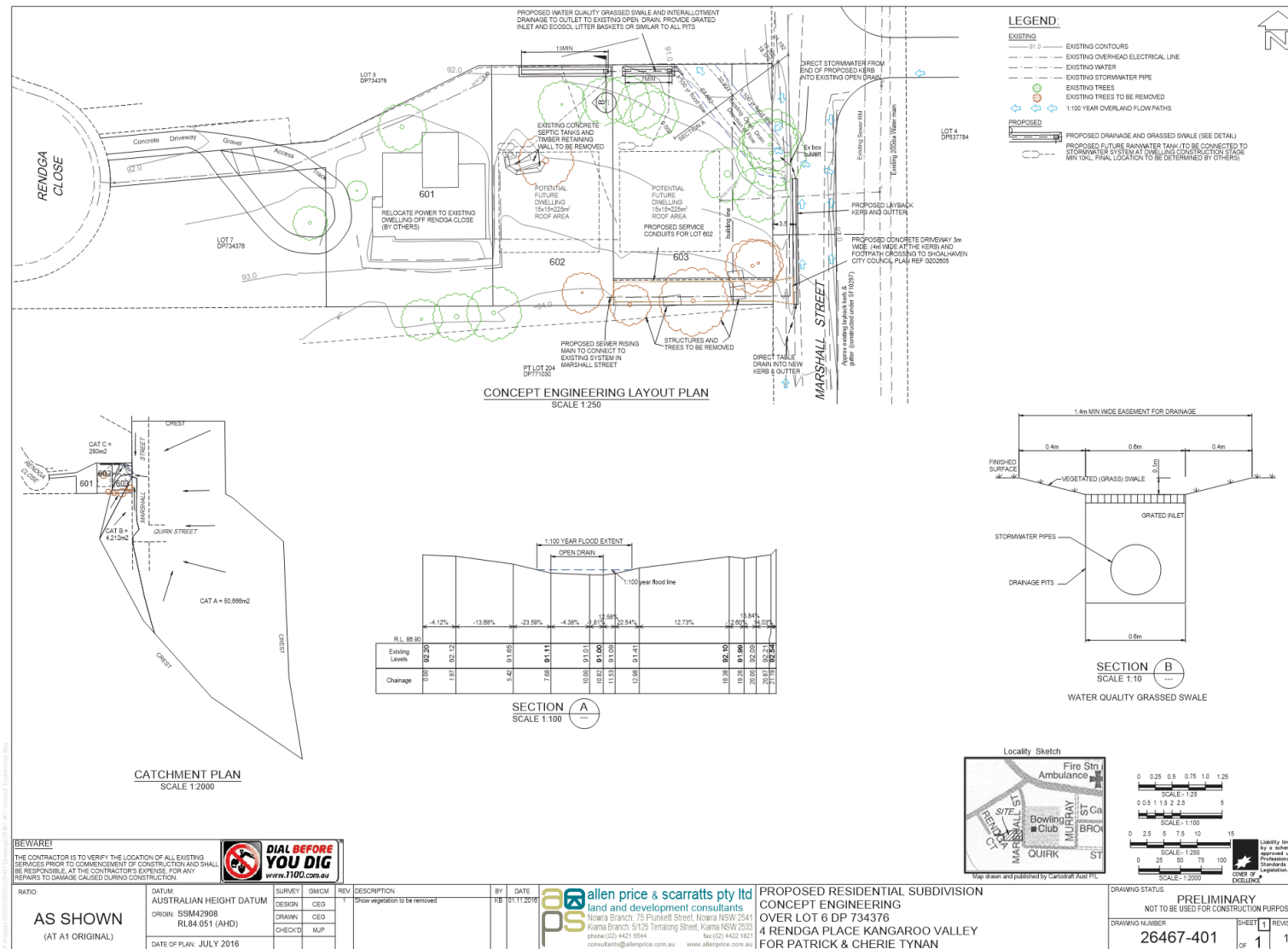
Given the remediation work that has been completed thus far, analysis was undertaken following the recent rain event on 8-9 February 2017. Approximately 200mm rain was experienced in Kangaroo Valley during this period and the maximum flow into the treatment plant was 229 kL/day (or 2.3 times ADWF) which is quite acceptable given the ongoing investigations.

It is therefore reasonable to assume that the Kangaroo Valley Sewerage Scheme is proceeding per the design intent. Staff will continue to monitor the scheme and given the results of the analysis it is recommended that staff not be required to report all development proposals to Council. In lieu of the previous resolution (MIN13.32) it now is proposed that staff only report to Council those proposals that are considered to exceed that of normal infill development.

Based on the above assessment, capacity exists in the scheme to allow the proposed two additional residential lots to connect to the pressure sewer system. There may be a further requirement for augmentation to the existing pressure sewer mains to support the two additional residential lots, which would be at the applicant's cost.

Financial Implications

The cost of the additional two pressure sewer units and their connection to the existing system will be at full cost to the developer in accordance with Council's Pressure Sewer System Policy.



LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

Chapter 3, Section 8A Guiding principles for councils

(1) Exercise of functions generally

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

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

(2) Decision-making

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

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

(3) Community participation

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

Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

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

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

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

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