

Ordinary Meeting

Meeting Date: Tuesday, 28 March, 2017
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5:00pm

Membership (Quorum - 7)
All Councillors

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. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 28 February 2017
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

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

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

person's legitimate business, commercial, professional or financial interests.

Reports

CCL17.10 Tenders - Ulladulla Harbour Northern Boat Ramp & Jetty

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

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

CCL17.11 Tenders – Construction of Carpark - Ellmoos Avenue, Sussex Inlet

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

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

CL17.54 Rescission Motion - Development Application – Parson St Ulladulla – Proposed Lot 15 in Subdivision of Lot 3 DP 746228 and Lots 5 & 6 DP 805221

HPERM Ref: D17/90908

Submitted by: Clr Bob Proudfoot
Clr Andrew Guile
Clr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item DE17.23 DA16/2412 of the Development Committee meeting held on Tuesday 14 March 2017

Background

The following resolution was adopted at the Development Committee held Tuesday 14 March 2017 (MIN17.183).

That Council:

- 1. Confirm that it supports the proposed height variation to the 7.5m height limit and allow the increase sought;*
- 2. Refer the application back to staff for determination by delegation;*
- 3. That a review of the 7.5m building heights in this part of the town centre be included in any future review of DCP2014 Chapter S8 – Ulladulla Town Centre*
- 4. Any review of the DCP in the near future be limited to South of Deering Street and the R3 zone.*

Note by the General Manager

If the rescission motion is carried staff will simply determine the DA based on existing DCP requirements.

CL17.54

**CL17.55 Notice of Motion - Development Application –
Parson St Ulladulla – Proposed Lot 15 in
Subdivision of Lot 3 DP 746228 and Lots 5 & 6
DP 805221**

HPERM Ref: D17/90919

Submitted by: Clr Bob Proudfoot
Clr Andrew Guile
Clr Mark Kitchener

Purpose / Summary

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

Recommendation

That Council reject DA16/2412 as it does not meet/comply with LEP2014.

Note by the General Manager

This Notice of Motion will be dealt with if the preceding Rescission motion is carried.

Councillors need to appreciate that the report prepared by staff on the subject development was a policy report and not a comprehensive S79c assessment report. Therefore Councillors should not be making a determination of the application in the absence of and following proper consideration of an appropriate assessment report. If the Rescission Motion is supported then Councillors could consider the following motion which was an option outlined in the original staff report.

“Resolve not to support the proposed variation to the development standard and refer the application back to staff to negotiate with the applicant to redesign the proposal to meet the 7.5m height standard”.

This would mean that the application could not be supported in its current form.

CL17.55

CL17.56 Notice of Motion - Moona Moona Creek Pedestrian Bridge - Huskisson

HPERM Ref: D17/80871

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

That Council proceed with the construction of the new pedestrian bridge over Moona Moona Creek. The funding to come from Strategic Projects Reserve, Section 94 funds, as well as an application for funding to the Environment and Tourism Fund as a priority, and other funding sources that may become available. Ideally funding would need to be included in both the 2017/18 and 2018/19 budgets so as to effectively proceed with the project, with the major part of the construction taking place after Easter in 2018, so as to avoid conflict with the peak tourist season.

Note by the General Manager

There is a concept design for a separate shared user path bridge structure and this work was funded by the State Government. The estimated project cost for the drainage, path realignment, approaches, viewing platform, piling and the steel bridge structure is approximately \$640,000.

The Council has resolved on the 21st of March to make an application for this project to the Environment and Tourism Fund. The Strategic Projects reserve is fully committed to existing projects. The requested pedestrian bridge over Moona Moona Creek is not in the current Section 94 Plan, therefore Section 94 funds cannot legally be used for the construction of the pedestrian bridge. If Council wants to consider the inclusion of the pedestrian footbridge in the Section 94 Plan it is unlikely that it would be approved by NSW Government as it would not be considered as necessary infrastructure to support an increase in demand associated with new population growth. If it is included in the Contributions Plan, Council would most likely be liable to meet a significant component of the cost of the works to cover existing development. Council could also be open to a challenge from developers regarding the plans validity and potentially have the Contributions Plan declared invalid and any monies collected would need to be refunded.

CL17.56

CL17.57 Notice of Motion - Bushfire Hazard Reduction

HPERM Ref: D17/80905

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

That Council staff prepare a report on hazard reduction which is currently occurring in the Shoalhaven, aimed at minimising the impact of bushfires on our community. The report would need to address the latest assessment announced by the scientific fraternity where the assertion was made, that with global warming and climate change both the number and the ferocity of fire storms will increase markedly. In addition, the report would include all possible ways of reducing the fuel load as well as the effectiveness of back-burning in this regard.

Note by the General Manager

The bushfire-related impacts of climate change on our communities are not all negative; in some locations it has been predicted the bushfire threat will be reduced due to climate induced changes in vegetation, while other locations will experience an increased threat. Much of the science related to bushfire is done through or by the [Bushfire & Natural Hazards Cooperative Research Centre](#). Recommendations from results are fed through to relevant government agencies to inform changes and amendments to their legislation, policies and plans. For example, research results into grass fires has led to new guidelines for Bushfire Prone Land Maps that introduce a third category of vegetation, Category 3, grasslands. This in turn is reflected through amendments to AS3959 - *Construction of buildings in bushfire-prone areas* and [Planning for Bushfire Protection 2006](#).

Other current and/or recent changes include the development of (draft) Guidelines for Existing Developments, a modelling tool for short fire runs and the recent Rural Fires Amendment (Fire Trails) Act 2016 No. 41. Council's fire mitigation staff provide input into these reviews and are active participants in the local government bushfire managers' network which, as a collective, work with other land management agencies and fire-fighting authorities to ensure the implementation of proposed changes are reasonably practical and financially sustainable.

The NSW Rural Fire Service is not only the lead combat agency for bush fires in NSW; it also has the aim of reducing the likelihood and consequence of fires occurring through comprehensive risk management programs, ignition management and the development of regulations for bushfire prone areas. District Bush Fire Risk Management Plans are used to develop appropriate hazard reduction strategies and actions based on assets identified as important by our local communities. These risk management plans are themselves provided as a state-wide template that has evolved in response to new or expanded knowledge.

CL17.57

CL17.58 Notice of Motion - Conduct of Councillors

HPERM Ref: D17/80918

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

That all councillors make a concerted effort to "raise the bar" when it comes to the demonstrated level of respect shown to each other and to the council staff.

Background

There have been far too many instances of sniping, false accusations and blatant rudeness, which are all unnecessary.

Note by the General Manager

Any inappropriate conduct/behaviour during meetings should be dealt with at the time using the provisions of the Code of Meeting Practice with the Chair calling for retractions & apologies if necessary, or another councillor raising "points of order".

The Code of Conduct provisions provide mechanisms for complaints should inappropriate conduct/behaviour occur on other occasions such as in public forums, media comment or during other council functions.

In response to a recent email from the General Manager to councillors, very few councillors sought additional training relating to the Code of Conduct.

CL17.59 Notice of Motion - "In Kind" Contributions from Community Groups

HPERM Ref: D17/81071

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

That Council staff prepare a report on broadening the potential for the ways that "in kind" contributions from community groups can be used. The report would need to include, but not be restricted to applications for funding and constructing capital projects.

Note by the General Manager

Council staff are currently preparing draft Community Infrastructure Guidelines that will address potential ways that "in kind" contributions from community groups can be used to deliver minor infrastructure projects. It is anticipated that this will be presented at the next Strategy & Assets Committee meeting.

CL17.59

CL17.60 Notice of Motion - School Bus Transport

HPERM Ref: D17/90787

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

That Shoalhaven City Council support concerned parents regarding their children being forced to stand up on buses whilst being transported to and from Nowra along the Princes Highway. Further, Council supports the parents and their children by writing to the Minister for Transport, the RMS and the Shoalhaven Local Area Command asking for more frequent passenger number compliance checks.

CL17.60

CL17.61 Notice of Motion - Investment Policy

HPERM Ref: D17/82615

Submitted by: Clr Kaye Gartner

Purpose / Summary

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

Recommendation

That Council instruct CPG Research and Advisory Pty Ltd, its investment advisors, to give preference to investing SCC funds with financial institutions that do not invest in, or finance, the fossil fuel industry where

1. Council's investment is compliant with its 'Investment Policy'.
2. The investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment.
3. A briefing be provided to Councillors, at the end of financial year 2016/17, to assess the results of this moderate divestment strategy

Background

The intent of this notice of motion is aimed at environmental protection by taking action to mitigate the negative effects of climate change. Carbon emissions through the use of fossil fuels are, according to overwhelming scientific evidence, one of the key contributors to global warming and climate change.

One of the mechanisms that councils are using to influence the broader movement to protect our shared environment, is by limiting or excluding investment, directly or indirectly, in the fossil fuel industry.

This can be achieved by moving ratepayer owned and Council managed investment capital from financial institutions that support the fossil fuel industry, to those that do not.

When councils do this, the impact is financially very significant, and has the potential to influence many other financial institutions to move their investments away from fossil fuels, into more sustainable and environmentally responsible energy sources and infrastructure. Indeed, into investments that support the jobs and growth of future generations.

The global movement to divest from fossil fuels has doubled in size since September 2015, and Australia is leading the world in divestments according to the third annual [Global Fossil Fuel Divestment and Clean Energy Investment Movement](#) report from Arabella Advisors.

Some investment companies eg Market Forces, already advise shareholders dealing in the ASX 300 "the time for engagement with those companies... with substantial involvement in fossil fuel extraction has passed."

Precedents

"Australia has more divested institutions per capita than any other developed country"

Bill McKibben, Dec 23, 2016

At present, there are 10 NSW Councils that have put in place divestment strategies similar to that proposed in this notice of Motion. They are, along with their investment portfolio totals at the time of their divestment, as follows:

Marrickville Council	\$55,000,340
Leichhardt Municipal Council	\$79,702,199
Lismore City Council	\$50,017,029
Gloucester Shire Council	\$6,419,922
Newcastle City Council	\$286,104,501
Byron Shire Council	\$75,962,424
Albury City Council	\$81,190,223
Ballina Shire Council	\$69,289,000
Randwick City Council	\$75,091,000
Eurobadalla Council	\$85,879,314.41

As at December 2016 there were a further 30 councils elsewhere in Australia, as well as the ACT Government, that have divestment strategies. One in ten Australians now lives in a fossil-fuel free council.

Current Shoalhaven City Council Investments

As at 31 December 2016 Council had a total of \$168,897,741.00 invested under the advice of CPG in a highly diversified portfolio. A substantial amount of these funds are already placed with institutions that do not invest in the fossil fuel industry eg Bendigo Bank, Bank of Queensland, Rabo Bank, Newcastle Permanent, ME Bank and Heritage Bank amongst others (Investment Report, Dec31, 2016).

Note by the General Manager

What is our current exposure to institutions that fund fossil fuels?

Based on Council's investment portfolio balance as at 28/02/2017 (\$219.41m), it is (roughly) estimated that ~30% of Council's direct investments have some form of exposure (ANZ, CBA, NAB, Westpac, AMP, Macquarie, ING). But also note that NSW T-CorpIM Cash Fund, which accounts to ~20% of the total investment portfolio (\$43M), a large proportion of this Fund is with the domestic major banks. Therefore, the exposure is closer to 50% of the total investment portfolio when including the T-CorpIM Cash Fund.

Whilst the intent/spirit of the motion is understood it may be difficult to withdraw all major banks from investments and aim at a 100% fossil fuel free investment as it may create:

- High concentration of risk – limiting Council to a selected number of banks;
- Increased credit/counterparty risk;
- Reduction in performance which results in a significant loss of income generated;

The councillor briefing after the 2016/17 financial year can discuss these issues in more detail and it may be necessary to set some targets within the Investment Policy such as:

- Set a min % of funds to be in fossil free investments;
- Set limits on “concentration” levels and exposure risks;
- Set limits or tolerance levels on what level of lower investment returns are acceptable to meet the other targets.

CL17.62 Notice of Motion - Report from the Community Energy Congress

HPERM Ref: D17/91007

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

That

1. Repower Shoalhaven be invited to brief this Council on its existing and proposed projects in the Shoalhaven, and its vision for community energy in the Shoalhaven.
2. Mr Chris Cooper be invited to brief council on the possibility of energy storage and generation in the Shoalhaven using pump-to-pump hydro.
3. SCC include consideration of the generation of renewable energy in the SCC Economic Development Plan and the SCC Property Strategy.

Background

Report from the Community Energy Congress held in February 2017.

Powering the Future Together

- What is Community Energy?

“The wide range of ways that the communities can develop, deliver and benefit from sustainable energy. It can involve supply-side projects such as renewable energy installations, and storage, and demand side projects such as community education, energy efficiency and demand management. Community energy can even include community based approaches to selling or distributing energy.”

This conference was attended by communities engaged in renewable energy installations, communities working with their local council to generate renewable energy, businesses providing the technology, retailers, companies introducing innovative billing technology, politicians and government agencies.

RePower Shoalhaven is one such nationally respected player in the community energy field in Australia. Repower Shoalhaven is providing cheap, renewable energy to community organisations in the Shoalhaven and simultaneously providing good returns to community investors. One of the great benefits of this conference was the opportunity for 3 Councillors and about 8 Shoalhaven community/Repower members who were attending to sit down together and exchange ideas.

Chris Cooper, the young Shoalhaven entrepreneur (instrumental in the setup of Repower) gave a report on his just completed Churchill fellowship. Chris toured the world studying community energy and innovative technologies, including innovative storage solutions. Chris opened our eyes to the idea of 'pump- to- pump 'hydro which re-circulates water over a drop and back to a dam - storing and generating energy renewable energy.

CL17.62

Conference workshops explored solar energy opportunities for low-income families. Solar-gardens for community generation and distribution of this energy across different households is now possible thanks to new billing technologies. Retailers like Energy Locals are bringing these innovative billing systems to the market right now.

Energy democracy is a big motivation for community energy projects and local government involvement. Local generation and distribution – a current reality in some communities in Australia, is seen to be very important for energy security as we transition to a carbon-free future in accordance with Australia's signature of the Paris Treaty and NSW's zero carbon emissions target of 2050.

CL17.63 Notice of Motion - Donation Request - Team SHuFLLe (Shoalhaven First Lego League)

HPERM Ref: D17/86214

Submitted by: Cllr Nina Cheyne

Attachments: 1. Letter from Team SHuFLLe [↓](#)

Purpose / Summary

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

Recommendation

That Council consider funding a young Shoalhaven Team Initiative to represent our City and Country through a first class project destined to win an overseas award for innovation.

Background

"Team SHuFLLe is the Shoalhaven First Lego League, and this group of Shoalhaven students between 9 and 16 years is the national winner of last year's competition, due to represent Australia in Bath, England, this coming June.

In this competition the teams build a robot out of Lego and program it to complete challenges. But it isn't just robotics: there's a project component, and this group had to identify a real-world solution on the theme of Animal Allies. In this case, these young people recognised the importance of mangroves for our rivers, oceans and waterways, and, importantly, what the loss of mangroves is doing to the oceans, our water quality and the sea creatures that rely on mangroves for food, breeding and protection. They developed and created a special box that is placed on the shoreline and is shaped in such a way that, when the tides or waves wash water into the box, the sediment settles into the bottom and builds up over time, creating a foundation for mangroves to grow in. Part of the plan they'll take to England includes meeting with local stakeholders, such as Shoalhaven Council, to build a full size working model of the mangrove box and install it in one of the ,any mangrove rehabilitation areas around the Shoalhaven.

We know you understand the importance of supporting young people, and of the value of practical problem-solving that comes from students working in the STEM subjects – science, technology, engineering and mathematics. The students are here tonight to make a presentation to Council. I propose that Council grants these young people what ever funds they are able to support their journey to England to represent Australia and the Shoalhaven."

Note by the General Manager

An amount of \$7,787 is available in the 2016/17 Unallocated Donations vote.

6th March 2017

Attention: General Manager
Shoalhaven City Council
36 Bridge Road
Nowra NSW 2541

Shoalhaven City Council

Received

- 7 MAR 2017

File No. _____

Referred to: S. McMahon

To Whom It May Concern

Hi, we're Team SHuFLLe, which stands for Shoalhaven FIRST Lego League. FIRST Lego League, or FLL for short, is an international competition for kids aged 9-16 where teams build a robot out of Lego and program it to complete challenges. FIRST stands for "For Innovation and Research in Science and Technology" and they're a global company who recognized a while back that around the world, we needed more scientists and engineers and people who could solve problems. So they came up with the great idea to team up with Lego to create an international competition to get kids more engaged in STEM subjects (that's Science, Technology, Engineering and Maths) and out of that creation came the FIRST Lego League, or FLL.

Every year around late August on the same day all across the world, the latest FLL competition is launched. Each year it's a different theme and all the challenges on the game board relate to that year's theme. 2016's theme was Animal Allies and it looks at the relationship between animals and humans and how we can help each other for mutual benefit.

But FLL isn't just about playing with Lego, there's also a project component. Each team has to identify a real-world problem related to that year's theme and come up with an innovation solution to solve that problem. Then they present their solution, or their 'project', to the judges on competition day. The project has the same weighting towards the team's final score as the robot challenges.

Team SHuFLLe recognized the importance of mangroves for our rivers, oceans and waterways, and importantly, what the loss of mangroves is doing to the oceans, our water quality and the sea creatures that rely on mangroves for food, breeding and protection. Our innovative solution to this problem is a special box that is placed on the shoreline and is shaped in such a way that when the tide or waves washes water over the box, the sediment settles at the bottom and builds up over time, creating a foundation for the mangroves to grow in. Inside the box is twisted wire that gradually gets smaller as the box tunnels towards its narrowest point. This replicates the mangrove root system and creates a safe breeding ground for small fish. The box is made from hardwood so it will slowly decay over time, just like the pillars of a wharf or jetty, but won't damage the ocean environment in the process.

At our Regional competition at the end of November in 2016, we were awarded Tournament Champions based on our success in the Lego robot challenge games, our great teamwork during our Core Values challenges, and especially because of our project design and innovative solution. We then progressed on to the National competition in early December where we won the Judges Award for our project and have been invited to compete at an International competition in Bath in

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06 MAR 2017
COUNTER SERVICES

CL17.63 - Attachment 1

June! In fact, we are the only team from Australia going to the UK to compete. There are 12 Australian teams competing internationally this year but we're the only team going to the UK. What a great honor!

At the project judging session at the International Competition, we will be expected to show the judges what we've done with our project since our National comp. We've already met with Shoalhaven Riverwatch and received some fantastic feedback from them. Based on their recommendations, we have changed the design of our mangrove box and we'll be installing it soon in one of the many mangrove rehabilitation areas around the Shoalhaven to see our idea in action. We have also met with Ann Sudmalis and will be meeting with our local Greens party in March to present our project to them as well.

We're sure you'd agree that it's a huge honor for a small team from Nowra to represent Australia. Our team consists of 3 local teenage boys as well as a parent coach and supporters. There will be 6 of us in total waving the flag for Australia in June.

We are seeking financial sponsorship for this amazing opportunity and would like to ask Shoalhaven City Council to be one of our key financial supporters. Included with this letter is the design for our team shirts which would include our supporters' names. Our team is aiming to raise \$20,000 to cover all our expenses and would gratefully appreciate any financial assistance that you can provide. If you would be interested in covering one aspect of our expenses, we have included below some options for you to consider:

Flights	\$8,650.00
Team participation fee	\$2,500.00
Accommodation in London	\$1,650.00
Accommodation at Bath Uni	\$1,200.00
Car Hire	\$1,200.00

Our team's sponsorship coordinator, Karen Woods, would be very happy to meet with you to discuss sponsorship opportunities in more detail, or to talk more about Team SHuFLLe, who we are and what we do. You can call her anytime on 4422 7327.

Thanks for considering sponsoring Team SHuFLLe on our international journey. We look forward to hearing from you very soon.

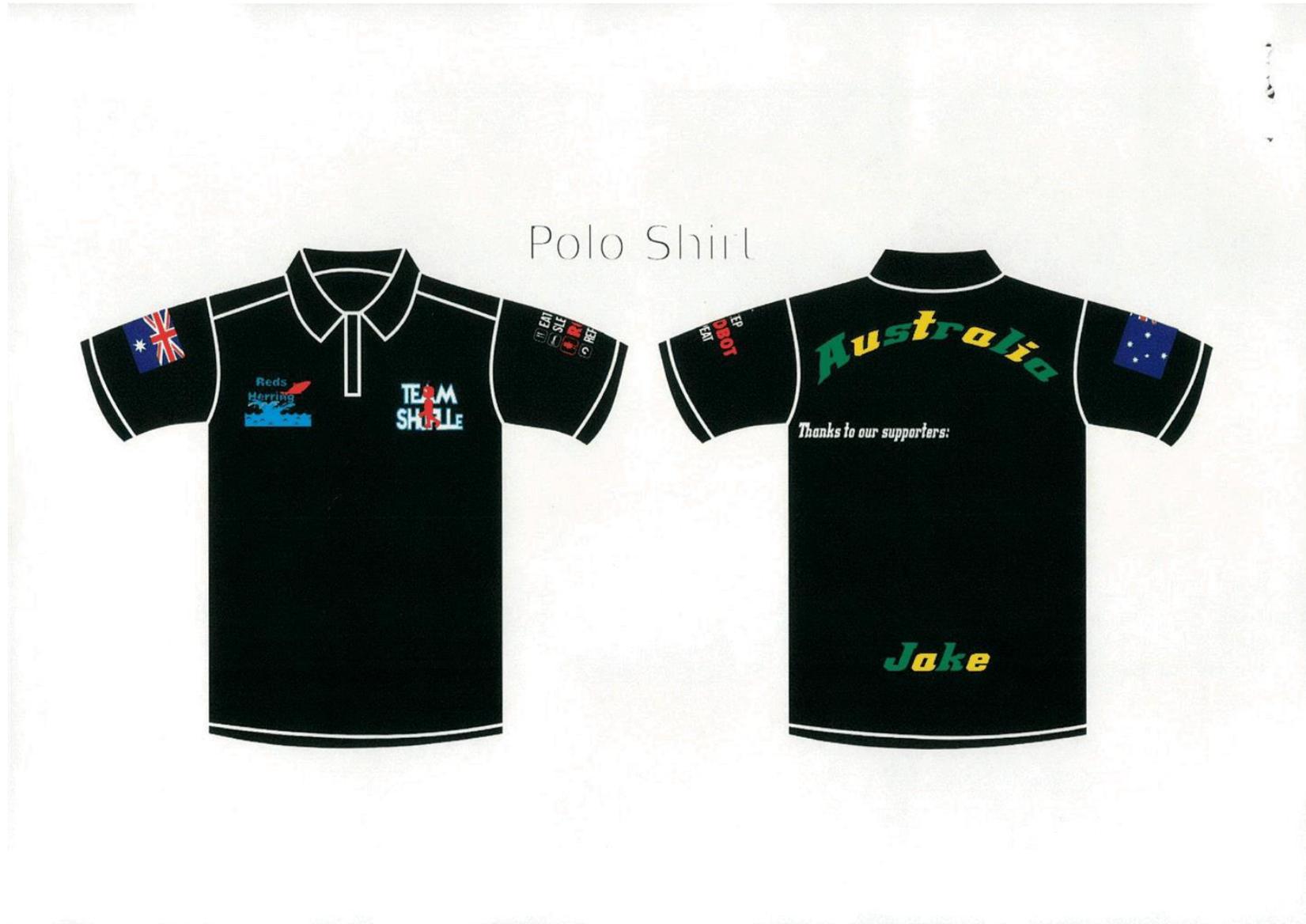
Best regards

Oliver Woods
Robot Builder
Yr10 Bomaderry High

Jacob Malby
Robot Programmer
Yr10 Smiths Hill High

Justin Hedayati
Project Coordinator
Yr8 Smiths Hill High

Ian Woods
Coach
Maths Teachers, Shoalhaven High



CL17.64 Notice of Motion - Shoalhaven Bike Plan

HPERM Ref: D17/89127

Submitted by: Clr Nina Cheyne

Purpose / Summary

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

Recommendation

That in a future review of the Shoalhaven Bike Plan and on an ongoing basis Council & staff consider the following matters:

1. Identify existing routes that can be safely shared with traffic and/or pedestrians & produce a priority list of cycleway routes that need to be made safe for shared use.
2. Complete a survey of signage on shared pathways across the city.
3. Take steps to ensure that all shared paths comply with Australian Standard AS1742.9 (Bicycle facilities) and AUSTRROADS Guide to Road Design Part 6A (Pedestrian and Cyclist paths).
4. Consider a strategy to install additional signage at key locations along the shared path network within existing budget constraints, such as digital Directory Boards; identify on-road shoulder lanes as part of the "bike route networks"; possible use of websites or apps to identify these on-road shoulder lanes. (In some local government areas, these types of on-road facilities are identified with a combination of coloured road markings and identically coloured road signage.)
5. Continue to pursue Section 94 Funds (when justified) or RMS funds to support cycleway infrastructure and signage across the city.
6. Ensure community consultation occurs during the planning phase of cycle paths, shared pathways and any other infrastructure related to cycle ways including:
 - a. On-road bike lanes
 - b. On-road shoulder lanes
 - c. Off-road shared paths
7. That Council consider a "Committee" or a "working group" consisting of Bike user group stakeholders, Council staff and Councillors dedicated to improving cycleways and shared pathways across the city, and to provide input into decisions related to cycleways across the region when reviewing the Bike Plan.

Background

The Shoalhaven Bike Plan (Plan) identifies priority projects and infrastructure needs to guide Shoalhaven City Council to develop an integrated cycling network spread across a unique geographical and natural environment. This environment has heavily influenced settlement patterns and infrastructure provision such as transport corridors. The cycle network also builds on this environment and consists of on-road, off-road and mountain bike trail routes.

The Plan's vision is:

To create a safe and accessible bike route network that builds on existing assets and works towards connecting key cycling destinations and encourages people of all ages to use their bikes for everyday transportation and recreation.

The Plan is based on six key outcome areas, being:

- Bike friendly streets and roads;
- Safety and education;
- Connecting to public transport;
- Start, on-route and destination facilities;
- Promotion to residents and visitors; and,
- Leadership and advocacy.

Each of these outcomes are supported by guiding principles, objectives and actions to assist its implementation by Council, other government agencies and where possible assistance from community groups to meet the Plan's goals.

The integration and connection of a Shoalhaven cycling network will lead to the creation of safe and accessible travel routes that will improve the liveability, sustainability and tourist potential of the area while in turn encourage people of all ages to use bikes for everyday transport and enjoyment.

The bike route network proposed in this Plan will be challenging for Council to deliver due to its extensive coverage and requirement for a long term funding commitment. To meet this challenge, actions and priority projects identified in the Plan will be implemented as funding sources are identified (including grant funding) and/or relevant in-kind assistance is provided by community groups.

To successfully implement the Plan, will also rely on it being flexible to meet changing priorities over time and which changes to the Plan are overseen and by a dedicated community cycling committee which includes Council, RMS and community representatives. To guide the decisions of such a Committee, key actions and priority projects are detailed in Sections 4 and Appendix 4 of the Plan.

The bike route network which consists of existing and proposed components can be viewed by clicking on the internet link below:

<http://shoalhaven.nsw.gov.au/DiscoverShoalhaven/Walksandcycling.aspx>

CL17.65 Notice of Motion - Balloon Release Ban

HPERM Ref: D17/89388

Submitted by: Clr John Levett

Purpose / Summary

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

Recommendation

That Council

1. Joins Eurobodalla and Bega Valley Shire Councils in banning the release of balloons and on the use of helium to inflate balloons at Council events and in Council managed reserves.
2. Urges the Members for Kiama and South Coast to introduce legislation to ban the use of helium to inflate balloons and to ban the release of balloons across New South Wales.
3. Makes a submission to the Federal Government Draft Threat Abatement Plan (<http://www.environment.gov.au/biodiversity/threatened/threat-abatement-plans/drafts-open>) which is currently open for comment until 13th April 2017. This Plan looks at the impacts of marine debris on vertebrate marine species and mentions balloons on pages 5, 28 and 29.
4. Asks Mayor Amanda Findley, our Voting Delegate at the Australian Local Government Association 2017 National General Assembly, to introduce a Notice of Motion urging Environment Minister Josh Frydenberg to introduce similar bans at a National level.

Background

Approximately 95% of released balloons burst in the atmosphere and litter small pieces of plastic to earth. The remaining 5% do not reach a high enough altitude to burst and instead can drift hundreds of kilometres before coming down on land or at sea. A recent ABC story which was forwarded to councillors prior to this meeting gave a moving account of efforts by Taronga Wildlife Hospital staff to save the life of a green turtle which had ingested plastic pollution mistaking it for a food source. Plastics are a massive problem for wildlife and this motion is a way we can help.

Note by the General Manager

A report addressing the banning of balloons is being submitted to this meeting (CL17.90). It is recommended that Councillors consider the NoM and report together.

CL17.65

CL17.66 Notice of Motion - Aligning planning and urban release priorities with community benefits

HPERM Ref: D17/91271

Submitted by: Cllr Andrew Guile

Purpose / Summary

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

Recommendation

That

1. Council revise and elevate the strategic planning priority of the Moss Vale Road North urban release area due to the economic stimulus, provision of alternative development concepts and other benefits including affordable housing that this will provide.
2. The General Manager report to Council resourcing requirements for consideration to support the immediate commencement of the detailed development control plan and other processes required under Part 6 of Shoalhaven LEP2014 and any other steps necessary to facilitate the short term release of this land to market.
3. The General Manager report to Council any alternate sources of funding including any contributions that may be negotiated with the proponents to manage the processes required to enable the release of this land.
4. The General Manager report to Council any acceleration that may be required for the provision of infrastructure to account for the change of priority.
5. That Council inform other holders of land within the Nowra-Bomaderry Urban Release Areas of Council's decision and related justification.

Background

Zoned developable land within the Shoalhaven LGA is becoming scarce leading to a lack of affordability for the local housing market. Some of the other urban release areas in the Nowra Bomaderry Structure Plan have constraints such as traffic and flora/fauna which makes Moss Vale Road North more appealing.

There is a vision amongst some of the Moss Vale Road North landowners to create a 'Green Star' development within the local area. Green Star community principles in the required DCP will provide a point of difference in the housing and construction industry that will be recognised in the planning documents; diversity of housing types, the design and character of the overall development and opportunities for sustainable employment, community engagement and environmental sustainability.

The diversity of housing products that genuinely meet the demographic trends will allow first home buyers and people wishing to age in place a real alternative to the standard house and land package, at an affordable price. Surplus equity for down-sizers will relieve stress and promote a more sustainable and improved quality of life. Urban design principles that determine the character of the community will attract buyers wishing to enjoy a healthy, active life in an engaged community.

CL17.66

The planning for and construction of new businesses necessary to support the planning and development of the Moss Vale Road area can commence immediately to create opportunities for sustainable employment unmatched in the Shoalhaven. For example: planning, tree farming, civil works, engineering, surveying and riparian remediation are just the initial measures that will feature.

The subject land affected by this resolution totals in excess of 265 hectares. A reasonable amount of the land outside the urban release area is zoned E2 where there are watercourses that traverse the land.

The immediate release of the Moss Vale Road North Urban Release Area for development is justified on many levels. The community benefit will be a much needed stimulus to the local economy. Council will benefit from the innovation in planning and the community will benefit from working with the land 'owners' who are advocating a fresh approach to urban release not yet seen in the Shoalhaven.

Note by the General Manager

The endorsed Nowra-Bomaderry Structure Plan, is the strategic plan that sits behind the zoning of the Urban Land Release Areas (URA's) in the Nowra-Bomaderry area. The Plan and associated URA's are intended to cover a 20-25 year time horizon and it was not intended that all the identified newly zoned URA's be released at once.

The Structure Plan contains an indicative development phasing plan that indicated that the Moss Vale Road North URA will be the fifth phase of release (of seven). As such when this plan was prepared it was envisaged that this would be one of the latter phase URA's for a range of reasons – traffic, infrastructure etc. The plan does also recognise that the phasing may need to be flexible.

Council has commenced the required detailed work on the Moss Vale Road South URA, which is identified in the Structure Plan as the second phase of release, and staff have recently briefed Council on this work and met with the affected landowners to discuss its progress. It is intended to report some of the detailed (concept development plan and required Planning Proposal to adjust densities) work related to the Moss Vale URA to Council for consideration shortly.

If Council is to adjust the phasing plan it is acknowledged that at least some community notification/consultation should be undertaken in this regard given the impact it could have on owners within other URA's.

The change in phasing will also have an impact on infrastructure requirements within and external to the zones in respect to roads, water & sewer and the time frame for delivery.

Following the recent workshop with councillors to discuss the Strategic Planning Works Program it is envisaged that the proposed new program will be reported to Council for formal consideration by the middle of this year. Bringing the Moss Vale Road North urban release phase forward in timing & priority will affect the timing to deliver other strategic work.

A key part of the transport infrastructure is the Far North Collector road which links the new urban release areas of Moss Vale Road and Illaroo Road in North Nowra, a concept design has been drafted. This important link will be critical for the urban release areas, funding has previously been identified in the long term financial plan for the alternative North Nowra Link road, however it is now considered the FNCR is strategically a higher priority. Staff will continue to explore funding opportunities for this road.

The design and funding available for water and sewer network augmentation works will depend on the phasing of the release areas.

The capacity of the existing electricity supply network in the area also needs to be investigated

CL17.67 Notice of Motion - Homelessness - Nowra Showground

HPERM Ref: D17/91287

Submitted by: Clr Andrew Guile

Purpose / Summary

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

Recommendation

That the General Manager provide a report to the next meeting of Council regarding the continued use of the Nowra Showground by homeless people, including our current policies and enforcement measures being applied to manage this situation.

Background

Concerns from permanent Nowra residents living near the Nowra Showground continue to arise regarding the continued use of these facilities for homeless people. It is important that the community understands Council's approach to managing this situation.

Note by the General Manager

Staff are continuing to actively implement Council's resolution/policy in relation to the prohibition of camping in tents at the Nowra Showground. Activities since the Council resolution include

- Installation of new signage detailing the 'no camping' rule
- Ongoing regular Ranger patrols of the area.
- The few occasions where a tent has appeared the occupants have been instructed to move on and have done so. Rangers have dismantled and impounded tents erected by homeless people. The Rangers have actively assisted the homeless with contact details for alternative accommodation.
- As of Tuesday 21 March 2017 there were a number of people using the Nowra Showground who could be considered homeless
 - A family of 4 – Top of the Emergency Housing list
 - An individual and carer – The individual is suffering from terminal cancer
 - An individual who suffers from chronic heart disease and has returned from a property in Nowra Hill as it was too far from town and treatment
 - A individual in a panel van who is looking at caravan park options.
- Rangers have advised all of these people that the Showground is not a long term accommodation option and they have been given notice to vacate.
- Rangers and Community Development staff continue to actively work with individuals concerned and the local housing services including the Homeless Hub and Salt Ministries to ensure the Council resolution is followed.

CL17.67

CL17.68 Report of the Strategy & Assets Committee - 21 March 2017

HPERM Ref: D17/92541

SA17.68 Shoalhaven Family Day Care - Consultation process and feedback re transfer of service

HPERM Ref:
D17/8966

Recommendation

That:

1. Council receive the report for information on the consultation process with affected staff, Educators and Families and feedback regarding potential transfer of the Shoalhaven Family Day Care Service to a suitable provider for information.
2. Council adopt performance targets to improve services it provides and report back in April 2018 when more clarity around federal funding is available.
3. As part of the public exhibition/community engagement period for the draft 2017/18 DP/OP council specifically gain feedback on the matter of 'ratepayer subsidy' for the FDC service.
4. Council acknowledge that high quality child care services are a fundamental responsibility of the Federal Government and acknowledge that the current service of the Family Day Care Service reaches an exceeding level and congratulate the staff and the educators for that high level recognition.
5. Council continue to lobby the Federal Government for Federal Government support and funding.

SA17.71 Telstra Tech Savvy Seniors Grant Funding

HPERM Ref:
D17/70549

Recommendation

That Council:

1. Accept the NSW Government and Telstra Tech Savvy Seniors grant funding to the value of \$1,800 for Shoalhaven Libraries to deliver a series of technology training modules to the Shoalhaven Community and adjust the budget accordingly.
2. Write to the NSW Government accepting the grant offer.

SA17.74 Bomaderry Aquatic Centre & Nowra Aquatic Park - Winter Swimming in Northern Shoalhaven

HPERM Ref:
D17/83607

Recommendation

That Council:

1. Undertake a comprehensive Community Engagement Process in plain English to outline the proposed six (6) options for summer and winter swimming in the northern Shoalhaven (Bomaderry Aquatic Centre and Nowra Aquatic Park) as outlined in this report. That this consultation seek the community's views, including swimming community members, on which is the preferred option taking into consideration all

factors including service level provision and costs. This be undertaken as part of the DPOP consultation and be reported back to Council as part of the budget process.

2. Upon receipt of the feedback, determine which option of the six considered it will fund in future budgets.

Note by the General Manager:

All pools at Bomaderry and Nowra will remain operational/open for the remainder of this financial year pending council determination of its future strategy in June following the community engagement process,

SA17.79 Shared path signage - citywide

**HPERM Ref:
D17/25041**

Recommendation

That the General Manager (Director of Assets & Works)

1. Continues to ensure that signage for cycleways complies with Australian Standard AS1742.9 (Bicycle facilities) and AUSTROADS Guide to Road Design Part 6A (Pedestrian and Cyclist paths)
2. Includes a 'share the path' educational component in the pamphlet for distribution with the rates notices at a future time.
3. Develops a strategy to install additional signage at key locations along the shared path network within existing budget constraints.

**SA17.82 Ratepayers Advance Kerb & Gutter Construction -
58 - 64 Basin View Pde, Basin View**

**HPERM Ref:
D17/73903**

Conflict of Interest Declaration – Russ Pigg - pecuniary interest – SA17.82 Ratepayers Advance Kerb & Gutter Construction - 58 - 64 Basin View Pde, Basin View – he is one of the property owners – left the room, did not take part in discussion or vote.

Recommendation

That Council enter into a Ratepayers Advance Agreement, executed under the Seal of Council with:

1. Peter Brown of 58 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$5,379.72 (advance) of which \$1,722.12 (excluding GST) is the contribution, \$3,657.60 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,572.00.
2. Stephen Long of PO Box 460, Wollongong in respect of Kerb and Gutter construction at 60 Basin View Parade to the value of \$5,621.72 (including additional an \$242, which includes \$22 GST, for a single driveway) (advance) of which \$1,964.12 (excluding GST) is the contribution, \$3,657.60 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$4,572.00.
3. Russ Pigg of PO Box 1150, Nowra in respect of Kerb and Gutter construction at 62 Basin View Parade to the value of \$7,372.80 (including an additional \$484, which includes \$44 GST, for a 4.8 mt driveway) (advance) of which \$2,689.20 (excluding GST) is the contribution, \$4,683.60 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,854.50.

4. Sean Butcher of PO Box 30, Coniston in respect of Kerb and Gutter construction at 64 Basin View Parade to the value of \$7,130.80 (including an additional \$242, which includes \$22 GST, for a single driveway) (advance) of which \$2,447.20 (excluding GST) is the contribution, \$4,683.60 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,854.50.
5. Graham Butler of 68 Basin View Parade, Basin View in respect of Kerb and Gutter construction to the value of \$8,408.88 (advance) of which \$2,070.16 (excluding GST) is the contribution, \$6,338.72 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$7,923.40.
6. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

**SA17.83 Exercise of Option - Lease - Part First Floor - 12
Berry Street Nowra - Shoalhaven Community Radio
Incorporated**

**HPERM Ref:
D17/71592**

Recommendation

That Council:

1. Approve the additional five (5) year term of the lease agreement with Shoalhaven Community Radio Incorporated for the continued occupation of Part 12 Berry Street, Nowra;
2. Affix the Seal of the Council of the City of Shoalhaven to the lease agreement and any other documentation required to be sealed to enable the lease to be finalised.

SA17.84 Road Closure - Lot 28 DP 755927 - Conjola

**HPERM Ref:
D17/59419**

Recommendation

That Council resolves to:

1. Make an application to the Minister administering the Roads Act 1993, for the unformed part of Wollybutt Road Conjola, shown by red shading on Attachment "1", to be closed and vested in Council as Operational Land, then sell to the owners, J B McCloghry & V M Gautier, for consolidation with the adjoining Lot 28 DP755927,;
2. Authority be given to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to the resolution; and
3. Council authorise the sale of the closed road to J B McCloghry & V M Gautier in exchange for the land shown by blue hatching on Attachment "1" pursuant to Section 44 of the Roads Act 1993 and that such land be dedicated as public road in the plan of consolidation pursuant to Section 9 of the Roads Act 1993;
4. All costs associated with this matter are to be met by the applicant.

CL17.68

SA17.86 June 2016 Storm Remediation Response

**HPERM Ref:
D16/400617**

Recommendation

That:

1. Council consider funding the Coastal Management and Infrastructure Reserve (MIN16.998) by transferring \$500,000 each year from the Strategic Projects Reserve or another source, to fund priority coast and estuary management and infrastructure projects commencing in 2017/18 financial year.
2. In 2017/18 Council allocate \$400,000 to complete and implement the Currarong coastal erosion strategy and determine the source of funds during the consideration of the draft 2017/18 budget.

CL17.68

CL17.69 Report of the Shoalhaven Arts Board - 2 March 2017

HPERM Ref: D17/72033

AB17.2 Shoalhaven Arts Board - Membership - Term Expires June 2017 - Call for Expression of Interest

**HPERM Ref:
D17/8413**

Recommendation

That Council

1. Call for Expression of Interest for Community Members on the Shoalhaven Arts Board including one (1) position designated as an Aboriginal Local Member
2. Approve the option for a second two (2) year term for Community Members, Ian Grant and Warwick Keen, in accordance with the Arts Board Terms of Reference
3. Thank retiring Shoalhaven Arts Board Community Members Robert Swieca and Merilynn Weiss for their commitment and services on the Arts Board and their contributions to Arts in the Shoalhaven.
4. Expressions of Interest received for Community Membership positions to be provided at the next meeting of the Shoalhaven Arts Board (1 June 2017) for the Board's consideration.

AB17.3 Arts Awards 2017

**HPERM Ref:
D17/34245**

Recommendation:

That

1. The Arts Awards 2017 be held after June 2017
2. Council, be requested to revoke the 2016/2017 balance of funds allocated in Job Number 21596/10722 to the 2017 Arts Awards to enable the 2017 awards to be held after June 2017.
3. Cllr Wells to meet with the chairperson of Riverfest and the Tourism Advisory Group to discuss event options for the Arts Awards and report back to the Group.
4. Establish a 2017 Arts Awards Subcommittee with the following membership:
 - a. Cllr Wells
 - b. Ms Merilynn Weiss
 - c. Karen Patterson
 - d. Fiona McFadyen
5. The Arts Awards Subcommittee to provide a report on the progress of the 2017 Arts Awards at the next Arts Board meeting.

CL17.69

CL17.70 Report of the Shoalhaven Sports Board - 8 March 2017

HPERM Ref: D17/83568

Attachments: 1. Draft Sportsgrounds Management Policy [↓](#)
2. Amended Voluntary User Contributions Policy [↓](#)

SB17.1 Council Policy - Sportsground Management (policy consolidation)

HPERM Ref:
D17/36390

Recommendation:

1. Council adopt the Sportsground Management Policy POL17/15 with the following amendments:
 - a. 3.3 to read “supply, sale and consumption of drinks in glass bottles”
 - b. Reference be made to the *Smoke Free Act* in regards to no smoking at sportsgrounds
2. Once approved by Council, a copy of the Sportsground Management Policy POL17/15 to be provided to all Shoalhaven sporting groups and management committees that undertake activities on Council managed sportsgrounds.
3. Council rescind the following policies:
 - a. Sporting Groups Communications
 - b. Sportsgrounds – User Group Responsibilities
 - c. Glass Bottle Free Sportsgrounds
 - d. Sportsground Closure
 - e. Sportsground Fencing

SB17.4 Shoalhaven Sports Board - Current projects update

HPERM Ref:
D17/43033

Recommendation:

1. That the report of the General Manager (Corporate & Community Services) which provides an update on current projects under development by Council be received for information.
2. That Council write to the Berry Sport & Recreation Centre to confirm in principle support for the criterium track/facilities cycling complex at the Berry Sport and Recreation Facility.

CL17.70

SB17.5 Voluntary Users Contributions Policy - Readoption

**HPERM Ref:
D17/44090**

Recommendation:

That

1. Council change the name of the “Voluntary Users Contributions Policy” to “Sports Capital Works Partnership Program”.
2. The “Sports Capital Works Partnership Program” provide an initial first part funding for design and/or planning.
3. Applications for the “Sports Capital Works Partnership Program” only be open and available and determined by 1 July every year to encourage funds to be spent in the same financial year.
4. The “Sports Capital Works Partnership Program” require that where the total project cost is less \$5 000 one quote must be sought, and over \$5,000 at least three quotes should be obtained.
5. The “Sports Capital Works Partnership Program” reference Council’s Community Infrastructure Guidelines to assist in clarifying and promoting project partnerships arrangements with Council and other possible partners in accordance with identified priorities.
6. The “Sports Capital Works Partnership Program” project nomination form be an “attachment” document to the program/policy.
7. Council endorse minor text changes as shown in the attached “Sports Capital Works Partnership Program” which is shown as tracked changes.
8. Item 2.5 Criteria for prioritisation, be amended as follows:
 - ii – Value of additional in-kind labour to contribute - 10%
 - iv – The apparent “readiness of the project to proceed – 20%
9. Item 6 – Application of ESD Principles – to remain in the policy.

SB17.8 Additional Item - Site Visits for Shoalhaven Sports Board Members

Recommendation:

That Council schedule site visits to the Berry Equestrian Centre and the Bomaderry Nowra Sport and Recreation Hub in May 2017 for the Shoalhaven Sports Board members and this be funded from existing relevant budgets.

CL17.70



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 Corporate & Community Services Group

Sportsgrounds Management Policy

Policy Number: POL17/15 • **Adopted:** *[Click here to enter date]* • **Minute Number:** *[Click here to enter Minute number]* • **File:** 5270E • **Produced By:** Corporate & Community Services Group • **Review Date:** Monday, 9 March 2020

1. PURPOSE

To provide policy guidance for the management of Council's sportsgrounds network.

2. STATEMENT

In the context of this policy a sportsground is public open space which council maintains for active recreation use (i.e. organised sports). A sportsground is not a natural area, park, beach streetscape etc.

3. PROVISIONS

31. Sporting Group Communications

- Council will receive sports planning, policy and funding recommendations from Shoalhaven Sports Board.
- Shoalhaven Sports Board will receive planning, policy and funding recommendations from the one Sporting Association/Peak Body based in the Shoalhaven. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will accept recommendations from the appropriate representative body for that sport.
- Sporting Associations/Peak Bodies are requested to assess sporting club planning, policy and funding requests prior to forwarding their recommendation to Shoalhaven Sports Board. These Associations/Peak Bodies are encouraged to formally meet at least once a year with relevant Council Officers to discuss current issues and development of their sport. Depending on the outcome of this meeting, Sporting Associations/Peak Bodies may be invited to present a report to Shoalhaven Sports Board.
- Sporting Clubs are requested to forward planning, policy and funding requests to their Sporting Association/Peak Body. Where a Shoalhaven sports club has no Sporting Association/Peak Body based in the Shoalhaven, the Board will consider recommendations from the appropriate representative body for that sport.
- Sporting Individuals are requested to forward planning, policy and funding requests to their Sporting Club or Association/Peak Body.

Shoalhaven City Council - Title

- Risk management issues associated with any sport played in or on a Council managed facility should be communicated immediately to Council.
- Sporting Clubs are requested to forward and confirm ground allocation requirements with Council before use of a ground.
- General planning, policy, legislation, funding and specific Shoalhaven based sporting information will be communicated to Associations/Peak Bodies, Sporting Clubs and sporting individuals via the Shoalhaven Sports Board. However, in some circumstances this may involve written correspondence to relevant Associations/Peak Bodies, Sporting Clubs and sporting individuals.

3.2 User Group Responsibilities

- Sportsground charges are applied as per Council's adopted Fees and Charges.
- User groups shall pay full costs associated with the lighting of sportsgrounds for the duration of their allocated use.
- User groups shall meet the cost of line marking (including the line marker/materials).
- User groups shall be responsible for the supply and maintenance of goal posts and seasonal removal and replacement where required. All posts must conform to Council requirements and meet appropriate guidelines and standards for each sporting code.
- User groups shall be responsible for the maintenance and preparation of turf wickets.
- User groups are responsible for cleaning amenity facilities (i.e. change rooms & canteen) after each use.
- Where a sportsground has a clubroom, the user group(s) is responsible for the cost associated with the maintenance of the interior of the building (i.e. cleaning, maintenance, utility accounts, general building improvements).

3.3 Glass Bottle Free Sportsgrounds

- Council prohibits the supply and sale of drinks in glass bottles or glass containers on Council managed sportsgrounds.

3.4 Sportsground Closures

- During or following wet weather, a club/user group, which has been given a specific ground allocation, is responsible for determining the suitability of a sportsground for play/training and to advise its members/participants of a sportsground closure.
- During or following wet weather Council will determine whether a sportsground should be declared closed for a casual booking.
- During prolonged and/or extreme weather, (i.e. drought or flood) Council will determine whether sportsgrounds are suitable for use and advise clubs/user groups if sportsgrounds are not available for use.
- During or following hot weather conditions a club/user group, which has been given a specific ground allocation, is responsible for determining if the ground and weather conditions are safe for play/training and advise its members/participants of a sportsground closure.
- Where a ground is controlled by a Management Committee, the Committee may determine the suitability of the ground for play.

Shoalhaven City Council - Title

- Where a club/user group has determined a ground to be fit for play and excessive damage is caused to the ground. The club will be responsible for reasonable costs for repair of the ground. The Social and Infrastructure Planning staff will determine if the damage is excessive.

3.5 Sportsground Perimeter Fencing

- One fenced 'feature' sportsground be provided in each of the Northern, Central and Southern areas of the City by Council where an entry fee can be collected and the accessible by all legitimate hirers is not affected.
- Perimeter fencing of other sportsgrounds may be permitted in consultation with Council and where public access to the facility is not significantly affected and the fencing is provided by the Club.
- "Feature" grounds must be readily accessible by all legitimate hirers.
- Showgrounds are excluded from this policy as perimeter fencing is need to facilitate event usage.

4. IMPLEMENTATION

The Corporate & Community Services Group will administer this policy

5. REVIEW

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

6. APPLICATION OF ESD PRINCIPLES

Natural Capital – Encourage the use of recycled materials and low energy alternatives in sportsground facility improvements. Examples are the use of REMS water, recyclable plastics and solar heating/lighting.

Social Integrity – Encourage community involvement in undertaking sportsground improvements

Ecological Integrity – Deter litter around and on sportsgrounds.



City Administrative Centre
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Website: www.shoalhaven.nsw.gov.au

For more information contact the City Services & Operations Group

VOLUNTARY USER CONTRIBUTIONS POLICY SPORTS CAPITAL WORKS PARTNERSHIP PROGRAM

Policy Number: POL12/315 • **Adopted:** 27/06/2006 • **Amended:** 18/12/2007, 28/04/2009, 21/12/2009, 18/05/2010, 21/05/2013 • **Minute Number:** MIN06.778, MIN07.1842, MIN09.509, MIN09.1789, MIN10.588, MIN13.532 • **File:** 5270E • **Produced By:** City Services & Operations Group • **Review Date:** 1/12/2016

1. PURPOSE

To define the Council's and the Shoalhaven sporting community's partnership funding framework for sports groups to partner Council to deliver capital works projects / improvements Sport Partnership grants. The funding framework allow for to undertake design and delivery of new works, or improvements to existing capital fixed assets at sporting facilities on Council managed land with Voluntary User Contributions Policy funds.

2. STATEMENT

2.1. Who does the policy apply to?

The Sports Capital Works Partnership Program Voluntary User Contributions is available Policy applies to all Shoalhaven based sports that meet the provisions of this policy and wish to undertake design for new works or improvements to existing fixed assets on Council managed land.

2.2. Council funding

Council funding for this program policy is to be reviewed annually annually s during the budget process.

Council's matching financial contribution for this program is available to eligible Shoalhaven based sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by sporting organisations. Eligible projects will require endorsement from the relevant sporting association.

The program policy also supports those Shoalhaven based sporting groups who wish to accumulate funds for strategic projects by carrying over Council's matching contribution to the next financial year. However, funds will only be carried over to match the amount collected by the sporting group for the nominated strategic project(s) which are agreed upon by the Shoalhaven Sports Board.

2.3. Capital improvements

Shoalhaven City Council - **Sports Capital Works Partnership Program** Draft Voluntary User Contributions Policy

- 3.2. Council's matching financial contribution is available for Shoalhaven sporting groups on the basis of \$2.00 from Council for each \$1.00 contributed by the applicant with evidence of available funds at time of application.
- 3.3. Applications ~~are for first round funding will be~~ invited in April each year and must be received by 30 June for the following financial year. The Applications will be considered by the Board at its first meeting after 1st July.
- 3.4. ~~Applications for funds remaining after the first round will close on November 1 each year. After 1 July this date, nominations for project funding will be considered by the Shoalhaven Sports Board. The Sports Board will consider the project priority from the remaining funding pool for project funding based on priority need and the ability of the project to be delivered or part delivered in the relevant financial year. These priority projects will be reported to the Board for endorsement.~~
- 3.5. In-kind contributions may ~~only~~ be used to value-add to projects ~~but and~~ will not substitute for the cash contribution ~~component.~~
- 3.6. Funds will not be carried over on a promise of raising matching funds in subsequent years and funds used to match previous Council contributions cannot be used to bid for funds in subsequent years.
- 3.7. Projects qualifying for the ~~Voluntary User Contributions Policy~~ Program will be subject to a financial limit of \$50,000 in matching funds.
- 3.8. Where there is more than one application from a sporting code, the Association must indicate its priority. Associations should provide equal access for all clubs to Council's financial allocation. Where no Association / Peak Body exists, Council will liaise directly with the sporting club.
- 3.9. Council's funding commitment to this ~~e Voluntary Users Contribution Program~~ policy will be reviewed annually as part of Council's annual Management Plan.
- 3.10. Contributory funds may be held by the Sporting Association / Peak Body (or affiliated Club) or Council ~~providing the overall depending on~~ project management ~~funding~~ arrangements ~~have been endorsed by the Sports Board and Council.~~
- 3.11. All projects shall be overseen by a qualified / licensed operator approved by Council. This will require the qualified / licensed operator providing Council with relevant ~~Work Occupational Health & Safety~~ information and Safe Work Method Statements. Council has limited capacity to assist in project delivery and this may require the funds to recover relevant staffing costs. If Council is required to provide this service, it reserves the right to recoup its expenditure from the project allocation.
- 3.12. ~~After considering a staff report, the~~ Sports Board will recommend to Council the allocation of any unexpended funds for improvements to sports facilities.
- 3.13. This policy does not apply to Management Committees, other than Committees administering tennis courts or sports with lease agreements with payments contributing to a capital improvement 'sinking' funds or swimming clubs, Surf Life Saving Clubs and skate park users that are funded from a separate annual capital works budget allocation.
- 3.14. Where a project has not commenced in the financial year following the year ~~following the year~~ of allocation, the funding may be withdrawn and re-allocated. The sports group will be advised prior to the withdrawal of funding.
- 3.15. ~~Where the total project cost is less \$5 000, one quote should be sought, and over \$5 000 at least three quotes should be obtained.~~

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Shoalhaven City Council - **Sports Capital Works Partnership Program** ~~Draft Voluntary User Contributions Policy~~

3.16 Projects should be consistent with Council's Community Infrastructure Guidelines.

4. IMPLEMENTATION

The Corporate & Community City Services & Operations Group will administer this policy.

5. REVIEW

To be reviewed within one year of the appointment of a new elected Council, annually.

6. APPLICATION OF ESD PRINCIPLES

Natural Capital—Encourage the use of recycled materials at sporting facilities i.e. use of recyclable plastics in park furniture.

Ecological Integrity—Encourage the selection of vegetation around sporting facilities that will require low application of fertilisers, herbicides and pesticides.

Social Integrity—Encourage community involvement through the development of sporting facilities.

Shoalhaven City Council - Sports Capital Works Partnership Program Draft Voluntary User Contributions Policy

	<p>Sports Capital Works Partnership Program</p> <p>Voluntary User Contributions Policy</p> <p>Project Nomination Form</p> <p>Annual closing date is 1st July</p>	 <p>SHOALHAVEN SPORTS BOARD</p> <p>Ref No. _____</p>
File Reference 24899		

PART A: To be completed by the Club(s) nominating the project (please print)

Project name: _____

Project description: _____

Name of reserve / location: _____

Is the land managed by Shoalhaven City Council? Yes / No

Name of Club: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does your club have an ABN? Yes / No If yes please supply No.: _____

Is your club registered for GST? Yes / No If yes please supply No.: _____

Does your Club have a Business Plan? If yes, please provide a copy.

Club user profile. Please provide a breakdown of your current Club membership:

Child (0-11yrs) Male ___ Female ___ Adults (18-49yrs) Male ___ Female ___

Youth (12-17yrs) Male ___ Female ___ Seniors (50+yrs) Male ___ Female ___

Proposed project starting date: _____ Anticipated project completion date: _____

Has a Development Application (where applicable) been approved? Yes / No If no, please explain: _____

Has a Construction Certificate been approved? Yes / No If no, please explain: _____

Does the project have the support of other ground users? Yes / No If yes, please provide a list of users below? Please provide and attach letters of support?

Shoalhaven City Council - **Sports Capital Works Partnership Program** Draft Voluntary User Contributions Policy

PART B – To be completed by the relevant Association/Peak Body (please print)

Name of organisation: _____

Postal address: _____

Contact person: _____

Position held: _____

Business phone: _____ Mobile: _____

Fax: _____ Email: _____

Does the submitting group have a formal organisational structure (ie President, Secretary etc)?
Yes / No

Does the proposed project meet the high priority needs of the sport. Yes / No If yes, please provide details how?

Recommendation – If more than one application is submitted by your organisation a priority should be given to this project relative to other projects

Signature of contact person: _____ Date: _____

The information requested by Council on this form may constitute personal information under the Privacy and Personal Information Protection Act 1998. Council is allowed to collect the information from you to consider this matter. Supplying this information is voluntary. However if you cannot or do not wish to provide the information, we may not be able to consider the matter. If you need further details, please contact the Public Information Officer, Shoalhaven City Council.

Shoalhaven City Council - [Sports Capital Works Partnership Program](#) [Draft Voluntary User Contributions Policy](#)

Please send completed nomination forms to:

The General Manager
Shoalhaven City Council
PO Box 42
Nowra NSW 2541

File Reference 24899

Further Information:

Please call Council's [Recreation & Leisure Section](#) on 4429 [33743331](#)

CL17.71 Report of the Shoalhaven Traffic Committee - 14 March 2017

HPERM Ref: D17/81137

Attachments: 1. TRAF 2017/11 [↓](#)
2. TRAF 2017/12 [↓](#)
3. TRAF 2017/13 [↓](#)
4. TRAF 2017/14 [↓](#)

The Shoalhaven Traffic Committee is a technical review committee not a committee of Council under the Local Government Act, 1993.

The Roads and Maritime Services has delegated certain powers to Council under the Transport Administration Act 1988 (Section 50). A condition of this delegation is that Council must take into account the Traffic Committee recommendations.

IMPORTANT NOTE:

Council cannot amend a Traffic Committee recommendation. The Council can only:

- 1. Adopt the Traffic Committee recommendation;*
- 2. Not Adopt the Traffic Committee recommendation; or*
- 3. Request the Traffic Committee reconsider the issue.*

Other issues can be raised Additional Business at the Ordinary Meeting.

The full guide to the delegation to Council's for the regulation of traffic can be viewed at: [RMS Website](#)

TC17.10 Temporary Road Closures for ANZAC Day Services and Marches (PN 2776)

**HPERM Ref:
D17/75097**

Recommendation:

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following temporary road closures to enable ANZAC Day marches and commemorative services to be held on Tuesday, 25 April 2017:

- Berry – Assemble in Queen Street adjacent to Apex Park at 10.20am. The march will move off at 10.30am via Queen and Alexandra Streets to War Memorial Gardens for a one (1) hour service.
- Bomaderry – Dawn Service in Walsh Memorial Park, Meroo Street commencing at 5.45am
- Memorial Service – Assemble in Bunberra Street adjacent to Bomaderry RSL Club at 9.00am and march to Walsh Memorial Park in Meroo Street at 9.15am via Bunberra and Meroo Streets for service at 9.30am.
- Callala Beach – A Memorial Service will be held at the Cenotaph in the grounds of the Callala RSL Country Club commencing at 10.00am.
- Culburra – Assemble in Culburra Bowling and Recreation Club car park at 11.30am. March to the Culburra Community Centre at 11.45am via West Crescent and Culburra Road for service at 12 noon.
- Greenwell Point – Dawn Service – Assemble at Greenwell Point Memorial Hall at 5.10am and march to ANZAC Park via Greenwell Point Road for service commencing at 5.25am.
- Huskisson – Assemble in Hawke Street adjacent to White Sands Park at 10.15am. The march will move off at 10.30am via Hawke, Owen and Currumbene Streets to

- Voyager Park for service commencing at 11.00am.
- Kangaroo Valley – Assemble at the Showground at 9.45am for march to commence at 10.00am travelling along Moss Vale Road to Cenotaph for service, returning along same route for dispersal at the Showground at 11.00am.
 - Milton - Assemble at the intersection of the Princes Highway and Church Street at 10.15am for march to commence at 10.30am along the Princes Highway to Milton Cenotaph for service expected to be completed by 11.15am.
 - Nowra – Assemble at 10.00am in Junction Street between Berry and Osborne Streets, form up at 10.30am and march to Memorial Gates at Nowra Showground for a one (1) hour service after which the assembly will march along Junction Street to Shoalhaven Street where the parade will be dispersed.
 - Shoalhaven Heads – Assemble at 5.30am adjacent to the Centre Shops in Shoalhaven Heads Road with march to commence at 5.45am to the Shoalhaven Heads Memorial Park via Shoalhaven Heads Road for the service.
 - St Georges Basin – Memorial Service – Assemble at the Lions Park Memorial, Island Point Road (opposite hardware store) at 10.50am for service commencing at 11.00am.
 - Sussex Inlet – Assemble in Nielson Road adjacent to the RSL Sub Branch Hall at 10.00am for march commencing at 10.15am to the Sussex Inlet War Memorial at the RSL Club for the service.

TC17.11 No Stopping Zone - Prince Edward Avenue, Culburra Beach (PN 3364)

**HPERM Ref:
D17/75227**

Recommendation:

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following parking restrictions in Prince Edward Avenue, Culburra Beach as detailed in the attached plan TRAF 2017/11:

1. Extend the existing western No Stopping zone 50m (approx.) south on Prince Edward Avenue (32m south of the existing median island).
2. Extend the existing eastern No Stopping zone 30m (approx.) south on Prince Edward Avenue (end of the existing median island).
3. Install a 25m No Stopping zone on the western side of Prince Edward Avenue, north of its intersection with Brighton Parade.
4. Install a 10m No Stopping zone on the northern side of Brighton Parade, west of its intersection with Prince Edward Avenue.

TC17.12 No Stopping Zone - Intersection North Street & West Street, Nowra (PN 3365)

**HPERM Ref:
D17/75420**

Recommendation:

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following parking restrictions in North Street and West Street, Nowra as detailed in the attached plan TRAF 2017/12:

1. a No Stopping zone for a distance of 27m (approx.) on the southern side of North Street, immediately east of its intersection with West Street, Nowra
2. a No Stopping zone for a distance of 10m on the eastern side of West Street, immediately south of its intersection with North Street, Nowra.

**TC17.13 No Stopping Zone Amendments - Owen Street,
Huskisson (PN 3366)**

**HPERM Ref:
D17/75442**

Recommendation:

That the General Manager (Director Assets and Works) be requested to convert the existing No Stopping zone adjacent to the old service station driveway access on the northern side of Owen Street to 2 hour (2P) parking time restricted to 8.30am-6.30pm, and remove the parallel parking space line marking as detailed in the attached plan TRAF 2017/13.

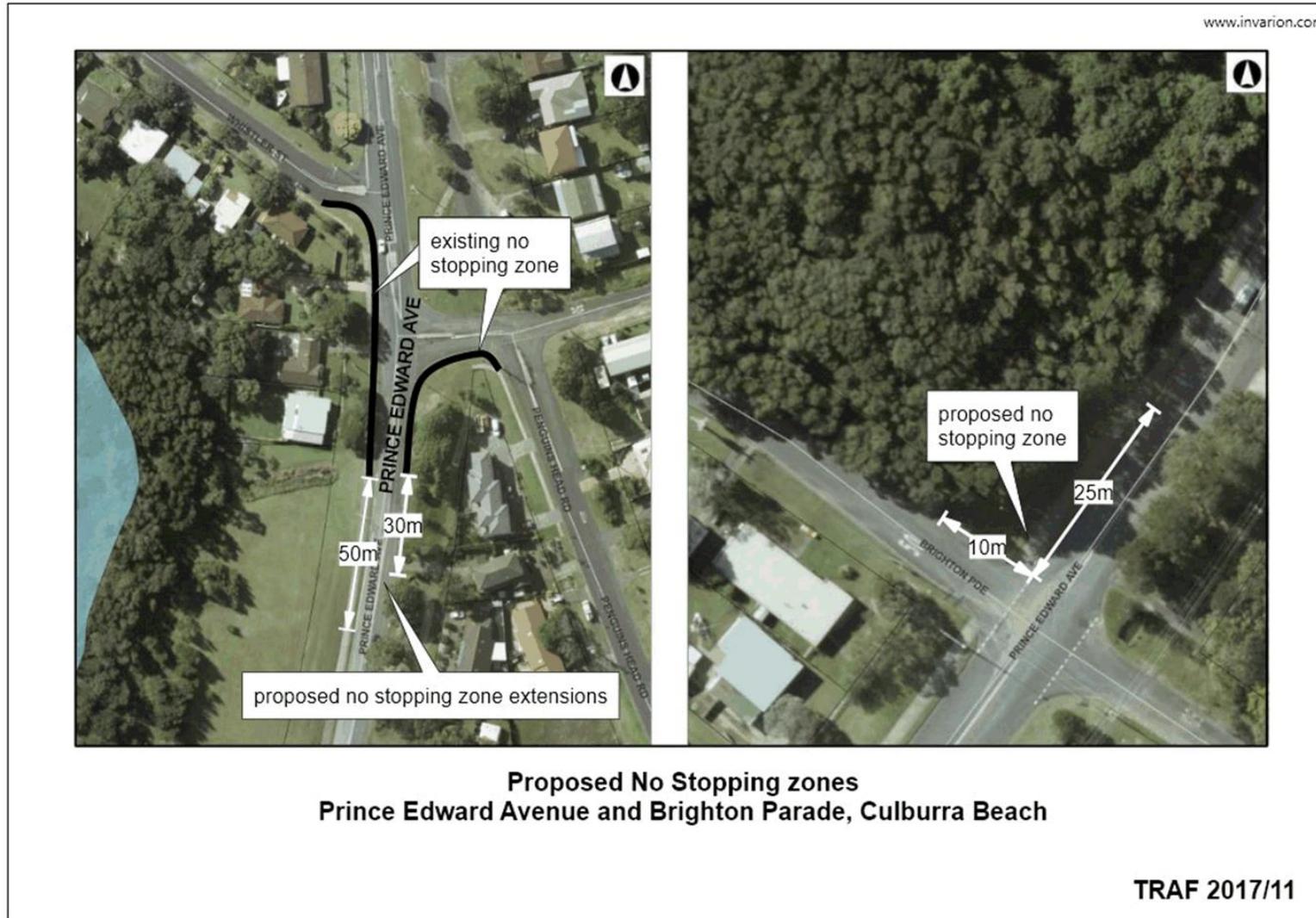
**TC17.14 Centre Line Marking - Intersection Tallwood Avenue
& Surfers Avenue, Narrawallee (PN 3367)**

**HPERM Ref:
D17/75453**

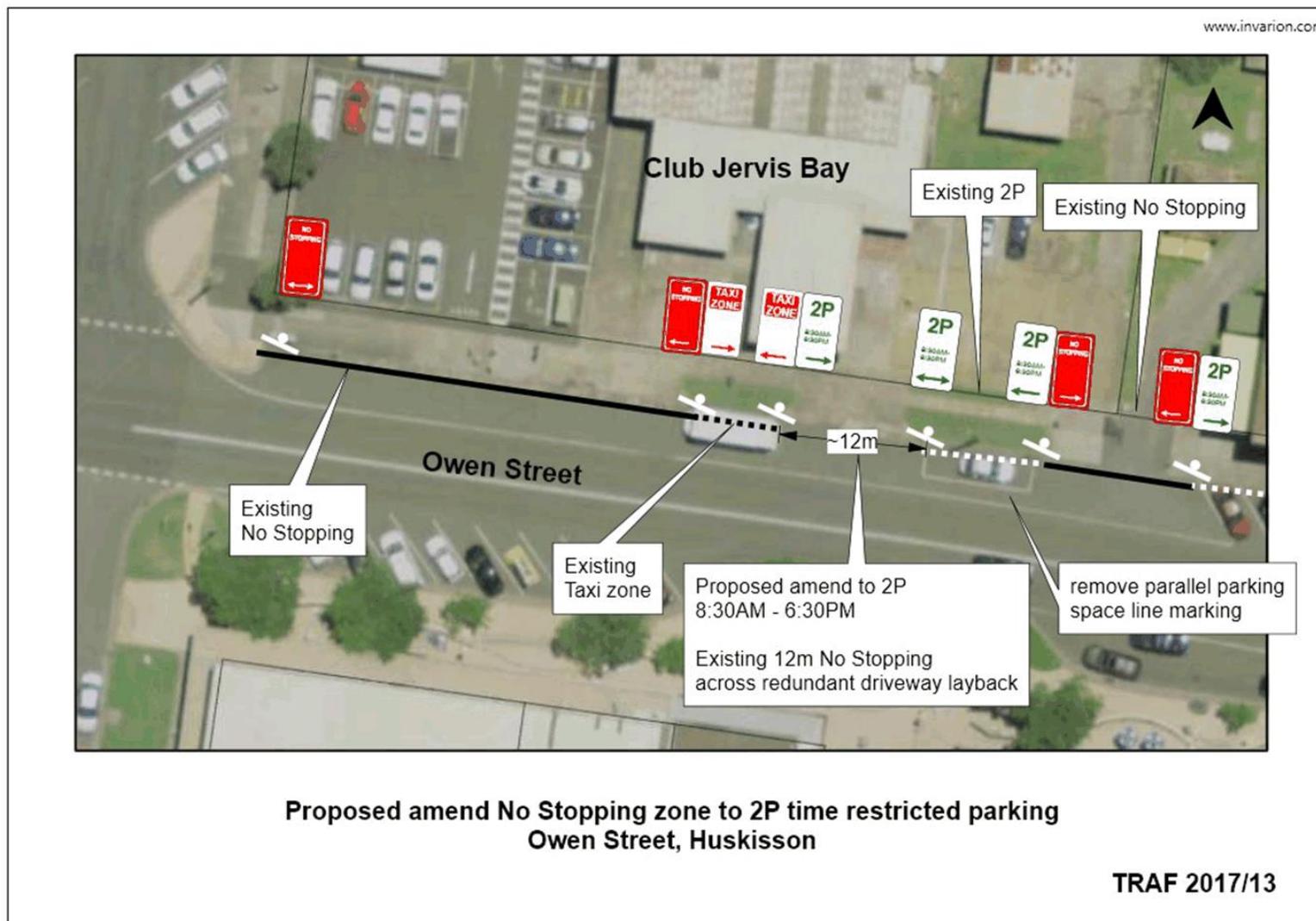
Recommendation:

That the General Manager (Director Assets and Works) be requested to arrange for the installation of 20m (approx.) of double barrier (BB) centre line marking on Tallwood Avenue east of its intersection with Surfers Avenue, Narrawallee as detailed in the attached plan TRAF 2017/14.

CL17.71







Proposed amend No Stopping zone to 2P time restricted parking
Owen Street, Huskisson

TRAF 2017/13



CL17.72 Shoalhaven Economic Development Strategy - Public Exhibition

HPERM Ref: D17/90982

Group: General Manager's Group
Section: Economic Development

Attachments: 1. Draft Strategy (under separate cover) [⇒](#)

This item was deferred from the Strategy & Assets Committee Tuesday 21 March 2017.

Purpose / Summary

To have Council commit the Draft Economic Development Strategy (2017-2026) to be placed on public exhibition.

Recommendation

That

1. Council place the draft Economic Development Strategy (2017-2026) on public exhibition for a minimum of 28 days.
2. A report be submitted to Council including comments from submissions received with the view to have the Economic Development Strategy (2017-2026) adopted by Council.

Options

1. The recommendation be accepted as written
2. An alternative recommendation be proposed

Background

Shoalhaven Council has had 2 prior 10 year Economic Development Strategies:

- 1996 – “Creating a Platform for Growth”
- 2006 – “Shoalhaven – an enterprising alternative”.

In 2016 the process commenced to create the next strategy to cover the period 2017-2026. A request to consultants was made in July 2016 to submit a proposal to undertake the work.

Locale Consulting was appointed in August/September 2016. A steering committee comprising Council staff, government agencies and business oversaw the project.

A draft of the document was prepared in late 2016 and was submitted to the Steering Committee in January 2017 and comprises the Shoalhaven Economic Development Strategy 2017-2026 and three internal support documents which give direction to the working activities of Council, especially the Economic Development Office.

The Economic Development Strategy has 9 chapters/sections

1. Overview
2. Strategic Context

3. Existing Economic Situation
4. Economic Drivers and Competitive Advantages
5. Achieving a Positive Future
6. Broad Based Actions
7. Key Industry Actions
8. Key Partners and Leadership
9. Implementation and Monitoring .

This Strategy provides an implementation platform for the many and varied economic development opportunities that have been identified through detailed stakeholder discussions and review of several local, regional, state and Federal level initiatives. The

Strategy also builds on the Council's Community Strategic Plan's prosperity objectives to create:

- An economy with growing employment opportunities based on Shoalhaven's distinct characteristics, advantages and natural qualities;
- An economy that supports and is supported by growing, diverse and changing communities; and
- Effective promotion of Shoalhaven's investment, business and job opportunities, lifestyle attractions and vision.



Councillor briefing was held on 9th March.

Other stakeholders involved in the process will have an opportunity to review the Strategy during the exhibition period.

The aim is to have the Strategy formally presented to Council in May.

Community Engagement

As part of the consultant's role, targeted individual stakeholder meetings were held with representatives of Council Executive, relevant Section Managers, government agency representatives (Joint Organisation, RDA, Premier and Cabinet, NSW Industry), external organisations (TAFE, UoW), business organisations (Chamber, SPBA) and others over the second half of 2016.

It is proposed that these groups/representatives will be asked to review the DRAFT Strategy and this will be reported to Council in the adoption report.

Policy Implications

As outlined in the Community Strategic Plan, the "prosperity" of the Shoalhaven is a core focus for Council.

The implementation of the 10 year Economic Development Strategy will involve all Council Groups in its delivery.

Financial Implications

Council will need to assess the Economic Development Strategy in its budget determination and provide the necessary resources to deliver as it sees fit.

CL17.72

CL17.73 Community Strategic Plan Review

HPERM Ref: D17/92622

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. CSP Key Priorities [↓](#)
2. CSP Engagement Strategy (under separate cover) [⇒](#)

Purpose / Summary

To outline the proposed process to be followed for the Community Strategic Plan (CSP) review and to provide Council with the draft community engagement strategy for the CSP, for information and endorsement.

Recommendation

That Council

1. Endorse the Community Engagement Strategy for the CSP Review
2. Undertake community engagement for four weeks commencing April 1st 2017

Options

1. Adopt the recommendation

Implications: This will enable Council to meet the legislative requirements for the CSP review and conduct the community engagement for the CSP prior to the release of Council's budget and Delivery and Operational Plan

2. Adopt an alternative recommendation

Implications: If an alternative recommendation is adopted Council may not be able to meet the legislative requirements of the CSP review

Background

Local councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. The Act and Regulation provides guidelines for councils to follow to ensure community involvement is central to the formation of strategic plans that drive Council's long term planning and day to day operations.

The Community Strategic Plan (CSP) is the community's plan for the Shoalhaven. It has a minimum ten year timeframe and should reflect the community's aspirations (needs and wants) for the Shoalhaven. Council's role in the production of the CSP is to facilitate its development and produce the document. It should be very clear that the CSP is not a Council plan but a community plan. While Council will use the CSP as a guide for creating other plans it is important to note that other State and Federal Agencies will also use the CSP to develop their own Strategies and Plans for the Shoalhaven. Figure 1 illustrates the ownership distinctions for the Integrated Planning and Reporting Framework documents.

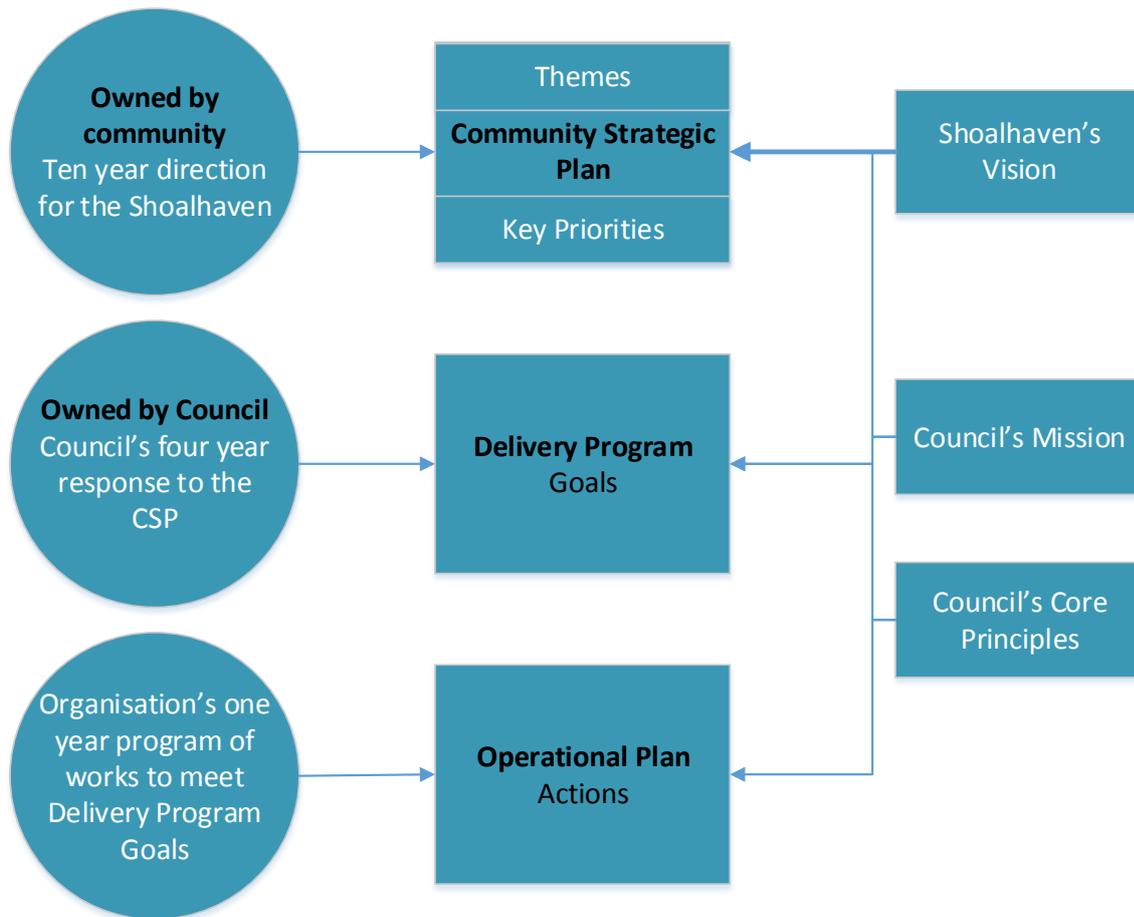


Figure 1: IP&R Framework ownership distinctions

The CSP is one part of the Integrated Planning and Reporting Framework (Figure 2). Community engagement is critical to the development of the CSP. As part of this framework a Draft Community Engagement Strategy (Attachment 1) needs to be adopted by Council and is used to ensure the maximum community input is received for the Plan's creation. Other input that needs to be taken into account when reviewing the CSP are regional, state and local plans and strategies for the Shoalhaven.

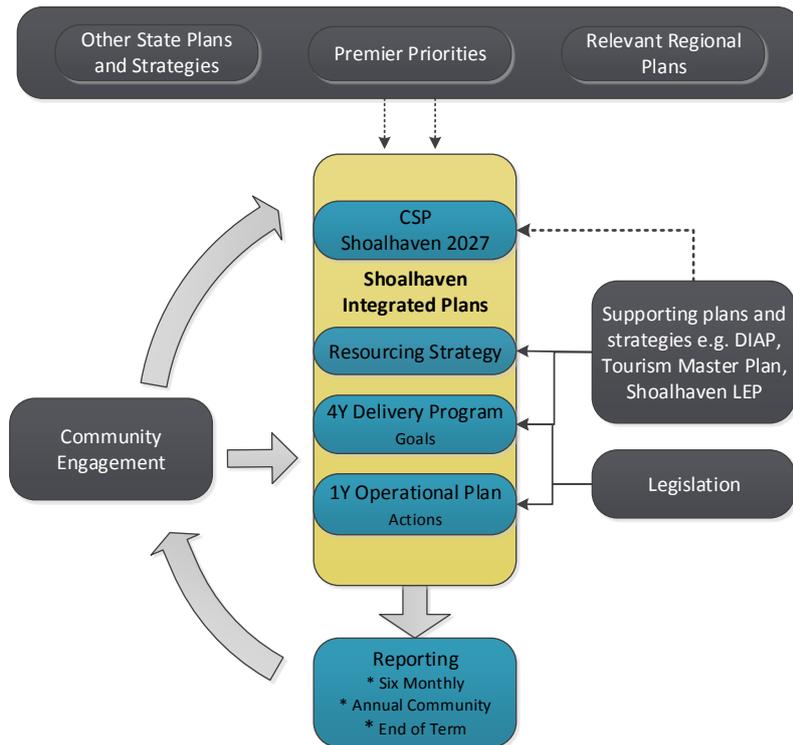


Figure 2: Integrated Planning and Reporting Framework

When complete the CSP (Shoalhaven 2027) will provide direction for Council and help in determining its four year Delivery Program. Council must consider other supporting plan requirements as well as any legislative obligations when developing its Delivery Program. To achieve the Delivery Program, a one year Operational Plan with associated resources (budget) is developed. The Operational Plan details what will be achieved in the Delivery Program throughout the coming twelve months.

To help maintain focus for Council and feedback for the community, regular reporting is undertaken. Six monthly reports on the status of the Delivery Program Goals along with Annual Reports as well as an End of Council Term Report that covers the past four years is provided to Council and Community.

Overview of the process

Initial discussions about the CSP review have occurred with Councillors through a Councillor workshop held in late 2016 and a recent Councillor briefing. Internal staff workshops have also been held around the current CSP and proposed future priorities.

The priorities and feedback received from both the Councillor workshops and staff workshops have been analysed and ten (10) priorities developed. These are provided as **Attachment 1**. It is proposed that these ten priorities be explained to the community and the community's feedback be provided. The key questions to be asked of the community is:

- Do you agree with the priorities that have been proposed?
- Are there any priorities that are missing?
- Are there any priorities that should be change?
- Of the ten priorities what are your top 3 priorities?
- What would they like to see in the City by 2027?

To assist in guiding the community engagement process a Community Engagement Strategy has been developed and is provided as **Attachment 2**. The strategy sets the community engagement methods that will be utilised in the engagement process and the key

stakeholders to be reached. Measures are also provided to assist in evaluation of the process. A further report will be provided to Council at the conclusion of the engagement process to outline the feedback obtained from the community.

This report seeks Council’s endorsement of this engagement strategy to enable the engagement process to commence on the 1st April 2017.

Council is required to formally adopt the CSP – Shoalhaven 2027 in June 2017 along with its associated Delivery Program and Operational Plan to take effect in July 2017. The engagement strategy and timeline has been developed to allow for the required legislative measures to be met and for the CSP, DPOP and budget to be adopted within the required timeframes.

Proposed Timeline

The proposed timeline for the CSP review process is outlined in Figure 3 below:

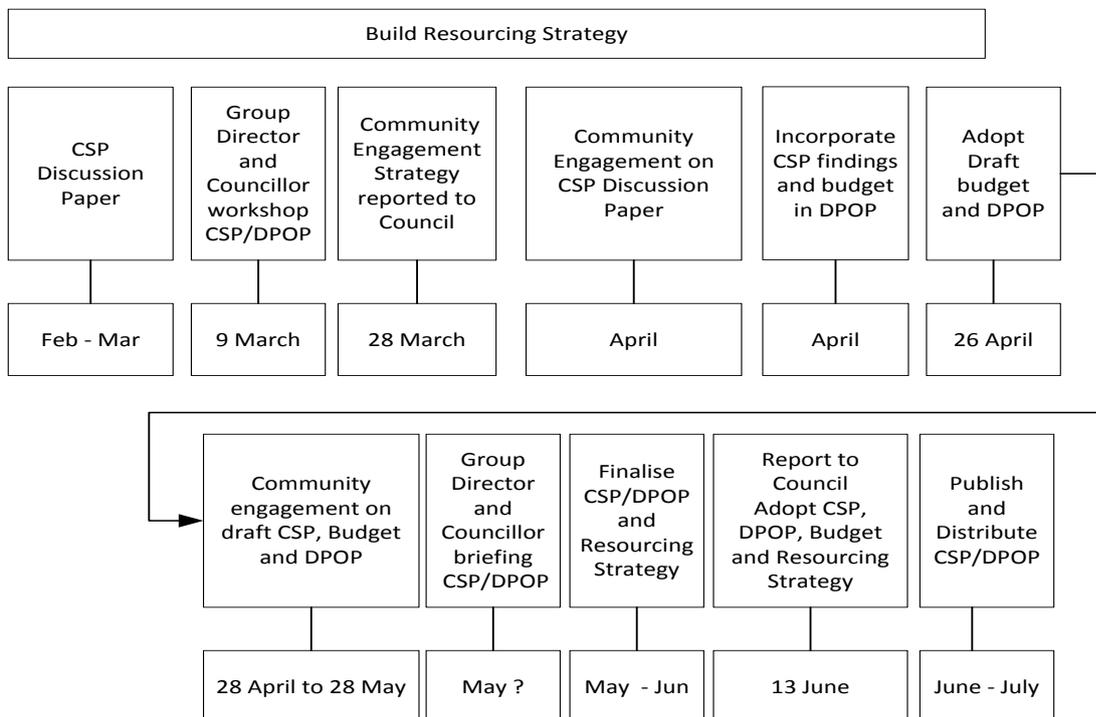


Figure 3: Timeline for CSP, DPOP and Budget development

It is proposed that the engagement for the CSP Review will be undertaken within a 4 week period to enable staff enough time to consider the feedback from community whilst preparing the DP/OP. The four week engagement will be followed by the community engagement on the proposed budget and DP/OP. The community will be able to continue to provide feedback on Council’s priorities during this additional engagement process which is expected to commence following the conclusion of the CSP review engagement process.

It is acknowledged that there is a tight timeframe for the CSP Review, Budget and DP/OP process. This is due to the Special Rate Variation process, Merger proposal and the timing of the Councillor elections. The community has already provided Council significant feedback around there expectations, priorities, service level expectations and areas for focused expenditure. This engagement process and the DP/.OP, budget engagement is a continuation of these discussions and a further opportunity for the community to provide focused feedback on the way in which Council sets its plan for the future.

CL17.73

Financial Implications

The proposed community engagement strategy has been allocated a \$3000.00 budget. The strategy has been developed to ensure that it will meet the budget allocation.

Community Engagement

The CSP Review Community Engagement Strategy sits within “consult” in the IAP2 spectrum. The strategy aims to reach a diverse range of stakeholders through multiple community engagement methods. These methods have been selected with the nominated budget in mind and will utilise internal Council resources.

CL17.73

ATTACHMENT A – Key Priorities

I want a city that has....	Example Services
Strong leadership and advocacy through effective government	Customer Service, business services, Management of assets, decision making and communication.
Reliable services that meet daily community needs	Waste Services, Shoalhaven Water services, Cemeteries, crematoriums, Maintenance of parks and buildings.
Innovative economies and vibrant towns and villages	Job creation, Tourism, Community events
Activated communities through arts, culture and events	Showcasing arts and performing arts, Library Services, Community Cultural Events, and Creation of entertainment.
Continually improving road and transport infrastructure	Roads, Parking, Transport options, Bridges, Drainage.
Inclusive, safe and connected communities	Protect, Conserve and maintain our city , Illegal dumping, Food Safety inspections and Community Development
Protects the natural environment	Maintain and renew reserves, renewable energy, and waterway quality, protect endangered species, noxious weed control.
Active, healthy and liveable communities	Cultural Activities, aquatics parks, public halls, parks and sporting venues, beach patrols.
Planned for sustainable development and design.	Plan for population growth, development applications, town centre activation and develop waterways.
Attracting business partnerships	Businesses and building partnerships in the Shoalhaven, working with Government and Industry.

CL17.74 Creation of a Nowra Community Consultative Body (CCB)

HPERM Ref: D17/74866

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. Proposed Boundary Map [↓](#)

Purpose / Summary

To advise Council of:

- A request for the proposed formation of a Community Consultative Body (CCB) for the Nowra area and
- To outline the proposed exhibition of this proposal in accordance with the CCB Guidelines.

Recommendation

That Council:

1. Works with the interested parties to create a charter, purpose and name for the CCB which complies with the CCB guidelines, prior to exhibiting the proposal to form a CCB for the Nowra Area
2. Once charter, name and purpose is in place publicly exhibit the proposal in accordance with the CCB guidelines, for a period of 28 days.
3. As part of the exhibition advise existing local community groups, the Revitalisation Committee and business chambers of the proposal to allow for them to provide comment, as part of the exhibition period
4. Provide a report back to Council following the exhibition outlining the community comments received

Options

1. Adopt the recommendation

Implications: This will allow for Council to meet the requirements of the CCB guidelines

2. Adopt an alternative recommendation

Implications: Council has received the request and in accordance with the guidelines needs to undertake a period of community consultation to allow for the community to provide comment about the proposal, by not adopting the recommendation Council may not be meeting the requirements of the CCB Guidelines

Background

Council received a formal request from Mrs Jemma Tribe for the creation of a CCB in the Nowra area on the 2nd March 2017. Mrs Tribe has met with a group of approximately 10 residents who are keen to form a representative CCB for Nowra.

Mrs Tribe has explained that there is currently no one group that meets regularly within Nowra to discuss and act upon a board cross section of issues that relate to residents and ratepayers of this area. The residents identified that Nowra has existing business chamber groups and special intrests groups but does not currently have a CCB.

The group have planned to meet on the first Thursday of every second month at either the Wesley Mission Centre or the Nowra School of Arts.

The group are yet to adopt a name and have not actively promoted the concept of a CCB in the community at this time.

Boundaries for the representation area to be covered by the proposed CCB have been established. A map outlining these boundaries is provided as "Attachment 1"

Staff Comment

Nowra does not currently have a CCB. There are a number of committees that operate within the area such as the Showground Committee, Nowra Revilitisation Committee as well as Buisness Chambers. There have also been a number of interest groups that have formed, normally around single specific issues such as homelessness, car parking, or the rentention of heritage buildings, within the area. There have been a number of informal discussions around forming a CCB for the Nowra area in the past, by a number of different parties, but despite support from Council, these have never been carried through.

Although the proposed CCB does not currently have a large number of members, it is considered that there would be interest from residents for such a group to be formed and provided with the "formal" status of a CCB. When key issues have arisen within Nowra or during community engagement on specific items there has been keen interest from residents to make their voices heard, for example the recent "Showground Ideas Day" attend by 61 residents.

It would be benefical for Nowra to have a CCB as CCB's provide an important link between Council and residents. Such a CCB could be approached by Council during engagement processes to provide the opinion of residents, which is currently sometimes difficult to obtain without a CCB in this area .

It is essential that any CCB formed within Nowra (like in other areas) is seen as impartial and representing a cross section of the community. The CCB will need to represent a broad range of ideas and opinions. Given that there are a number of stakeholders already existing within the Nowra area it is important that any CCB formed does not become focused on one single issue, be dominated by one voice, political party or interest group and that it does truly represent the residents in the area.

This request for CCB status is still in its early stages and will need some Council assistance to provide guidance around the development of a charter , key purposes, committee formation and creation of a name.

Given the above comments if Council provides guidance early within the process we are able to reiterate the need for a representative CCB. It is also imperative given the significant number of stakeholders within the Nowra CCB and the existing special interest groups that early consultation is undertaken to determine whether there is acceptance of this proposal by the residents of the Nowra Area.

Community Engagement

The request to create a CCB for the Nowra Area will be advertised in the South Coast Register and online in accordance with the CCB Guidelines. An email will also be sent to residents within the area for whom contact details are available.

The proposed CCB members may also wish to undertake a letterbox drop as part of the consultation process.

Identified Business Chambers and special interest groups will also be contacted regarding the exhibition of the proposed Nowra CCB.

Financial Implications

Council has previously resolved to provide each CCB within the Shoalhaven with an amount of \$500 per year to assist with some of their administrative/hall hire expenses. This amount would be payable to the group should they become recognised.



CL17.74 - Attachment 1

CL17.75 Petition - Proposed Special Rate Increase

HPERM Ref: D17/83980

Group: Finance Corporate & Community Services Group

Purpose / Summary

To comply with Council resolution that states if a petition is tabled with 500 or more signatures that a report be submitted to the next Ordinary Meeting. A petition of 1325 signatures was tabled at the Council meeting on Tuesday 1 February 2017 and a petition of 1558 signatures was tabled at the Council meeting on Tuesday 28 February 2017.

Recommendation

That the report be received for information

Options

1. Council receives the report for information
2. Council makes an alternative resolution

Background

A petition of 1325 signatures was tabled at the Council meeting on Tuesday 1 February 2017 and a petition of 1558 signatures was tabled at the Council meeting on Tuesday 28 February 2017 in relation to Council's Special Rate Variation application to the Independent Pricing and Regulatory Tribunal (IPART). The petitions were titled "*To Stop the Proposed Rate & as a consequence Rent Increases*". The petitions stated the following: "*We, the undersigned, call on the Mayor, General Manager and Councillors in Council assembled; to abandon all three of the unaffordable rate increase proposals in favour of a financial strategy which will not impose crushing rate, and rent increases on Shoalhaven's residents*". The two petitions have been forwarded to IPART as part of Council's application.

CL17.75

CL17.76 Marsden's 2017 Local Government Planning & Environmental Law Conference

HPERM Ref: D17/70205

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

Purpose / Summary

To consider Councillor attendance at the Marsden's 2017 Local Government Planning & Environmental Law Conference scheduled for Friday 23 June 2017 in Campbelltown NSW.

Recommendation

That Ordinary Meeting

1. Notes the details of the Marsden's 2017 Local Government Planning & Environmental Law Conference scheduled for Friday 23 June 2017 in Campbelltown NSW.
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.

Options

1. As per the recommendation.

Implications: Councillors are permitted to attend in accordance with the Council Members – Payment of Expenses and Provision of Facilities Policy.

2. That Council not approve Councillor attendance at the Conference as Council Business.

Implications: Councillors attending the conference would do so in their private capacity.

Background

The Marsden's 2017 Local Government Planning & Environmental Law Conference is considered relevant to local government, information as to the contents of the conference has not yet been released and will be distributed to Councillors once received.

Costs associated with the conference are estimated as follows:

- Registration: free of charge.
- Travel, accommodation and out of pocket expenses: not yet determined.

The Conference commences at 9.00am and concludes at 3.15pm on Friday 23 June 2017. There currently is no Council Business scheduled on the day of the conference.

CL17.76

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend this conference.

CL17.76

CL17.77 Seminars - The Next Big Business Risk - Sea Level Rise

HPERM Ref: D17/89527

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

Purpose / Summary

To consider Councillor attendance at the Seminars on '*The Next Big Business Risk – Sea Level Rise*' being scheduled for 19 April 2017 in Melbourne and 20 April 2017 in Sydney.

Recommendation

That Ordinary Meeting

1. Notes the details of the Seminars on '*The Next Big Business Risk – Sea Level Rise*' being scheduled for 19 April 2017 in Melbourne and 20 April 2017 in Sydney.
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 Seminars to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.

Implications: Any councillor who wishes to attend either Seminar may arrange to do so

2. As per the recommendation with the removal of the Melbourne Seminar.

Implications: Any councillor who wishes to attend the Sydney seminar may do so, however to reduce costs Councillors will not be permitted to attend the Melbourne Seminar as Council Business.

3. That Council not approve Councillor attendance at the Seminars as Council Business.

Implications: Councillors may not attend the Seminar as Council Business.

Background

The Seminars on '*The Next Big Business Risk – Sea Level Rise*' is considered relevant to local government.

The CEO of the Climate Alliance has provided the following information concerning seminars in Melbourne on 19 April 2017 and Sydney on 20 April 2017 with expert speakers on the risk of sea level rise. The agenda for each Seminar is the same.

"The seminars are targeted at Chief Risk Officers, Business Continuity Managers, property investors and Councils that manage land near the sea.

We have arranged four expert speakers to address the business risks resulting from sea level rise and storm surge. Australian businesses and individuals have invested heavily in real estate and infrastructure near the sea. Our minerals and most of our primary produce exports are totally dependent on timely and efficient shipping transportation. Our cities are heavily invested in infrastructure that is vulnerable to water damage during adverse weather conditions. Brisbane, Sydney and a number of regional cities have already suffered losses due to the impact of past storms.

We will look at the science, the data available for decision makers and the perspective from the insurance industry. The Keynote speaker from the Netherlands Government will explain why the country has decided to increase its dyke heights.

The seminar will be targeted at Chief Risk Officers, Business Continuity Managers, property investors and Councils that manage land near the sea.

We have secured the following speakers:

- *Tom Kompier, First Secretary, Dutch Government to explain why they have decided to increase dyke levels across Holland by 1.3m.*
- *Dr John Church, a global authority of the science of sea level rise. He will speak about the exactness of the sea level rise projections and the consequential best and worst cases.*
- *Dr Nathan Quadros, of cadastral mapping company (CRCSI) will talk about the importance of good quality information on land elevation to assist in assessing the risk from sea level rise.*
- *Karl Sullivan, GM Risk of the Insurance Council Australia will present the insurance industry's perspective and how it could impact business owners' future ability to insure their assets."*

Further detail can be found at: <https://www.climatealliance.org.au/upcoming-events/>

Costs associated with the Seminars are estimated as follows:

- registration : \$137.50
- travel, accommodation and out of pocket expenses : not yet determined.

Options are provided to restrict attendance to the Sydney Seminar and for Council to determine the appropriate Councillors authorised to attend.

The Seminars commence at 3.00pm and conclude at 6.00pm and following Council Business is scheduled on the days of the seminars:

- 19 April 2017 (Melbourne Seminar) – Nowra CBD Revitalisation Committee – 4pm
- 20 April 2017 (Sydney Seminar) – Councillor Briefing - 4pm (Topics to be confirmed)

Policy Implications

The Council Members – Payment of Expenses and Provision of Facilities Policy limits attendance at conferences to three per annum per councillor exclusive of any conference arranged by either the State or National Local Government Associations.

Financial Implications:

Funds are available for Councillors to attend these seminars

CL17.78 Investment Report - February 2017

HPERM Ref: D17/85091

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Shoalhaven City Council Monthly Investment Report - February 2017 (under separate cover) [⇒](#)

Purpose / Summary

Under Section 625 of the Local Government Act 1993 and Clause 212 of the Local Government (General) Regulation it is a requirement to provide a written report to Council on a monthly basis setting out details of all money that Council has invested.

Recommendation

That the Report of the General Manager (Finance Corporate and Community Services Group) on the Record of Investments for the period to 28th February 2017 be received for information.

Options

1. The report on the Record of Investments for the period to 28th February 2017 be received for information

Implications: Nil

2. Further information regarding the Record of Investments for the period to 28th February 2017 be requested

Implications: Staff will need to prepare a further report to provide any information that is required.

3. The report on the Record of Investments for the period to 28th February 2017 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31st March 2017

Implications: Nil

Background

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

Further comparisons and budget review is found below:

The interest earned for the month of February was \$599,349 which was \$136,335 above budget.

RECORD OF INVESTMENTS Cash and Investment Balances

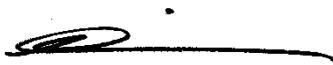
	February 2017	January 2017
Cash And Investments Held		
Cash at Bank - Transactional Account	\$12,156,957	\$5,299,658
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$41,950	\$59,300
Other Cash and Investments	<u>\$207,253,278</u>	<u>\$204,178,275</u>
	<u>\$219,453,425</u>	<u>\$209,538,473</u>
Fair Value Adjustment	\$1,568	\$1,716
Bank Reconciliation	<u>\$418,196</u>	<u>\$161,469</u>
	\$419,763	\$163,185
Book Value of Cash and Investments	<u>\$219,873,188</u>	<u>\$209,701,658</u>
Less Cash & Investments Held In Relation To Restricted Assets		
Leave Entitlements & Workers Compensation Liability	\$9,898,441	\$9,728,872
Land Decontamination	\$1,568,599	\$1,568,612
Critical Asset Compliance	\$2,397,105	\$2,402,355
North Nowra Link Road	\$662,389	\$664,290
Other Internal Reserves	\$3,032,885	\$2,327,508
Section 94 Matching Funds	\$474,763	\$510,293
Strategic Projects General	\$4,345,445	\$5,003,170
Industrial Land Development Reserve	\$2,810,440	\$2,299,330
Plant Replacement	\$5,112,278	\$4,998,472
S94 Recoupment	\$1,863,567	\$2,197,919
Commitment To Capital Works	\$6,574,310	\$6,575,116
Property Reserve	<u>\$3,341,149</u>	<u>\$3,575,578</u>
Total Internally Restricted	<u>\$42,081,370</u>	<u>\$41,851,515</u>
Loans - General Fund	\$4,466,428	\$5,673,266
Grant reserve	\$1,560,723	\$1,971,604
Section 94	\$27,895,214	\$28,629,503
Storm Water Levy	\$418,526	\$395,647
Trust - Mayors Relief Fund	\$99,808	\$99,808
Trust - General Trust	\$5,286,741	\$5,170,604
Waste Disposal	\$8,907,514	\$8,028,440
Sewer Fund	\$72,620,713	\$72,611,423
Sewer Plant Fund	\$1,334,894	\$1,252,204
Section 64 Water	\$15,274,016	\$15,010,876
Water Fund	\$22,094,081	\$21,974,101
Water Communication Towers	\$1,136,731	\$893,866
Water Plant Fund	<u>\$893,046</u>	<u>\$829,213</u>
Total Externally Restricted	<u>\$161,988,435</u>	<u>\$162,540,556</u>
Total Restricted	<u>\$204,069,805</u>	<u>\$204,392,071</u>
Unrestricted Cash And Investments		
General Fund	\$15,803,383	\$5,309,587

CL17.78

Total cash increased by \$10,171,531 due to February being a rates installment month. The major movements are: an increase in the unrestricted General Fund of \$10m and Waste of \$879,000 due to the payment of the rates installment, a decrease in the loans reserve Section 94, grant reserve and strategic projects reserve due to spending the borrowed funds on projects. There was an increase in other internal reserves with the major contributors being the receipt of the Southern Phone Dividend (\$308k) and communication tower lease income (\$250k). The Industrial Land Reserve also increased due to the sale of properties.

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL15/51.



Craig Milburn
Director – Corporate and Community Services

Financial Implications

It is important for Council to be informed in regard to its investments on a regular basis. Revenue from interest on investments forms a vital part of Council's revenue stream.

CL17.78

CL17.79 2016/17 Council Borrowings - Loan Agreement

HPERM Ref: D17/89691

Group: Finance Corporate & Community Services Group
Section: Finance

Purpose / Summary

To seek Council approval to enter into a loan agreement with TCorp for General Fund's borrowing requirements.

Recommendation

That Council enter into a loan agreement, executed under seal of Council, with New South Wales Treasury Corporation for the amount of \$3,526,526 with a term of ten years to cover the General Fund's loan borrowing requirements, excluding Holiday Haven.

Options

1. Adopt the recommendation in the report

Implications: Nil

2. Not adopt the recommendation and to make an alternative resolution.

Implications: Need to seek borrowings from other Financial Institutions

Background

As part of Fit for the Future reforms the NSW Government announced that Councils who were declared "Fit" would be able to borrow funds from TCorp at reduced interest rates. Given that Shoalhaven were deemed "Fit" in October 2015, they are now eligible to utilise TCorp for borrowing funds at reduced rates for approved purposes.

Accordingly, Council applied to TCorp for approval to borrow \$3,526,526 to cover the General Fund's loan borrowing requirements, excluding Holiday Haven. TCorp's loan facilities are not available for a Council run business in competition with existing privately run businesses.

The current indicative interest rate is 3.41%, TCorp will provide an updated interest rate when the draw down date has been confirmed. This rate is more favourable when comparing to the interest rate of the borrowings last financial year with a financial institution 3.46%, additionally since last year the borrowing interest rates have increased across the financial sector.

The remainder of the 2016/17 proposed borrowings for Holiday Haven, \$3,070,217, will need to be sourced from other Financial Institutions.

Community Engagement

This agreement does not require consultation with the community as Council's required borrowings have been reported in the Operational Plan and any changes have been reported through Council minutes.

Financial Implications

It is important for Council to gain the best interest rates on loan funding and locking this agreement in place will confirm a much lower rate for the full 10 years of the loan agreement.

CL17.80 Property matter - Sale of 10 Pleasant Way, Nowra

HPERM Ref: D17/80196

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To remove the trading name of Asset Group Solutions (previously approved under MIN17.176) and insert the company name of Asset Integrated Services Pty Ltd for the acquisition of 10 Pleasant Way, Nowra.

Recommendation

That Council amend MIN17.176 (1) by inserting Asset Integrated Services Pty Ltd in lieu of Asset Group Solutions.

Options

1. Resolve as recommended.
Implications: This will enable the documentation to enact the sale to be executed.
2. Not resolve as recommended.
Implications: The legal documentation to enable the sale to proceed cannot be executed.
3. Provide further direction to staff and propose an alternative.

Background

At the Ordinary meeting of Council on the 28th February 2017 Council resolved in part under MIN17.176 (1) to *accept the offer from Asset Group Solutions to acquire 10 Pleasant Way, Nowra (Lot 1 DP 1010062)*”

Council staff have communicated to the purchaser that the original resolution was made on the trading name submitted by the purchaser in their expression of interest documentation. It was outlined in the previous report to Council as Asset Group Solutions (Asset Integrated Services Pty Ltd) which was assessed as part of the EOI and is now being included in the resolution.

CL17.81 Affix of Seal - Road Closure - Former Access Road to Bay & Basin Leisure Centre - Off The Wool Road - Vincentia

HPERM Ref: D17/70861

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan of Road to be Closed [↓](#)

Purpose / Summary

To seek Council approval to affix the Seal of the Council of the City of Shoalhaven to the road closure plan and other documentation to facilitate the closing of the former access road to Bay & Basin Leisure Centre.

Recommendation

That Council affix the Seal of the Council of the City of Shoalhaven to the road closure plan and any other documentation required to be sealed to enable the road closure and transfer of the land within the closed road to the adjoining owner to be finalised.

Options

1. As recommended

Implications: The closing of the former access road to Bay and Basin Leisure centre will be completed

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

Background

At the Ordinary Council Meeting of 21 December 2010 (MIN10.1550) Council resolved as follows:

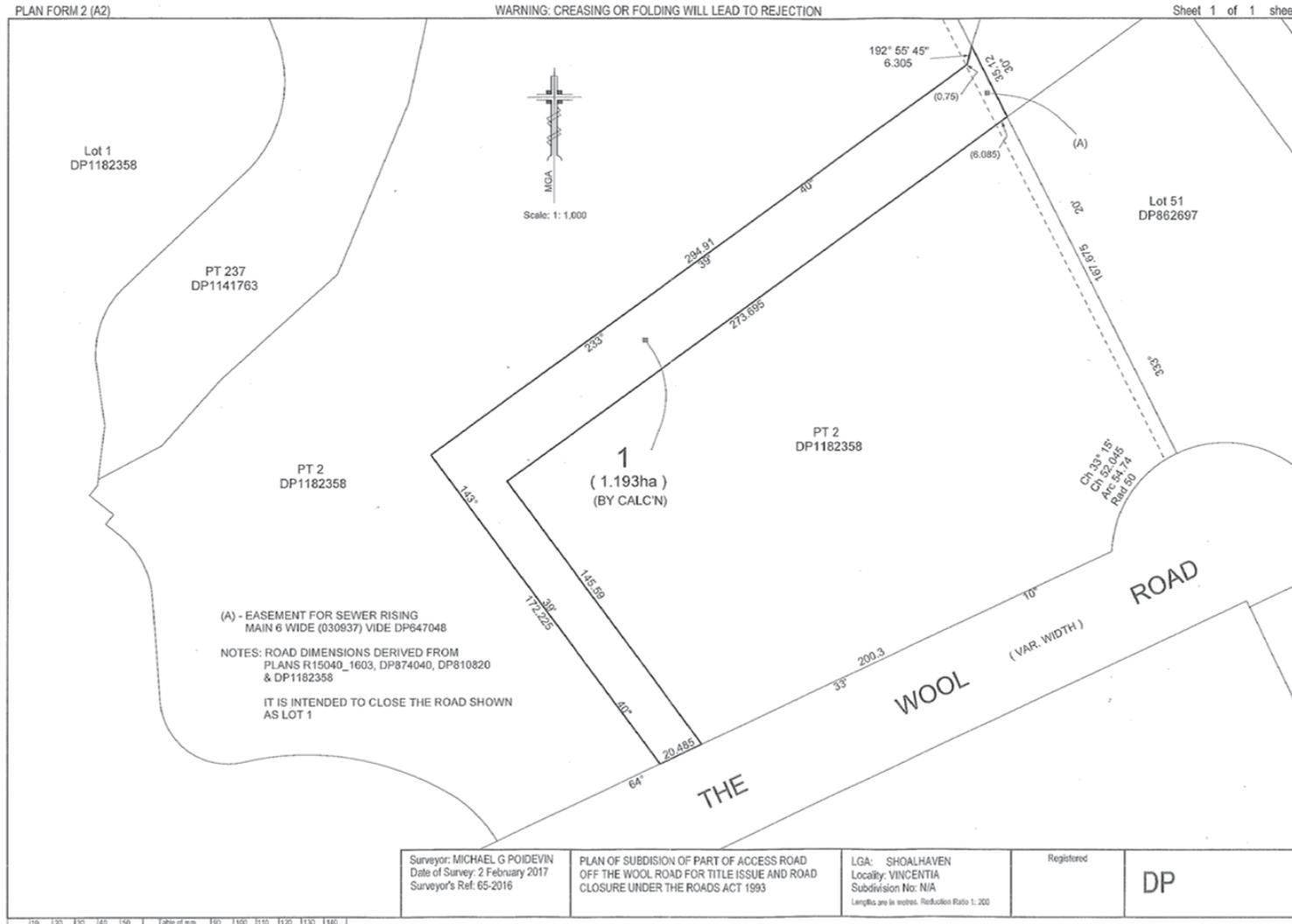
- a) Council adopt the Masterplan (4687-13) and place it on Council's web page to ensure public transparency.*
- b) Council request NSW Department of Planning to modify the zoning of the land outside the agreed development footprint such that it will be given an appropriate environmental zone in the new Shoalhaven Local Environmental Plan 2009 as per the standard instrument.*
- c) Staff approach NSW National Parks and Wildlife Service regarding extending Jervis Bay National Park to include the land described in b) above (ie. area of environmental zone).*
- d) Council agree to close the existing road reserve (over existing access road) to the leisure centre under the provisions of the Roads Act 1993*

as soon as possible. The closed road land being transferred to the adjacent ownership.”

In accordance with d) above, the road closure process has been completed and approval from Department of Industry – Lands was received on 14 February 2017.

To enable the road closure plan, refer to Attachment 1, to be registered, Council must affix the Seal of the Council of the City of Shoalhaven to the road closure plan and any other relevant documentation.

Council must also affix the Seal of the Council of the City of Shoalhaven to all documentation to effect the transfer of the land within the closed road to the adjoining landowner, in accordance with part (d) of the above resolution. In order to affix the Seal of Council, a resolution of Council pursuant to S400 of the *Local Government Act 1993* must first be obtained.



CL17.81 - Attachment 1

CL17.82 Driveway Repair Works - 30 Alexandra Street, Berry - H L Stanger & D J Felton

HPERM Ref: D17/73952

Group: Assets & Works Group
Section: Works & Services

Purpose / Summary

Council at its meeting 20 October 2016 resolved:

That in accordance with Section 67 of the Local Government Act:

1. Council undertake work to restore the driveway to 30 Alexandra St, Berry at an estimated cost of \$1,600 and at no cost to the owner; and
2. On completion of the works, Council receive a further report outlining the final costs of the rectification works.

This report provides detail of the final costs of the works on private property.

Recommendation

That Council accept the report for information, in accordance with Section 67 (4) of the Local Government Act, about driveway rectification works completed at 30 Alexandra St, Berry for H L Stanger & D J Felton.

Options

1. Adopt the recommendation.

Implications: Council resolved to proceed with the works and this report provides details of the final costs.

2. Request additional information.

Implications: The information required by the Local Government Act is provided in the report.

Background

A Kauri Pine (the tree) located in the verge outside 30 Alexandra St, Berry was impacting that property's driveway. The roots from the tree have lifted a section of the driveway and this obstructed the property's gate from closing. The tree was also damaging the road infrastructure.

The significance for the Kauri Tree reads: Outstanding size, Commemorative Tree, Rare species. This tree was planted as a living memorial to those who died in the Great War of 1914 - 1918 and forms part of the Avenue of Remembrance. It is native to Queensland rainforests and quite rare for this region. It is an unusual shape for a Kauri possibly due to heavy lopping in the 1940's. (Local Significance) Shoalhaven. (SHI Number 2390051).

The Shoalhaven Heritage Inventory sheet states that Archival material suggest that the seedling came from the Sydney Botanic Gardens and is 76 years old.

The tree is listed as a heritage tree. Adjustments to the infrastructure was more appropriate than removing the tree, which included removal and replace 4m of kerb and gutter; one driveway layback and a part of a coloured, stencilled concrete driveway.

Half of the driveway works, was on private land. The costs and resources for this component of the works was \$1,943.30, being staff time and materials (concrete, concrete colour and stencil, reinforcing and gate latch). Some asphaltting works are to be done in front of the kerb when similar work is undertaken in the area.

Council is not responsible for the construction or maintenance of driveways. However, in this instance the Council tree was causing damage so the rectification works were done at no cost to the owner.

The works were completed in January 2017.

CL17.83 Tenders - Ulladulla Harbour Northern Boat Ramp and Jetty

HPERM Ref: D17/85470

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

Purpose / Summary

To inform Council of the tender process for Ulladulla Harbour Northern Boat Ramp and Jetty.

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.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

Recommendation

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

Options

1. Council accept the recommendation as presented.

Implications: A separate report will consider commercial information and the award of a contract.

2. Council amend the recommendation.

Implications: This may delay the award of a contract and these works.

Details

Council called Tenders for Ulladulla Harbour Northern Boat Ramp and Jetty on 17 January 2017 which closed at 10:00am on 14 February 2017. Four (4) tenders were received at the time of closing. The tenders received are shown in the Table below:

Tenders Received

Tenders were received from the following:

Tenderer	Location
Clement Marine Constructions	Rozelle
Ferncroft Rural & Landscaping PL	Berry
GPM Constructions PL Conforming	Roseville
GPM Constructions PL Alternative	Roseville

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

Community Engagement:

The objective for this project was to facilitate boating improvements for the general public. A Review of Environmental Factors was undertaken and Council haven't received any objections.

A public sign was erected within the park adjacent the existing boat ramp providing public with advanced information of the pending works.

Financial Implications:

Sufficient funds have been allocated in the Works and Services budgets for 2016/17 and it is proposed to complete delivery of the project early in July 2017.

CL17.84 Tenders - Construction of Carpark - Ellmoos Avenue Sussex Inlet

HPERM Ref: D17/88470

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

Purpose / Summary

To inform Council of the tender process for Construction of Carpark – Ellmoos Avenue Sussex Inlet.

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.

This report is submitted directly to the Ordinary Council Meeting pursuant to Clause 3 of Council's "Acceptance of Tenders – Reports to Council" Policy.

The Director of Assets & Works, Ben Stewart, has declared a conflict of interest and, as such, did not participate in the preparation/authorisation of this report. Manager, Project Delivery and Contracts has compiled this report.

Recommendation

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

Options

1. Council accept the recommendation as presented.

Implications: A separate report will consider commercial information and the award of a contract.

2. Council amend the recommendation.

Implications: This may delay the award of a contract and these works.

Details

Council called Tenders for Construction of Carpark – Ellmoos Avenue, Sussex Inlet on 21 February 2017 which closed at 10:00am on 14 March 2017. Seven (7) tenders were received at the time of closing.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Civic Logic Pty Ltd	Sussex Inlet
Hisway Earthmoving	Nowra
JBG (NSW) Contractors Pty Ltd	Albion Park Rail
Lynch Civil Contractors Pty Ltd	South Nowra
RJ & PS Smith Pty Ltd	South Nowra
Stefanutti Construction Pty Ltd	Unanderra

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

Community Engagement:

Consultation was carried out at the time of design. Following award of the tender, contact will be made with the community and business groups, as well as adjoining businesses and residents, advising of the project and timeframes for completion.

Financial Implications:

Sufficient funds have been allocated in the Sussex Inlet Car Parking budget for 2017/18 and it is proposed to complete delivery of the project within that timeframe.

CL17.85 Update - Peak Season - Hyams Beach and Huskisson

HPERM Ref: D17/40530

Group: Planning Environment & Development Group

Purpose / Summary

The Shoalhaven is increasingly becoming a holiday destination of choice for many people. Ideally located within a few hours of both Sydney and Canberra, our area provides breathtaking scenery, world class beaches and a variety of activities to suit the needs of both young and old. It is therefore not surprising that population estimates during the peak summer holiday period can swell from 100,000 to 400,000.

This increase in population puts pressure on services and facilities and in particular, on the most popular areas such as Huskisson and Hyams Beach. These locations suffer from traffic congestion, parking availability, illegal camping and littering.

Following representations from the Hyams Beach community in 2015, it was decided to provide traffic control for two full days between Christmas and New Year. Rangers assigned to this service highlighted a number of issues outside traffic control and enforcement. It was suggested that additional services relating to tourism and waste management need to be addressed and the programme should be extended to include Huskisson.

This report highlights the findings of the service provided to Huskisson and Hyams Beach by Rangers, Tourism, Traffic and Waste Services, Asset Maintenance and Media staff during the 2016/2017 peak summer holiday period. The report recommends funds be made available to provide this service into the future.

CL17.85

Recommendation

1. That the report be received for information.
2. That consideration be given to providing ongoing staffing at Hyams Beach for the purpose of traffic control and visitor information. This will require a budget of \$50,000 for the 2017/2018 year and allocated as follows:

Area	Budget
Ranger Services	\$13,000.00
Tourism	\$17,000.00
Traffic management	\$7,000.00
Waste services	\$13,000.00
Total	\$50,000.00

3. Council identify a funding source for this increased level of service for operations.
4. Rangers include Huskisson in their normal patrols for 2017/2018 peak holiday period.
5. A further report be provided following the 2017/2018 peak holiday period

Options

1. Council approve the recommendations

Implications: This will be a cost to Council. Clearly addressing the issues raised by the Hyams Beach community has highlighted additional benefits to Council including the good will and positive feedback for the region and businesses. Finding a funding source to enable increased levels of service is a challenge, and it is not desirable unless some offset is found so that the overall operating result (which is currently a significant deficit) is not impacted negatively. Options include:

- Reducing another cost/service in operations;
- Increasing a revenue source to meet the additional costs (e.g. paid parking)

2. Council not approve the recommendations

Implications: Council may be criticised for not doing enough in the highly visible tourist locations and this may have impacts on return visitation and business.

Background

On the 20 October 2015 Council resolved to have a ranger patrol Hyams Beach and a traffic control post be provided at the intersection of Booderee Avenue and Naval College Road for 2 full days between 26 December 2015 and 3 January 2016. Also supported was a variable message board sign to be installed on Naval College Road for the full period.

Due to the traffic congestion and number of complaints received from residents and tourists, ranger services staff attended every day and were kept busy with minor incidents and tourist information. A report on those activities was submitted to Council in February 2016.

The issues at Hyams Beach were quickly identified as far more reaching than just parking control and enforcement. A collaborative approach leading up to the 2016 Summer holiday period was undertaken by a number of sections within Council including Rangers, Tourism, Waste Services, Asset Maintenance, Traffic Section and Media.

Report

The summer holiday peak operation commenced on Monday 26 December 2016 and was completed on Sunday 15 January 2017 (i.e. 21 days). Staff also worked in the area for the Australia Day long weekend which similarly proved to be a busy period for tourists (i.e. 4 days).

The plan was to have 4 tourist information staff employed for the period with 2 each stationed at Huskisson and Hyams Beach. A Ranger was to be based at Hyams Beach and periodically they would visit Huskisson to deal with issues as they arose.

Contacts were set with staff from Waste Services and Traffic. Garbage at the Hyams Beach car park was to be emptied daily and a variable message board sign was placed on Naval College Road advising tourists on the parking conditions at Hyams Beach.

Impact of the programme

Both the rangers and tourism staff provided an excellent hands on service to visitors in the area and they were highly commended to Council. Hyams Beach residents complimented them on the service and how much better organised it was this year.

There were some complaints and negative comments at both Huskisson and Hyams Beach with comments such as 'a waste of resources' and 'why should rate payers money be used for tourism?'. Staff handled these diplomatically.

There are 3 main beaches at Hyams Beach. These are: Chinamans Beach, Little Hyams Beach and Seamans Beach. Tourism staff set up a stall in the car park leading to Seamans Beach. On the busy days, it was estimated that over 1500 people were on Seamans Beach alone.

Tourism staff estimate they spoke to approximately 9000 people during the period. The recently released booklet on the Shoalhaven was given out to people and it was well received with many indicating they were going to do the “100 beach challenge”.

The variable message board sign (VMS) on Naval College Road was faulty and not working in the early days of the programme. This drew criticism by many visitors to Hyams Beach and it was quickly replaced. The VMS indicated there was limited parking at Hyams Beach and was changed during the day to indicate when the parking was full.

Even though the VMS reduced the number of complaints from visitors, it did not stop everyone trying their luck to get a park. Needless to say, the parking and congestion at Hyams Beach was significant and kept the Rangers very busy.

Huskisson was also very busy during the period but the impact was not really comparable to Hyams Beach. Tourism staff set up in White Sands Park, Huskisson and spoke to visitors in the area. Staff also walked the main shopping precinct and handed out our tourist booklet.

Ranger activities

Originally it was proposed to have one dedicated Ranger for the period and this officer was to move between Huskisson and Hyams Beach during each day. By the end of the first week it became evident that additional resources were required and Hyams Beach needed a Ranger full time. Additional ranger and parking patrol officers were engaged on a needs basis and this occurred frequently.

Most of the time the Rangers were based at the entrance to the Seamans Beach car park. Traffic cones were placed across the entrance to this carpark and vehicles were only permitted to enter once a space became available. This reduced the turning movements in the carpark and improved the overall safety.



Figure 1:- A view of the entrance to Seamans Beach car park. Tourist information staff are set up on the right of picture.

People with a disability were given priority and the accessible space within the car park was well utilised. People were also permitted to drop off and pick up at the entrance of the car park and Rangers gave people directions on where to turn around.

The bottleneck at the southern end of Cyrus Street seems to have been addressed with the placement of parking restrictions between October and April. This allowed for a turnover of car parking spaces and generally permitted more people to enjoy the area.

Motorists were given warnings and this was significantly more than usual. Many were spoken to as they left their vehicle and they were given the opportunity to rectify the situation. Others who were only marginally breaching the law were given formal written warnings. The following infringements were issued at Huskisson and Hyams Beach during the period:

Penalty offence	Huskisson	Hyams Beach	Rate	Total amount
No stopping	26	57	\$253.00	\$20,999.00
Stop across driveway	1	8	\$108.00	\$972.00
Park in disabled zone	0	1	\$541.00	\$541.00
Not park in direction of traffic	0	67	\$108.00	\$7,236.00
Stop within 10 metres of an intersection	0	6	\$253.00	\$1,518.00
Not stand in marked space	0	2	\$108.00	\$216.00
Not park rear to kerb	16	0	\$108.00	\$1,728.00
Total	43	141		\$33,210.00

This equates to 184 penalty notices issued with \$8,955 for Huskisson and \$25,156 for Hyams Beach.

Rangers also dealt with complaints concerning illegal camping at Hyams Beach. The complaints concerned both people camping on the beach and in campervans on the street. After hours patrols were conducted and people were ‘moved on’. This was not an isolated incident for Hyams Beach as reports of illegal camping were received throughout the city during the summer holiday period.

Waste and littering

The public waste bins at Hyams Beach and Huskisson were emptied each morning and additional services were provided by the Waste Services Team when requested by Rangers. Given the number of visitors to these areas, the Waste Services Team did an excellent job in the removal of waste during the period.

It was identified that a number of the public bins in Hyams Beach were being filled with residential rubbish dumped overnight. Broken toys, chairs, large kitchen bags full of rubbish and folding tables were all left beside the public bins. As many premises in the Hyams Beach area are used for tourist holiday accommodation purposes, it is suspected that this eventuated because of the “bump out” and “bump in” changeover of guests.



Figure 2:- A view of the rubbish at one of the bin points in Hyams Beach.

It has been suggested that owners of some residential premises used principally for commercial gain as short term tourist accommodation, be requested to obtain additional kerbside collection during the peak summer holiday period. This would potentially deal with the additional waste issues in Hyams Beach. Staff intend to follow this up with owners of premises later in the year.

There was a noticeable increase in littering at both Huskisson and Hyams Beach. This was mainly in the form of cigarette butts, tissues, wrappers and the like. Rangers did caution people about littering and they responded by picking up their rubbish. No infringements were issued for littering during the period.

Cost of the programme

The service was provided for the entire 25 day period (including weekends and public holidays). The following break-up of costs has been obtained from the various service areas of Council.

Area of service	Cost
Ranger Services (Rangers and Parking Officers)	\$19,143.00
Tourism Information	\$32,000.00
Traffic Management (including signage)	\$6,500.00
Waste services	\$12,000.00
Total cost	\$69,643.00

The cost of this specific operation is significant and this cannot be sustained within existing budgets of the service areas.

There is little doubt that tourism brings in a lot of income for businesses in the area however, the overall amount is difficult to quantify. Having tourists generally happy with the service is important for repeat trade.

From the results of the programme this year, it is not surprising Council has received a high number of complaints in the past from residents of Hyams Beach. It is a very popular destination in our city and worthy of additional attention to boost the tourism dollar.

Given the relatively low level of activity at Huskisson, staff identified there would be cost savings if Tourism staff only concentrate their time at Hyams Beach in the future.

Ranger services would be needed at both centres for the duration of the summer peak period. There is an ability to offset some of the income using a percentage of the penalty notices issued this year as a guide. This is not a revenue raising exercise as penalties are generally only issued to motorists who have parked in dangerous situations. Rangers and Parking Officers will maintain their approach to issue cautions and give motorists an opportunity to rectify situations wherever possible.

Way forward

Without doubt this programme has been a benefit to the residents of Hyams Beach and to the CBD of Huskisson. Looking after the tourists has been welcomed and it will assist in boosting the tourist dollar into the Shoalhaven economy.

Tourism has just commenced a recruitment drive for a volunteer ambassador programme. This is designed to assist in the delivery of visitors services both in the centres and in the regional areas. The programme is scheduled to commence in May 2017 and will continue over 2017 as a trial. If successful, this new branch of tourism aims to utilise a combination of paid staff and volunteers for long term sustainability of tourism services in key hot spots. That said, there could be some additional saving in the 2018 peak holiday period.

It is recommended that the programme continue at Hyams Beach for 2017/2018 peak summer holiday period. Reducing the budget for Tourism and taking into account some offset for infringements notices, it is recommended that a budget of \$50,000 be provided and split in the following areas:

Area	Budget
Ranger services	\$13,000.00
Tourism	\$17,000.00
Traffic management	\$7,000.00
Waste services	\$13,000.00
Total	\$50,000.00

There is concern other areas within the city that are also well attended at the peak summer holiday period would want similar programmes. Bandalong for instance has had reports of high vandalism, illegal camping and parking issues for the past few years and it appears to be getting worse. Ranger services do not have the critical mass to service these areas and also continue the core functions. For the last 2 years a casual Ranger from Sydney has been engaged to look at these trouble spots. This has come at a cost to the service but there has also been an income in revenue from penalty notices.

One issue that has been raised in the past is the installation of parking meters at both Huskisson and Hyams Beach. The pay and display system with a time limited of 2-3 hours could see higher turnover of parking spaces during these peak periods. There is a cost to this system but it may be something to consider and explore with the community.

The Hyams Beach Community has requested Rangers provide a similar service at Easter this year. Unfortunately, this will need to be declined due to a resourcing issue with Rangers needing to attend the Blessing of the Fleet festival at Ulladulla. Rangers will however, include Hyams Beach in their patrols over the Easter period.

CL17.86 Proposed Submission - E Planning Regulation - Online Lodgement Changes

HPERM Ref: D17/64886

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Letter - Submission - Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 - DP&E Regulation [↓](#)
2. Fact Sheet - DP&E Exhibition Material - FAQs for councils - ePlanning Amendment Regulation [↓](#)

Purpose / Summary

The NSW Department of Planning & Environment (DP&E) are proposing changes to the *Environmental Planning & Assessment (EP&A) Regulation 2000* to support the online lodgement of development applications for homes and business through the NSW Government Planning Portal.

Recommendation

That Council make the submission attached to this report to the NSW Department of Planning and Environment on the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017*.

Options

1. Adopt the resolution and endorse Attachment 1 as Council's submission to the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017* and submit it to DP&E.

Implications: This is the preferred option as it will enable Council to provide a submission on the proposed changes to the EP&A Regulation to allow the online lodgement of development applications.

2. Make changes to the draft submission included as Attachment 1 and submit to DP&E.

Implications: This option will still enable Council to provide a submission, however the implications of any possible changes are unknown and may require closer consideration or refinement.

3. Not make a submission.

Implications: This is not favoured as it will mean that Council does not provide input on the changes proposed to the Regulation to facilitate the online lodgement of development applications.

Background

The NSW Government, through the DP&E, are proposing changes to update the EP&A Regulation 2000 to support the online lodgement process for development applications and

related information. The submission of documents electronically requires the reframing of the regulatory processes to reflect the online environment.

Council currently has no means of receiving online development applications, with the exception of Complying Development Applications lodged through the Electronic Housing Code portal. Work has been undertaken to introduce online development application lodgement, but this has not yet progressed and is unlikely to progress until Council has an integrated software provider and platform in place.

The proposed changes to allow online lodgement are part of the NSW Government's commitment to a simplified planning system. The key changes in the *Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017* (the Regulation) are:

- Standardising the documents required to lodge applications for development.
- Replacing written consent with legally enforced declarations by applicants that they have permission from land owners to submit a development application.
- Introducing new requirements for making and exhibiting Development Control Plans (DCPs) and Contribution Plans (financial contributions from developers towards infrastructure costs).

A copy of the Frequently Asked Questions for Councils Fact Sheet included in the DP&E exhibition package is provided as Attachment 2 to this report. Further information on this proposal is available from DP&E's website at:

<https://www.planningportal.nsw.gov.au/title-exhibition>

In September 2016, Council staff attended a DP&E information session in Wollongong which outlined DP&E's proposals for the NSW Planning Portal and online lodgement – the presentation used at this session is available online at:

https://dpe-files-prod3.s3-ap-southeast-2.amazonaws.com/s3fs-public/documents/2016/Oct/DevelopmentAssessmentRoadshow_Council%20Briefing.pdf

Proposed Council submission

Council staff have not identified any major concerns at this point with the proposed changes, however a general submission will be provided to DP&E to support the improvements to the Regulation to facilitate online lodgement and standardised application forms and provide general comments including:

- **Software integration** – Council currently has a restricted tender open to select integrated software providers. The exhibition information and advice provided by DP&E has stated that they will be working closely with the major software providers to ensure integration of the online lodgement with Council's software systems.

DP&E will need to work with Council to ensure that the online lodgement process integrates with Council's existing software and systems and any future integrated software system that Council moves to.
- **Mapping** – Concerns have been consistently and repeatedly raised with DP&E in regard to the accuracy of mapping displayed on the current NSW Planning Portal. It is imperative that this issue is resolved to ensure that property boundaries and planning controls within Shoalhaven are displayed correctly in the portal. This issue could also affect applicants lodging an application through the Planning Portal.
- **Investigation phase** – Council's Section 149 Planning Certificates are required by legislation to include details of where Complying Development may or not be carried under particular clauses in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The information provided in Council's certificates is based on identified mapping layers and other information held by Council. The Department is not the legal custodian or the license holder for all of

the required data sets that are used and it is unclear how the Planning Portal will ensure that the data is correct for the investigation phase and that applications are not received for complying development that do not meet the requirements of the Codes SEPP.

Community Engagement

The public exhibition period was open between 15 February and 15 March 2017 by viewing the documents on DP&E's website. Council has received an extension until Wednesday 29 March 2017 to enable this report to be considered and a submission made.

Policy Implications

The key policy implication of this amendment is the requirement to notify and exhibit Development Control Plans and Contribution Plans through the NSW Planning Portal. Council can also still choose to continue to also notify the community through other media such as Council's website, newspaper advertisement and through general letter/email correspondence.

It should also be noted that it is intended to run the portal system and paper/other systems side by side for a set period and then push everyone to use the portal. Thus eventually there will be no option other than to lodge things (e.g. development applications) electronically.

Financial Implications

There are no immediate financial implications for Council, however the NSW Government driven online lodgement portal could be seen as a cost benefit to Council. Council's website and current software does not currently facilitate online lodgement and receipt of payment through online lodgement. This is seen as an important step to improving online lodgement for Councils in a consistent format that is being provided by the State Government.

There are likely to be additional resources required during implementation of the online lodgement process and the integration with Council's software and systems.

Risk Implications

There are no immediate risks for Council in submitting feedback to DP&E on this exhibition, however there may be additional resources and training required through the implementation of the online lodgement process in the NSW Planning Portal and the integration with Council's software and systems.



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Address all correspondence to
The General Manager, PO Box 42, Nowra NSW 2541 Australia
DX5323 Nowra Fax 02 4422 1816

Council Reference: 31157E (D17/84308)

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Michael Lucchitti

Dear Mr Lucchitti

Submission - ePlanning Regulation Amendment 2017

Thank you for the opportunity to provide comments on the *draft Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017* (the Regulation).

Council supports the NSW Government initiatives to allow online lodgement of development applications and the reframing of the Regulation to allow online lodgement. Please find Council's feedback below:

- **Software integration** – we are pleased that the Department is working closely with the key Local Government software providers to ensure that the Planning Portal online lodgement process can integrate with Council software and systems. Council does not currently have an integrated software provider, however Council is seeking tender submissions from integrated software providers and will hopefully be engaging a provider in coming months. Council requests that the DP&E discuss the 'go live phase' for Shoalhaven as early as possible so that adequate resources can be provided and preparations can be made to assist with implementation.
- **Mapping** – Council has repeatedly raised concerns with the mapping information that is displayed on the NSW Planning Portal. There are a number of properties that are still displaying incorrect zoning information (i.e. multiple zones where a single layer applied). Details of these anomalies have been forwarded to the Department's GIS and ePlanning teams, however the key issue of a State Wide cadastre attempting to display multiple cadastres has still not been resolved. This issue was also raised in Council's submission on the recent exhibition of the draft Coastal Management SEPP. It is imperative that DP&E give this issue a high priority and consider delaying the launch of online lodgement until the cadastre and data quality issues can be resolved.

There are also a number of Local Environmental Plan clauses where the area affected is not always mapped in Shoalhaven LEP 2014, i.e. Clause 7.3 Flood Planning applies to areas mapped as 'Flood Planning Area' on the LEP Flood Planning Area Map, however it also applies to other land at or below the flood planning level. This clause captures up to date flood information included in Council's adopted flood studies. A number of Councils do not have a Flood Planning Area Map and rely on the information in Council's adopted flood studies.

- **Investigation Phase** – Council is concerned that the information extracted from the NSW Planning Portal during the investigation phase or during the application submission phase may not be providing the correct detailed information that relies on Council's data. The daily data upload to the Electronic Housing Code portal was the preferred method for Council as this ensured that Council was the source of truth for the data. It is understood that the Planning Portal will be relying on spatial information that DP&E is legal custodian for; this will result in incomplete information being provided for the purposes of investigation a development application or complying development certificate application.

The information provided in Section 149 Planning Certificates under Clause 3 requires Council to advise where Complying Development may or may not be carried out under particular clauses in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). Council's response to Clause 3 in Section 149 Planning Certificates are based on identified mapping layers and other information held by Council and the Department who is not the legal custodian or the license holder for all of the required data sets. Due to the complexity of the Codes SEPP and the inconsistent definitions used to describe areas where complying development may or may not be carried out, Council's responses and identified mapping triggers are based on legal advice sought in this regard. It is recommended that DP&E reconsider the data upload method used for the EHC and/or any application for complying development certificates be accompanied by an up to date Section 149 Certificate issued by the relevant Council to ensure that this mapping

Council welcomes the opportunity to work closely in providing online lodgement through the NSW Planning Portal and looks forward to its customers being able to submit online applications in the future. We are happy to assist as required with the roll out of this initiative and particularly in the resolution of the issues/concerns highlighted above.

If you need further information about this matter, please contact Lauren Turner, Planning Environment & Development Group on (02) 4429 3139. Please quote Council's reference 31157E (D17/84308).

Yours faithfully

Gordon Clark
Strategic Planning Manager
16/03/2017

ePlanning Amendment Regulation 2017

○ Frequently Asked Questions for councils

February 2017

What is the ePlanning Amendment Regulation 2017?

- Currently, there are many variations in document requirements for development applications, which can cause delays in preparing and determining applications.
- Changes are proposed to the *Environmental Planning and Assessment Regulation 2000* to make it faster and easier to lodge and track applications by introducing standards for online submission and lodgement. These changes are addressed in the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017.

What are the key changes proposed?

Key changes include:

- standardising the documents required to lodge applications for development
- replacing written consent with legally enforced declarations by applicants that they have permission from land owners to submit a development application, which will save time when preparing and determining applications
- introducing new requirements for making and exhibiting Development Control Plans and Contribution Plans (financial contributions from developers towards infrastructure costs).

What are the benefits of lodging applications for development via the NSW Planning Portal and introducing standard application forms and consistent minimum submission requirements?

- Introduction of consistent minimum requirements and standard application forms will improve the quality of applications and reduce unnecessary delays caused by poorly completed applications with missing documentation.
- The NSW Planning Portal will provide applicants with additional contextual guidance to support them through the application process. This means councils can be assured that applications received online are of high quality and in a decision-ready format, and can spend more of their time focusing on assessing development proposals.

How will application fees be paid to councils?

- All fee payments will be made through the Portal Payment Gateway. All fee payments received through the Portal Payment Gateway will be paid into a clearing account owned and operated by the Department of Planning and Environment.
- The Department will distribute the application fee payable, other fees and charges levied by council and GST where applicable to the nominated account of the council. Electronic payments made to nominated council bank accounts will include metadata comprising: a unique portal reference number, payment reference, payment amount and payment date.
- The Department will distribute the fee payable for development applications to the nominated account of the council on Wednesday of each week, for all application fee payments received in the preceding seven calendar days.

ePlanning Amendment Regulation 2017

○ Frequently Asked Questions for councils

February 2017

How is the land owner's consent verified?

- The signature of a land owner will no longer be required when submitting an application for development. In place of a signature, the applicant will be required to make a declaration stating that they are either the land owner, or that they have permission from the land owner to lodge the application on their behalf.
- The applicant will also be required to identify the land owner and provide the relevant contact details.
- If the applicant is not the land owner, the land owner(s) will be notified of the registration number and the date the application was lodged.

Are sufficient arrangements in place to enable councils to transition to online lodgement via the Planning Portal?

- Yes. Transitional arrangements have been put in place for councils to phase in use of the new application forms and online lodgement.
- The duration of the transitional period will be determined by the Minister for Planning.
- During the transitional period councils will have the option to continue to accept applications submitted on their existing application forms.
- While transitional arrangements will be in place initially, the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 makes provision for online lodgement via the Planning Portal using the standard forms prescribed in the Secretary's Requirements for online lodgement, to have effect on the date specified by the Minister for Planning in an order published in the Gazette.
- Councils are encouraged to direct applicants to the NSW Planning Portal and use the standard forms prescribed in the Secretary's Requirements to ensure a smooth transition to online lodgement as soon as practicable.
- The Department's eBusiness team will provide help and support to users of the NSW Planning Portal and assist councils during the transition period.

Can the NSW Planning Portal be used to check whether or not complying development can be undertaken on the land?

- Yes. Applicants will be required to select a property address on the NSW Planning Portal before opting to lodge an application. If any land-based constraints are identified that prohibit complying development it will not be possible to lodge an application online.
- Councils, applicants, certifiers, builders and architects will also be able to use the investigation module to check for any land-based constraints.
- While every effort is made to ensure the accuracy of the data on the NSW Planning Portal, applicants and certifiers are advised to obtain an s149 certificate prior to lodging an application.

Can a council still require a document that is not specified as a minimum requirement in the Secretary's Requirements?

- Yes – the minimum submission requirements operate on the 80/20 principle. That is to say that the vast majority of applications received via the NSW Planning Portal in accordance with the Secretary's

ePlanning Amendment Regulation 2017

○ Frequently Asked Questions for councils

February 2017

Requirements should contain enough information for assessment to begin with no further information required.

- However, it is understood that from time to time additional information may be required by the consent authority during the course of the assessment process.

When complying development certificate applications are lodged on the NSW Planning Portal will councils be able to view the plans?

- The Planning Portal will provide functionality to submit and lodge complying development certificates. This functionality will be phased in as part of the rollout of online submission and lodgement services, and will have effect on the date specified by the Minister for Planning in an order published in the Gazette.
- All applications and accompanying documentation lodged on the Planning Portal will be publicly available.

What spatial data is contained in the Planning Database?

- The Planning Database holds a comprehensive collection of environmental and planning spatial datasets for which the Department is the legal custodian. These include:
 - Land application
 - Land zoning
 - Minimum subdivision lot size
 - Height of buildings
 - Floor space ratio
 - Land reservation acquisition
 - Heritage conservation
 - Future Residential Growth Area
 - SEPP 14 Coastal wetlands protected areas
 - SEPP 26 Littoral rainforest protected
 - SEPP 71 Coastal protection
 - SEPP (Major Development) 2005
 - Strategic Agricultural Land – Biophysical
 - Strategic Agricultural Land – Equine
 - Strategic Agricultural Land – Viticulture
- The Planning Database also consumes web map services from other NSW Government Agencies and Departments for spatial data for which the Department is not legal custodian.

How do I comment on the proposal?

- Submissions on the Exhibition of the Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017 will close on 15 March 2017.
- You can make a submission by:
 - responding online at: www.planningportal.nsw.gov.au/publications/on-exhibition
 - by mail to:

Environmental Planning and Assessment Amendment (ePlanning) Regulation 2017
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

ePlanning Amendment Regulation 2017

○ Frequently Asked Questions for councils

February 2017

- All submissions will be made public in line with the Department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Before making a submission, please read our privacy statement at: www.planning.nsw.gov.au/privacy

Where can I find out more?

- Call our Information Centre on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email information@planning.nsw.gov.au

CL17.86 - Attachment 2

CL17.87 Proposed Submission - NSW Planning Legislative Updates

HPERM Ref: D17/40648

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Submission Letter - NSW Planning Legislative Updates [↓](#)

Purpose / Summary

The NSW Government is currently proposing update changes to the Environmental Planning and Assessment Act 1979 (the EP&A Act). The purpose of this report is to obtain endorsement to make the attached proposed submission (**Attachment 1**) on the proposed Legislative Updates.

Recommendation (Item to be determined under delegated authority)

That Council make a submission to the NSW Department of Planning and Environment and Environment on the draft Legislative Updates based on Attachment 1.

Options

1. Adopt the resolution and endorse **Attachment 1** as Council's submission to the Legislative Updates and submit it to the NSW Department of Planning and Environment (DP&E).

Implications: This is the preferred option as it will enable Council to provide a submission on the proposed changes to the EP&A Act.

2. Make changes to the draft submission included as **Attachment 1** and submit to DP&E.

Implications: This option will still enable Council to provide a submission, however the implications of any possible changes are unknown and may require closer consideration or refinement.

3. Not make a submission.

Implications: This is not favoured as it will mean Council will not be providing input in regard to the major changes proposed through the Legislative Updates.

Background

The EP&A Act originally commenced on 1 September 1980 and has been in place for almost four decades. The provisions of the Act are accompanied by the *Environmental Planning and Assessment Regulation 2000*.

In 2011 the NSW Government commenced a major review of NSW Planning Framework which included a review of all the related legislation. In 2013 Council considered a report and provided detailed feedback on the proposed changes. However, in November 2013 the draft Bill did not pass through Parliament and the changes were abandoned.

The (now former) NSW Minister for Planning released a set of documents on 10 January 2017 for public exhibition proposing update changes to parts of the EP&A Act, some of which were originally proposed as part of the 2013 reforms. Staff initially requested an extension to enable this report to be considered before the end of the exhibition period however, following the change in the NSW Minister for Planning the exhibition period was extended up until 31 March 2017.

As part of considering the proposed changes, staff attended a workshop held by DP&E in Wollongong on 27 February 2017.

Through the currently exhibited material, various changes are proposed to the EP&A Act. In summary, the proposed changes seek to achieve a number of planning outcomes including:

- **Enhancing community participation:** establishing a new part of the Act that consolidates community consultation provisions, requiring decision-makers to give reasons for their decisions and requiring early consultation.
- **Completing the strategic planning framework:** through new local strategic planning statements, up to date Local Environment Plans and more consistent and workable Development Control Plans (DCP's)
- **Development pathways:** improvements to the various development pathways and preventing the misuse of modifications
- **State significant development:** better environmental impact assessment and more effective conditions of consent
- **Clearer building provisions:** simplified and consolidated building provisions, allowing conditions on construction certificates and ensuring consistency with development approvals
- **Elevating the role of design:** through a new design object in the act, and a Design-Led Planning Strategy
- **Improving enforcement:** introduction of enforceable undertakings in compliance actions.

The main issues raised in the proposed Council submission (Attachment 1) include:

- The lack of detail around some of the changes, with DP&E stating that the detail will be provided with draft changes to the Regulation which will be exhibited at a later date. As such it is difficult to fully assess the implications of the changes as the detail is not there.
- Questioning why the previously proposed 'health' objective (and possibly others) is absent from the current proposal, and why 'climate change', for example, has not been included in the new objectives given the significance of this issue.
- The expectation that may be created around the proposed Community Participation Charter.
- The need for the proposed Local Planning Statements to be flexible and reflect the nature of a local area.
- The requirement to notify all development applications may lead to unnecessary delays in the process
- More detail is needed on the standardised Development Control Plan format being proposed
- Concerns around some of the changes being proposed to Complying Development processes
- The structure of the proposed Local Planning Panels.
- The additional workload requirements that will result from the proposed changes and how this will be managed

Additional comment and further detail is provided in the draft submission included as **Attachment 1**.

Community Engagement

A range of material has been made available to explain the proposed updates and DP&E have run a number of information sessions on the proposals, including one in Wollongong.

Policy Implications

There are no immediate policy implications for Council in making a submission on the draft Legislative Updates. However, if the proposed changes eventuate, there are likely to be a range of policy implications for Council and these are touched on in the proposed submission. This will be clarified further when the expected changes to the EP&A Act and associated regulations are finalised. Staff will also continue to review and provide comment on the changes as they roll out.

Financial Implications

There are no immediate financial implications in making a submission on the draft Planning Legislation Updates. The financial implications will be examined further when the changes to the EP&A Act and associated Regulations are finalised.

If the changes do proceed, there are likely to be financial implications for Council in responding to the changes, for example adjusting processes/procedures.

Risk Implications

Should the proposed changes eventuate some of the risks that could eventuate are:

- Implementing the changes will be a resource intensive undertaking and this may delay work on projects identified in Council's Strategic Planning Works Program (new one is currently under development) and other Works Plans. Any Planning Proposals received from external parties cannot be delayed as there are legislative guidelines around those processes and staff may be required to suspend important Council initiated Strategic Planning projects to focus on implementing the required changes.
- The DCP standardisation could impact on Council's established planning controls. DP&E have stated that they will not be making any changes to how our DCP operates, but in looking at the LEP standardisation the project was resource intensive and drawn out. There was also a loss of local control or provisions through the LEP process. If this occurs through the DCP process this could be a 'risk'.
- There is still a lot of uncertainty around the proposed changes as DP&E have not provided adequate detail to measure the associated risks. They have stated that the detail will come through when the new regulations are exhibited at some later date.

Some other potential risks relate to:

Requirement for Community Participation Plans – this could be a separate piece of work, if our Community Strategic Plan does not cover it in enough detail it could take some time to develop with the 'community'. There is also a 'risk' that once it is prepared Council will constantly be called upon to account against it by the community and others i.e. have we acted consistent with our plan?

Reasons for Decisions – there is likely to be more focus on this as part of making development decisions. There could be a requirement to be more explicit in this regard, although it is unclear at present until the supporting Regulations are released.

Local Strategic Planning Statement – needs to be prepared and reviewed every 5 years. This could be a time consuming and onerous task given the size and nature of Shoalhaven.

LEP Health Check – every 5 years there is a need to check the performance of your LEP. This could have a positive or negative impact – if we end up in a full blown LEP review every 5 years this could be problematic and difficult to manage, particularly around community expectations and workload.

Broadening the Ministers Power – the Bill appears to propose that the Minister be given power to determine more development applications. More detail is needed in the Regulation on when this may occur.

Local Planning Panels – there are a range of risks in this regard, including limiting Council representation on Panels and also potentially removing planning powers from elected Councils.

Complying Development & Compliance – there are a potentially a range of ‘risks’ in these areas of the Bill given the nature of the proposals.

These risks will continue to be examined and considered as the detail of the proposed changes is finalised and implemented.



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Council Reference: 44089E (D17/58586)

Ms Alison Frame
NSW Planning & Environment – Policy & Strategy Division
GPO Box 39
SYDNEY NSW 2001

By email:

Dear Ms Frame

Submission – Planning Legislation Updates

Council welcomes the opportunity to provide comment on this important matter and following consideration of a detailed report resolved on.

The updates are wide ranging and have taken some time for Council to review and consider. In future it may be prudent to provide extended timeframes to allow for submissions such as this to go through the formal Council reporting processes for endorsement.

Some of the concepts being put forward through these reforms lack the necessary detail to quantify impacts on Council, the community and on the planning framework in general. Therefore much of the submission is commenting on what has been presented and been made available to provide feedback on. Council is generally concerned that we do not see and get to comment on the overall detail of the reforms. Ideally it would be preferred if the total package of reforms can be reviewed at one time.

Updated Objects

- Council supports the proposal to modernise the objectives of the EP&A Act and the specific promotion of good design and heritage conservation. However we question why the 'health' aspects which were originally included in the Planning Reform White Paper was not also included. There are potentially a range of additional objectives that could be included as part of this update. Specific consideration should be given to including an objective which references climate change and planning responses to it.

Enhancing Community Participation

- Generally support community participation plans – this is generally seen as an improvement (if not already covered in the Community Engagement Strategy under the *Local Government Act*) and will hopefully help the community better understand planning processes and improve their participation, however, it should clearly outline how community participation will impact the process e.g. inform, consult etc. It also needs to be acknowledged that the expectations arising from this may be time consuming and difficult for Council's to manage.
- Providing planning information in plain English should include full definitions of any technical terms or planning jargon. Flow charts may assist in explaining processes.
- Pre-lodgement consultation – encouraging proponents to have direct, early consultation with affected members of the public can be beneficial, by airing issues early in the process and improving transparency in the Development Application (DA) process, however, this should also not replace the objective consultations undertaken by Council. Additionally, we question the need for incentives to developers to conduct early consultation with the neighbourhood. If developers conduct good early consultation, this would be an incentive in itself, in that there will hopefully be less objections as they would have already responded to issues raised early in the process. Providing incentives to do this may not achieve desirable outcomes.

It may be more appropriate for this to be an informal option for developers. It would enable them to undertake consultation early in a DA process and allow them to then respond to issues. Formalising the process and adding incentives may create problems and the appearance that developers are being rewarded for undertaking limited advice to people early in their development process.

- Under 2.23(2)(f) of the draft Bill, applicants of “major development” (there is no definition of major development) will be required to have prior consultation with the community. This may lead to delays if the definition of “major development” is not carefully considered and a regional perspective applied on what might be deemed major. Without the detail that will come with the Regulations, it is difficult to comment fully on the proposal.
- The proposal to change the current minimum public exhibition requirements so that all DA's will be required to be exhibited for 14 days will take away Council's discretion in this regard, which may add unnecessary delays to the process, under which there is constant pressure from the State Government to reduce delays and streamline the process. This would increase the cost to applicants, if Council is required to notify landowners, applicants will be charged an advertising fee.

It will cause unnecessary delays to simple applications that would be Complying Development (CD) if it were not for a minor variation from complying codes, for example a two storey dwelling can be approved in regional areas without any neighbour notification but a single storey dwelling as local development will be required to be notified for 14 days. Council currently has categories of local development that do not

require neighbour notification when they meet certain zoning and locational criteria that identify them as unlikely to materially affect neighbours.

- In relation to the exhibition periods for certain documents, it may be helpful if the Act explicitly states that the days are calendar or business days. It would also be helpful to state a position on whether days are to be added to an exhibition period when there are public holidays within it or over the Christmas holiday period during which a number of Council's have a close down period between Christmas and the New Year.
- The requirement to publicly notify the reasons for development application decisions and how community views were taken into account could be an onerous requirement if it is applied to all local development decisions. There should be categories of local development where this is not required. This provision should only be required to be notified on the NSW Planning Portal and not in print media or something similar.
- Greater guidance and advice on how to prepare a community consultation plan and undertake consultation to improve transparency in decision making is supported.
- Incorporating new social media approaches in the community consultation guidelines is also supported. This should outline how new approaches can be used to meet the requirements of the EP&A Act.

Completing the Strategic Framework

- **Local Strategic Planning Statements**
 - The proposed Local Strategic Planning Statements are supported as an improved link in the hierarchy of plans, as well as the link with the Community Strategic Plan. It is hoped that this will provide greater guidance and emphasis on planning at the local level.
 - The Local Strategic Planning Statements need to be flexible and be capable of reflecting changing communities over time and the uniqueness of a local area. Plans at a local level need to vary according to different social, cultural, economic and environmental aspects. Clarification is needed on the form and make up of these Statements and the preparation of them needs to be manageable.
 - Following the proposed legislative changes it may be necessary to review and update the current Section 117 Directions.
- **Local Environmental Plans (LEP's)**
 - The regular review of LEP's is generally supported, however the give (5) year timeframe requires consideration. Council elections are held every four years. When a 'new' Council is elected, they must adopt a new Community Strategic Plan, it would make sense that the LEP health check or review follow this.
 - There should be exemptions from major LEP reviews, for example, if Council has completed recent comprehensive housekeeping amendment/s otherwise there may be additional resource implications involved in a lengthy review process.

- As the reforms are implemented greater clarity and guidance is required on this aspect so that the expectations on Council are clear and the community can also understand what is envisaged/expected.

- **Development Control Plans (DCP's)**

- The move to a standard format for DCP's has merit and will help the community, developers and Council staff understand and use them. However there is a lack of detail on the DCP approval/adoption process and the level of involvement of DP&E in the process.
- There are concerns that the proposed standardisation could lead to the loss of local provisions that are supported by Council and the community as was experienced with the introduction of the Standard LEP Instrument Template.
- It is understood that the proposed standard DCP format will be developed in consultation with Councils. Significant involvement is requested and this is particularly important as every Council DCP is different.
- The majority of the State planning amendments appear to be very metropolitan focused. It is imperative that the standard DCP format enables regional and locally specific variation to ensure that unique characteristics and variable development pressures can be accurately addressed for each LGA.
- The Shoalhaven DCP 2014 is currently a performance based document. Thus a mandatory transfer to a prescriptive model is not supported. Similarly with model provisions, some may be appropriate in a metropolitan setting, however it is essential that they take regional differences into account and should possibly be optional only.
- The standard DCP format should only be a transfer of existing content into a standard template. The Summary of Proposals indicates that the content of the DCP will 'remain a matter for Councils. This is supported - Councils should not be expected to undertake a comprehensive review of their citywide DCP, nor should they be required to remove or change area specific content to fit in a State-wide template. This commitment should be retained.
- Council supports the proposal that DCPs will be notified through the Planning Portal. It would also be helpful if members of the public can subscribe to notification of possible changes so they can keep updated.
- Council requests that DP&E provides consultation during the preparation of a standard DCP format and in relevant stages i.e. Statement of Intended Effects (SIE), draft model provisions and the final draft DCP template. It is not acceptable to jump from a SIE to the effective final documentation. Council staff require time and the opportunity to absorb the proposed changes and comment accordingly. Workshops and one-on-one sessions with Councils are requested.
- It is requested that a staff member of Shoalhaven City Council be included on the proposed DCP working group when it is set up.

Better Processes for Local Development

- Early consultation with neighbours is supported, however CD currently requires no consultation, thus it may be appropriate to expand this to include certain CD types (those with greater impacts).
- Greater efficiencies in approvals and associated advice from NSW agencies is supported. However, more detail is required in this regard. If DP&E is to have the suggested coordinating role, then it should also be properly resourced.
- There are concerns around the deferred commencement of CDC's. CD is supposed to be minor development with minimal impact and is required to comply with the mandated code provisions. The necessity for CDC's to be deferred raises the question as to whether the proposal should be CD at all. The example given in the Planning Legislation Updates Summary cites a CDC being issued prior to the registration of a lot. A CDC should not be issued prior to the actual creation of a lot due to the uncertainty around an unregistered lot. This is likely to prove impractical and frustrating for applicant in a number of circumstances where the parent lot may be affected by certain environmental constraints triggering a response in Clause 3 in Section 149 Planning Certificates that states complying development may not be carried out on the land, however the future lot may not be affected and complying development could be carried out on the land.
- The changes that provide clarification and prevent unintentional court decisions are supported
- Council supports increased guidance on Section 96 modifications to ensure the development is substantially the same development as described in the development consent. The documentation provided does not provide any useful detail on the process DP&E is proposing to deal with Section 96 modifications to retrospectively consider unauthorised. This could result in multiple development consents for the one development, this will potentially cause confusion, significant red tape and delays.

There may be other options available that could act as a deterrent to modifications and these should also be explored.

- Anything to improve the CDC process and legislative compliance is welcomed provided the simplification does not lead to increases in cumulative impacts, noncompliance, poor design outcomes and community dissatisfaction.
- Greater transparency for CD will hopefully improve confidence in the system. The exhibited information proposes to require certifiers provide documents and plans to neighbours in metropolitan areas, with no explanation as to why regional areas will be exempt from this. Council requests that DP&E require the same for regional areas.

- Council has no issue with CDC's being declared invalid, however, if Council's are to have an auditing role, then adequate funding needs to be made available to enable checking and compliance to be resourced.
- It is suggested that some sensitive categories of CD should be limited to Council certifiers. As CD grows, DP&E must recognise the need for additional safeguards. Development that potentially impacts on local values or sensitive areas should go through to the DA process to appropriately identify and address the impacts instead of being considered as CD.
- New investigative powers for Council are a good idea however the rapid expansion of CDC's will inevitably mean significant Council's resources will be required to ensure compliance. The compliance levy is a good idea but it needs to be sufficient, and appropriately indexed to cover the costs of the investigation and enforcement activity.

Council has major concerns with Council regulating Private Certifiers as there is a serious conflict of interest as Council is ultimately competing with Private Certifiers for this work. If the NSW Government and the Building Professionals Board cannot investigate and enforce the legislation for CD then perhaps private certification should be wound back and the implementation of CD returned to Councils. The current proposal appears to be cost shifting and it is unlikely that sufficient funding (via the levy) will actually be returned to Councils to meet the costs incurred as a significant amount will be expended in collecting and distributing the levy.

Better Processes for State Development

- Ending the transitional arrangements in respect of the repealed Part 3A would assist in reducing a layer of complexity.
- Council has some reservations in relation to the proposal to defer some aspects of State Significant Development stages to local Councils. Councils will then have to deal with community issues associated with development and no power to refuse (for example) if it complies with the original State Significant Concept Approval.

Facilitating Infrastructure Delivery

- The measures to ensure inappropriate development does not occur within infrastructure corridors is supported

Fair and Consistent Planning Agreements

- Introducing a revised Practice Note, Policy, Planning Circular and Ministerial Direction to make planning agreements between developers and Councils fairer, more consistent and more transparent is supported. Further detail would be welcomed on this and Council requests that a draft be distributed for review/consideration before the final documentation is published.

- Council has previously provided a submission as part of the review of Voluntary Planning Agreements that provides further detail in response to these proposed changes.

Confidence in Decision Making

- Council is concerned that the proposed reforms seek to establish a greater vehicle for the removal of planning powers from elected Councils and require them to establish a Local Planning Panel to determine DA's.
- Local Planning Panels may be a good way to avoid conflicts of interest in some circumstances, however their membership will need to be carefully selected to ensure community confidence. The implementation and reporting of Local Planning Panels should go beyond simplistic timeframes and approval numbers. Speed of approvals is not an indicator of sound assessment and sound decision making.
- There are a range of questions/uncertainties in regard to this aspect:-
 - How are community representatives identified and appointed (does this include Councillors?).
 - How is independence vetted and the credentials to act in the public interest checked? Leaving Councillors out may be controversial and it may be better to include some Councillors on the panel to maintain a balance and greater transparency in the decision making process.
- Whilst not explicitly outlined in the Summary of Proposals, it is expected that members will sit on panels hearing issues that they are an expert in.
- Council has no objection in principle to the internal review options suggested for proponents, however any process in this regard needs to be completely transparent.
- It is assumed that the provision in relation to reviews and appeals will not be activated until the planning portal is established and fully operational. There should be a level playing field in this regard and the proposed provision enabling appeals on Council decisions related to Certificate applications should also be extended to Private Certifiers.

Clearer Building Provisions

- Building and Subdivision Certification - requirements before commencement [Part 6.6 of the Draft Bill], the Regulations should provide for penalty infringement notices to cover failure of Private Certifiers to comply with the provisions.

Elevating the Role of Design

- Encouraging good design is welcomed as the proposed new objective in the Act reflects this. Good design should also be incorporated into CD to achieve better outcomes and reduce the cumulative impacts of this type of development.

Enhancing the Enforcement Toolkit

- The draft proposals do not improve the situation when Council has to enter land and carry out the terms of an Order and can only recover the associated costs as a debt in court – representations have previously been made to have this changed so that the debt can be made on the property and recovered from any future sale when necessary similar to a rates debt. It is noted that currently in many circumstances the owner does not have the means to pay the debt in the short term and Council is left with the costs and little or no hope of recovery.

Concluding Comments

- Council welcomes the Government's desire to continue to improve the operations of the NSW Planning Act and its supporting legislation. It is imperative that there is an ongoing dialogue in this regard with Local Government, particularly as the detail of proposed changes is firmed up and rolled out.
- There is an over-arching concern that given the nature of the different planning reforms that are continually being undertaken that there is the potential for inconsistencies, unintended consequences and similar to arise. Plus it is important that someone has an oversight role in terms of how all the changes relate (or possibly do not) and any overlaps, inconsistencies etc. resolved early and before changes are implemented. In this regard, whilst the need to break the reforms up into manageable/achievable components is understood, the Government is still encouraged to undertake a holistic review of the NSW Environmental Planning & Assessment Act 1979 and consider constructing new contemporary legislation to take us into the future. Council looks forward to continued involvement in the proposed legislation updates and reforms.

If you need further information about this matter, please contact Steven Horvath, Planning & Development Services Group on (02) 4429 3570. Please quote Council's reference 44089E (D17/58586).

Yours faithfully

Gordon Clark
Strategic Planning Manager
23/02/2017

CL17.88 National Climate Change Adaptation Research Facility (NCCARF) - Support Continuation

HPERM Ref: D17/80372

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Draft Ministerial Letter [↓](#)

Purpose / Summary

The Australian Coastal Councils Association has written to its member Councils requesting that they consider approaching the Federal Government to extend the funding for the National Climate Change Adaptation Research Facility.

Recommendation

That Council call on the Minister for the Environment and Energy to extend funding for the National Climate Change Adaptation Research Facility (NCCARF) to enable it to continue to provide much-needed support and guidance to coastal councils in their efforts to respond to the projected impacts of climate.

Options

1. Receive for information

Implications: This will effectively mean that Council takes no action in this regard and does not lend it support to calls for the funding for the NCCARF to be continued.

2. As recommended - Call on the Minister to extend funding for the NCCARF.

Implications: This will ensure that Council acts consistent with the request from the Australian Coastal Councils Association (ACCA) and takes the opportunity to remind the Minister of the role the research facility plays and how critical this is to coastal councils. The ACCA have provided a draft letter for its members to send to the Minister if this option is accepted – see Attachment 1.

Background

Council has been an active member of the ACCA, formerly the Sea Change Taskforce, for some time. The ACCA has recently contacted its members recommending that they write to the Federal Minister for the Environment and Energy, Josh Frydenberg MP, in support of extending funding for the National Climate Change Adaptation Research Facility (NCCARF).

The ACCA has provided the following background in this regard.

Delegates attending the 2016 ALGA National General Assembly held in Canberra in June 2016, unanimously ratified the following Resolution as being of national importance for local government:

Resolution 40.1

Bega Valley Shire Council NSW, Eurobodalla Shire Council NSW and East Gippsland Shire Council VIC

That the National General Assembly call on the Australian Government to develop an Intergovernmental Agreement on the Coastal Zone in consultation with state, territory and local government as a means of defining the roles and responsibilities of each tier of government in relation to coastal zone management.

The Resolution was subsequently considered by the ALGA Board when setting national local government policy. The Board expressed its support for the Resolution in a letter to the Minister for Environment and Energy, the Hon Josh Frydenberg MP, on the matter.

In the Minister's response to the President of ALGA he stated that:

The Government provides national leadership on building resilience and managing climate risk by providing climate change science and adaptation information. The Government provides the leadership role by:

- *Coordinating national adaptation efforts, such as the CoastAdapt which is a national scale tool that supports local decision making and action.*

The Government is supporting development of CoastAdapt and other Climate Change Adaptation Research Facility initiatives through a commitment of \$9 million over three years from 2014-15.

The response indicates that the Government is aware of the vital role that CoastAdapt and other NCCARF initiatives play in supporting coastal councils in their efforts to adapt to the projected impacts of climate change. The current allocation of Australian Government funding for the NCCARF, however, is scheduled to conclude in July 2017.

Conclusion

It is recommended that Council adopt the motion and write to the Minister in support of extending Australian Government funding for the NCCARF so that the Facility can continue to provide much-needed support to coastal councils in their efforts to respond to the projected impacts of more frequent and severe extreme weather events and other climate impacts.

Community Engagement

No direct community engagement is required at this point by Council.

Policy Implications

Council is a member of the ACCA and has been requested by them to consider writing to the Minister in this regard.

Financial Implications

There are currently no direct financial implications for Council arising from this report, other than the staff time required to prepare the letter to the Minister if this option is supported.

Risk Implications

The NCCARF has been at the forefront of research and other actions related to climate change. Most recently they have released the online adaptation tool 'CoastAdapt' which has been of great benefit and they have generally supported councils in their efforts to adapt to the projected impacts of climate change. This support role is critical in assisting responses to risks associated with climate change.

DRAFT

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
PO Box 6022
Parliament House
Canberra ACT 2600

Dear Minister Frydenberg,

I am writing in response to your letter dated 17 October 2016 to the President of the Australian Local Government Association in relation to Resolution 40.1, which was adopted by delegates at the ALGA National General Assembly in June 2016.

The response you provided to this resolution states that:

The Government provides national leadership on building resilience and managing climate risk by providing climate change science and adaptation information. The Government provides the leadership role by:

- *Coordinating national adaptation efforts, such as the CoastAdapt which is a national scale tool that supports local decision making and action.*

The Government is supporting development of CoastAdapt and other Climate Change Adaptation Research Facility initiatives through a commitment of \$9 million over three years from 2014-15.

This response clearly indicates that the Government is aware of the vital role that CoastAdapt and other NCCARF initiatives play in supporting coastal councils in their efforts to adapt to the projected impacts of climate change.

As you would be aware, coastal councils are at the forefront of efforts to deal with the inevitable risks associated with climate change. Seven years ago a comprehensive Australian Government report estimated that approximately 247,000 existing homes in coastal areas were at risk of inundation from sea level rise over the next century, which did not include public assets such as roads, schools, hospitals and power stations. At the moment, the task of dealing with these risks is left almost entirely to coastal councils. The scale of the challenge is immense and requires a national approach, national leadership and national support.

On behalf of all coastal councils we therefore respectfully propose that funding for the National Climate Change Adaptation Research Facility (NCCARF) be extended beyond July 2017 to enable it to continue to provide much-needed support and guidance to coastal councils in their efforts to respond to the projected impacts of climate change.

Yours sincerely,

CL17.89 Readoption and Rescission of On-site Sewage Management Policies

HPERM Ref: D17/76684

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments: 1. Local Approvals Policy - On-site Sewage Management (under separate cover) [⇒](#)
 2. Sewage Management Strategy (under separate cover) [⇒](#)

Purpose / Summary

To consider the re-adoption of the Local Approvals Policy - *On-site Sewage Management* and to consider rescinding the *Sewage Management Strategy*.

Recommendation

That Council rescind the *Sewage Management Strategy* and re-adopt the Local Approval Policy – *On-site Sewage Management*, with the amendments outlined in the report.

Options

1. Adopt the recommendation

Implications: The reduction in the number of Council policies in relation to on-site sewage management and ensuring consistency between the Local Approvals Policy and Council's Development Control Plan 2014 will assist with policy implementation and interpretation.

2. Not adopt the recommendation and give further direction to staff.

Implications: Unknown

Background

The following Council policies relating to On-site Sewage Management have been reviewed.

Sewage Management Strategy

Council's *Sewage Management Strategy* was adopted in 1999 in response to a change in the Local Government Act requiring Council approval to operate a system of sewage management. The strategy covers the philosophy and operational requirements for the installation, monitoring, performance and regulation of on-site sewage management systems within the Shoalhaven City local government area.

This strategy should be rescinded as much of the information contained within the Strategy is now either out-of-date or incorporated into Council's Local Approvals Policy – *On-site Sewage Management* and/or the Shoalhaven Development Control Plan 2014.

Local Approvals Policy – On-site Sewage Management

Council's Local Approvals Policy – *On-site Sewage Management* (the Policy) was originally adopted in 1998 and was most recently amended in 2013. The purpose of the policy is to

specify the environmental and public health requirements for the on-site storage, treatment and application of effluent; and detail the information required to be provided with applications for Council approval.

Council's Development Control Plan was implemented in 2014. Its development involved a review of the Policy and included:

- grammatical changes;
- formatting changes; and
- updates in legislation.

Those changes are now recommended to be made to the Policy. Further changes to the Policy are also recommended incorporating required information from the Sewage Management Strategy before it is rescinded. This includes further detail on the operational, monitoring and performance requirements of on-site sewage management systems.

Policy Implications

Amending the Local Approvals Policy – *On-site Sewage Management* in accordance with Council's Development Control Plan 2014 will ensure consistency between Council policies.

CL17.90 Balloon Release Ban

HPERM Ref: D17/82961

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

The Mayor of Eurobodalla Shire Council has approached Shoalhaven City Council to consider banning the release of balloons at Council events and in Council owned or managed reserves.

Recommendation

That Council ban balloon releases at Council events and in Council owned or managed reserves.

Options

1. That Council ban balloon releases at Council events and in Council owned or managed reserves.

Implications: Council currently suggests alternative options rather than balloon e.g. native butterflies. A formalised policy would provide stronger direction to staff and the community. This option also supports our neighbouring Council's position and sends a consistent message about protection of our unique environment.

2. Reply to the Mayor of Eurobodalla explaining why Shoalhaven Council will not be banning the release of balloons in Council reserves and at Council events.

Implications: Under the *NSW Protection of the Environment Operations Act 1997 – Amendment (Balloons) Act 2000* it is illegal to release 20 or more gas filled balloons at, or about, the same time. On the spot fines can be issued. A decision not to discourage balloon releases would need to be carefully monitored to ensure people are not in breach of this legislation.

3. Council recommend an alternative approach.

Implications: Unknown

Background

Balloons can cause significant harm to land and sea creatures. Even the natural latex balloons take months to break down and are known to harm and kill animals in both the marine environment and on land. The attached strings and clips on the balloons last a long time in the environment and can be eaten or entangle marine species.

Balloons travel great distances once released. Our tourism industry relies on our sea life for many ecotourism opportunities. Given the proximity of all our towns to the sea, the likelihood of balloons ending up in waterbodies is high.

This is a small but important step to help protect the environment upon which our tourism industry is based.

Community Engagement

Council currently suggests alternatives options rather than balloon e.g. native butterflies.

Policy Implications

This would be in keeping with the NSW legislation which identifies balloon releases as a hazard.

Financial Implications

NA

Risk Implications

No foreseeable risks.

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.