

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 13 June, 2017  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5:00pm

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

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

## Agenda

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**9. Confidential Reports**

Nil

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## Strategy and Assets Committee

### Delegation:

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

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

### Schedule:

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



10. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
11. Review and make recommendations to Council in relation to:
  - a) The sale prices of land in connection with residential and industrial Council subdivisions;
  - b) The sale of Council property or the purchase or resumption of land;
  - c) The compensation to be offered in respect of land resumed by Council; and
  - d) Properties leased or rented by Council, other than those delegated to the General Manager for approval and execution in accordance with MIN14.912 and MIN15.237 of the Council.
12. To determine and accept all tenders with a value of \$1 Million or more, except those tenders required by law to be determined by full Council (MIN17.334).

## MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

**Meeting Date:** Tuesday, 16 May 2017

**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra

**Time:** 5:02pm

The following members were present:

Clr Andrew Guile - Chairperson

Clr Joanna Gash

Clr Nina Cheyne

Clr Kaye Gartner - arrived 5.04pm

Clr Amanda Findley

Clr Mitchell Pakes

Clr Greg Watson

Clr Mark Kitchener - left the meeting - 7.26pm

Clr Bob Proudfoot

Mr Russ Pigg - General Manager - arrived 5.04pm

### Apologies / Leave of Absence

Apologies were received from Clr Levett, Clr White, Clr Wells, Clr Alldrick

### Confirmation of the Minutes

**RESOLVED** (Clr Findley / Clr Cheyne)

MIN17.383

That the Minutes of the Strategy and Assets Committee held on Tuesday 18 April 2017 be confirmed.

CARRIED

### Declarations of Interest

Clr Gash – SA17.132 - Surrender of Lease - Reflections Café - Slice of Life – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – Karen Anstiss is known to her and stood for Team Gash in the 2012 election.

## MAYORAL MINUTES

### **MMS17.1 Mayoral Minute - Question on Notice - Kangaroo Valley Footbridge**

**HPERM Ref:  
D17/146223**

Note: Cllr Gartner and Russ Pigg arrived, the time being 5.04pm.

#### **Recommendation (Item to be determined under delegated authority)**

That Staff provide a brief status report to Council on the Upper Kangaroo River Footbridge issue – advising when a report would be forthcoming about the future management of the bridge.

**RESOLVED** (Cllr Findley / Cllr Guile)

MIN17.384

That Staff provide a brief status report to Council on the Upper Kangaroo River Footbridge issue – advising when a report would be forthcoming about the future management of the bridge.

CARRIED

### **MMS17.2 Mayoral Minute - Variation to Camping Fees for Nowra Showground & Other Campgrounds**

**HPERM Ref:  
D17/148491**

#### **Recommendation (Item to be determined under delegated authority)**

That Council adopt a flat fee of \$25 per week for persons registered with the Homeless hub and camping at Nowra Showground and any other of Councils facilities that attract a fee, excluding Holiday Haven.

**MOTION** (Cllr Findley / Cllr Cheyne)

MIN17.385

That Council adopt a flat fee of \$25 per week for persons registered with the Homeless hub and camping at Nowra Showground and any other of Councils facilities that attract a fee, excluding Holiday Haven.

FOR: Cllr Gash, Cllr Cheyne, Cllr Gartner and Cllr Findley

AGAINST: Cllr Guile, Cllr Pakes, Cllr Watson, Cllr Kitchener, Cllr Proudfoot and Russ Pigg

**LOST**

### **Procedural Motion - Bring Item Forward**

**RESOLVED** (Cllr Findley / Cllr Cheyne)

MIN17.386

That the matter of item SA17.122 - Improvements to Nowra Showground – Nowra Ideas Day be brought forward for consideration.

CARRIED

### **SA17.122 Improvements to Nowra Showground - Nowra Ideas Day**

**HPERM Ref:  
D17/115403**

#### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Continue to retain existing arrangements at Nowra Showground which involves daily Ranger site visits.
2. Consider an allocation of \$10,000 in 2017/18 to develop a Nowra Showground Review and Strategy which will consider but not limited to the future camping, caravanning and management structure options.

3. Consider an allocation of \$354,000 in 2017/18 budget to undertake identified road sealing and maintenance works.
4. In partnership with the Nowra Show Society, continue to seek funding to undertake embellishments such as arena fencing, seating and painting.
5. Complete the resolution (MIN16.706) to transition the current 355 Management Committee for Nowra Communal Hall to an occupancy agreement as per the adopted resolution in October 2016.

**MOTION (Clr Findley / Clr Gash)**

That Council:

1. Continue to retain existing arrangements at Nowra Showground which involves daily Ranger site visits.
2. Consider an allocation of \$10,000 in 2017/18 to develop a Nowra Showground Review and Strategy which will consider but not limited to the future camping, caravanning and management structure options.
3. Consider an allocation of \$354,000 in 2017/18 budget to undertake identified road sealing and maintenance works.
4. In partnership with the Nowra Show Society, continue to seek funding to undertake embellishments such as arena fencing, seating and painting.
5. Nowra community hall move to an occupancy agreement as per the cl resolution 2016? to ensure the use of the hall which is conditional
6. Council hold a community meeting with all stakeholders in relation to proceeding with a Section 355 Committee for the complete showground site

**AMENDMENT (Clr Pakes / Clr Watson)**

That Council:

1. Continue to retain existing arrangements at Nowra Showground which involves daily Ranger site visits.
2. Consider an allocation of \$10,000 in 2017/18 to develop a Nowra Showground Review and Strategy which will consider but not limited to the future camping, caravanning and management structure options.
3. Consider an allocation of \$354,000 in 2017/18 budget to undertake identified road sealing and maintenance works.
4. In partnership with the Nowra Show Society, continue to seek funding to undertake embellishments such as arena fencing, seating and painting.
5. Council establish a 355 Committee (Showground Committee) across the whole showground site, and staff report back on the establishment of the Committee, Terms of Reference and membership.

FOR: Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Gash, Clr Cheyne, Clr Gartner, Clr Findley and Clr Kitchener

CARRIED on the CASTING VOTE of the chair

The AMENDMENT Became the MOTION, however during debate was further amended prior to resolution

**RESOLVED** (Clr Guile / Clr Pakes)

MIN17.387

That Council:

1. Continue to retain existing arrangements at Nowra Showground which involves daily Ranger site visits, Until such time that a caretaker arrangement can be determined
2. Consider an allocation of \$10,000 in 2017/18 to develop a Nowra Showground Review and Strategy which will consider but not limited to the future camping, caravanning and management structure options.
3. Consider an allocation of \$354,000 in 2017/18 budget to undertake identified road sealing and maintenance works.
4. In partnership with the Nowra Show Society, continue to seek funding to undertake embellishments such as arena fencing, seating and painting.
5. Council establish a 355 Committee (Showground Committee) across the whole showground site, and staff report back on the establishment of the Committee, Terms of Reference and membership.

FOR: Clr Guile, Clr Gash, Clr Cheyne, Clr Gartner, Clr Findley, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

AGAINST: Nil

CARRIED

## DEPUTATIONS AND PRESENTATIONS

Prof. Gary Moore (Secretary of the Upper Kangaroo River Progress Association) addressed the Committee in relation to MMS17.1 – Kangaroo Valley Footbridge and tabled the following petition

### Presentation of Petitions

Prof. Gary Moore (Secretary of the Upper Kangaroo River Progress Association) presented a petition containing 1,156 signatures which states “Please STOP the plans for the demolition of the footbridge across the Kangaroo River in the Upper Kangaroo River area of Kangaroo Valley. Please continue to maintain this historic footbridge for the benefit of the local residents of Kangaroo Valley, the wider Shoalhaven and the many who visit here. The Shoalhaven prides itself on being a tourist destination. It is vital that you do not remove one of the jewels in the crown of Shoalhaven’s beauty and history!”

Ms Gail Drummond (Sussex Inlet Community Forum) addressed the Committee in relation to SA17.120 – March 2017 – Quarterly Budget Review.

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Findley / Clr Guile)

MIN17.388

That the matters of the following items be brought forward for consideration.

- SA17.120 - March 2017 Quarterly Budget Review
- SA17.133 - Old Bakery - Disposal of property 124 -126 Jacobs Drive, Sussex Inlet

CARRIED

**SA17.120 March 2017 Quarterly Budget Review**

**HPERM Ref:  
D17/130938**

**Recommendation**

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

**Recommendation** (Clr Findley / Clr Proudfoot)

That Council:

1. Adopt the March Quarterly Budget Review and vote movements outlined in the Quarterly Budget Review Statement;
2. Fund the Sussex Inlet Streetscape improvements for the full scope of works, which will cost Council an additional \$500K. Council has identified \$500,000 in the draft 2017/18 DP/OP & budget documents for "Streetscape renewals" funded by the SRV. This could be allocated to Sussex Inlet Stage 2 if council decides to adopt the 13.2% rate increase approved by IPART.

CARRIED

**Procedural Motion - Bring Item Forward**

**RESOLVED** (Clr Pakes / Clr Watson)

MIN17.389

That the matter of item SA17.124 - Shoalhaven Tourism Advisory Group - Quorum and Membership be brought forward for consideration.

CARRIED

**SA17.124 Shoalhaven Tourism Advisory Group - Quorum and Membership**

**HPERM Ref:  
D17/137336**

**Recommendation**

That the Terms of Reference for STAG be amended as follows;

**1. Membership**

The membership shall comprise of the following delegates:

- A maximum of 9 skills based Industry Representatives, each position holding one membership vote each
- All Councillors to be recognized as official members, with membership vote limited to two positions, voting Councillors to be nominated to STAG by Council.
- Chairperson of the Shoalhaven Sports Board
- A representative of National Parks and Wildlife (NPWS) as nominated by NPWS, holding one membership vote
- The Mayor

**2. The quorum** be set to 7 members.

**Recommendation** (Clr Pakes / Clr Watson)

That:

1. The Terms of Reference for Shoalhaven Tourism Advisory Group (STAG) be amended as

follows;

- a. The membership shall comprise of the following delegates:
  - b. A maximum of 9 skills based Industry Representatives, each position holding one membership vote each
  - c. All Councillors to be recognized as official members, with membership vote limited to two positions, voting Councillors to be nominated to STAG by Council.
  - d. Chairperson of the Shoalhaven Sports Board
  - e. A representative of National Parks and Wildlife (NPWS) as nominated by NPWS, holding one membership vote
  - f. The Mayor
2. The quorum be set to 7 members.
3. Council delegate to the STAG the following powers
  - a. To endorse the Tourism Promotions budget
  - b. To review the Tourism Promotions budget on a quarterly basis
  - c. To expend the funds from the Tourism promotions budget

CARRIED

**Note:** Council be provided with a briefing on Tuesday 24 May 2017 at 4.00pm to consider how Council could delegate a budget to the Shoalhaven Tourism Advisory Group for future operations.

**SA17.133 Old Bakery - Disposal of property 124 -126 Jacobs Drive, Sussex Inlet**

**HPERM Ref: D17/139588**

**Recommendation**

Council:

1. Advertise its intention to dispose of the Old Sussex Inlet Bakery in accordance with Policy 16/256 and if no objections are received, authorise the sale by public auction of the property located at 124-126 Jacobs Drive, Sussex Inlet comprised in Lots 97 & 98 DP 21038
2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction.
3. Fund all costs associated with the sale from job 88818 and the net income be placed in the Strategic Property Reserve; and
4. Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

Note: Clr Kitchener left the meeting, the time being 7.26pm

**Recommendation** (Clr Proudfoot / Clr Pakes)

Council:

1. Advertise its intention to dispose of the Old Sussex Inlet Bakery in accordance with Policy 16/256 and if no objections are received, authorise the sale by public auction of the property located at 124-126 Jacobs Drive, Sussex Inlet comprised in Lots 97 & 98 DP 21038
2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to

finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction.

3. Fund all costs associated with the sale from job 88818 and the net income be placed in the Strategic Property Reserve; and
- 4 Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

CARRIED

### **Procedural Motion - Adjournment of Meeting**

**MOTION** (Clr Pakes / Clr Watson)

That the meeting be adjourned for 10 minutes.

CARRIED

Note: The Meeting adjourned, the time being 7.27pm.

Note: The meeting reconvened, the time being 7.40pm.

When the following members were present:

Clr Andrew Guile - Chairperson

Clr Joanna Gash

Clr Nina Cheyne

Clr Kaye Gartner

Clr Amanda Findley

Clr Mitchell Pakes

Clr Greg Watson

Clr Bob Proudfoot

Mr Russ Pigg - General Manager

## **REPORT OF THE NOWRA CBD REVITALISATION STRATEGY COMMITTEE - 19 APRIL 2017**

### **CBD17.26 Additional Item - Applications for Membership Interview Panel**

#### **Recommendation:**

1. That appointments to the Nowra CBD Revitalisation Strategy Committee be made by the Council following recommendation from the Committee.
2. Recommendations for appointment as members will be made to the Nowra CBD Revitalisation Strategy Committee by a Membership Appointment Panel comprising of:
  - Chairperson or Nominee of the Chairperson
  - Council staff Committee member or staff nominee
  - Governance Unit Business Manager
3. Update the Committee's Terms of Reference to reflect the changes.

**RESOLVED** (Clr Gash / Clr Guile)

MIN17.390

1. That appointments to the Nowra CBD Revitalisation Strategy Committee be made by the Council following recommendation from the Committee.



2. Recommendations for appointment as members will be made to the Nowra CBD Revitalisation Strategy Committee by a Membership Appointment Panel comprising of:

- Chairperson or Nominee of the Chairperson
- Council staff Committee member or staff nominee
- Governance Unit Business Manager

3. Update the Committee's Terms of Reference to reflect the changes.

CARRIED

## REPORTS

### **SA17.118 Public Policy for Review - Anzac Day Services - Wreath Laying Ceremonies**

**HPERM Ref:  
D17/140747**

#### **Recommendation (Item to be determined under delegated authority)**

That the public policy, Anzac Day Services - Wreath Laying Ceremonies, be adopted with with changes as indicated in the Attachment.

**RESOLVED** (Clr Proudfoot / Clr Pakes)

MIN17.391

That the public policy, Anzac Day Services - Wreath Laying Ceremonies, be adopted with changes as indicated in the Attachment together with the following amendment.

- Council allows Councillors to attend whichever ceremony they nominate.
- Council to provide one wreath per ceremony

FOR: Clr Guile, Clr Pakes, Clr Watson, Clr Proudfoot and Russ Pigg

AGAINST: Clr Gash, Clr Cheyne, Clr Gartner and Clr Findley

CARRIED

### **SA17.119 Proposal to commence Part Year Rating**

**HPERM Ref:  
D17/130565**

#### **Recommendation**

That Council commence Part Year Rating from the 2017/18 Rating Year and approve the creation of a new full-time Rates Officer position.

**Recommendation** (Clr Gartner / Clr Cheyne)

That Council commence Part Year Rating from the 2017/18 Rating Year and approve the creation of a new full-time Rates Officer position.

CARRIED

### **SA17.120 March 2017 Quarterly Budget Review**

**HPERM REF:  
D17/130938**

Item dealt with earlier in the meeting.

**SA17.121 Paringa Park - Adoption of Non motorised Water Sports Hub Master Plan**

**HPERM Ref:  
D17/78736**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Finalise and adopt the draft Paringa Park – Non-motorised Water Sports Hub with the minor amendments as summarised in this report and outlined in the Attachment to this report.
2. Consider an allocation of \$80,000 in the 2017/18 budget to undertake detailed design of the master plan in order that the project is shovel ready for possible future grant applications.

**RESOLVED** (Clr Proudfoot / Clr Gash)

MIN17.392

That Council;

1. Finalise and adopt the draft Paringa Park – Non-motorised Water Sports Hub with the minor amendments as summarised in this report and outlined in the Attachment to this report.
2. Consider an allocation of \$80,000 in the 2017/18 budget to undertake detailed design of the master plan in order that the project is shovel ready for possible future grant applications.

CARRIED

**SA17.122 Improvements To Nowra Showground - Nowra Ideas Day**

**HPERM REF:  
D17/115403**

Item dealt with earlier in the meeting see MIN17.387.

**SA17.123 Grant Funding - Sanctuary Point Shop CCTV additional cameras**

**HPERM Ref:  
D17/133195**

**Recommendation**

That Council accept the Safer Communities Funding to the value of \$31,000 to enable the installation of two additional CCTV units at the rear of the Sanctuary Point Shops and vote the funds for the works.

**Recommendation** (Clr Gash / Clr Proudfoot)

That Council accept the Safer Communities Funding to the value of \$31,000 to enable the installation of two additional CCTV units at the rear of the Sanctuary Point Shops and vote the funds for the works.

CARRIED

**SA17.124 Shoalhaven Tourism Advisory Group - Quorum and Membership**

**HPERM REF:  
D17/137336**

Item dealt with earlier in the meeting.

**SA17.125 2017 NSW Local Roads Congress - Making Our Roads Work**

**HPERM Ref:  
D17/142413**

**Recommendation (Item to be determined under delegated authority)**

That Council

1. Notes the details of the 2017 NSW Local Roads Congress – Making our Roads Work scheduled for Monday 5 June 2017 in Parliament House, Sydney NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

**RESOLVED** (Clr Pakes / Clr Findley)

MIN17.393

That Council

1. Notes the details of the 2017 NSW Local Roads Congress - Making our Roads Work scheduled for Monday 5 June 2017 in Parliament House, Sydney NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

**SA17.126 Local Government Remuneration Tribunal - Determination - Councillor and Mayoral Fees, and the Categorisation of Councils 2017/18**

**HPERM Ref:  
D17/143049**

**Recommendation**

That Council note the Local Government Remuneration Tribunal review of annual fees and agree to adjust Councillor and Mayoral fees for the 2017/18 financial year to \$19,310 and \$42,120 respectively.

**Recommendation** (Clr Watson / Clr Gash)

That Council note the Local Government Remuneration Tribunal review of annual fees and agree to adjust Councillor and Mayoral fees for the 2017/18 financial year to \$19,310 and \$42,120 respectively.

CARRIED

**SA17.127 Huskisson Public Wharves - Access Working Party**

**HPERM Ref:  
D17/131844**

**Recommendation (Item to be determined under delegated authority)**

That the report on the outcomes from the Huskisson Wharf working party, on vessel access at the Huskisson Public Wharves be received for information.

**RESOLVED** (Clr Guile / Clr Proudfoot)

MIN17.394

That the report on the outcomes from the Huskisson Wharf working party, on vessel access at the Huskisson Public Wharves be received for information.

CARRIED

**SA17.128 Accessible Car Parking Spaces - Graham Street and McGrath Ave Nowra**

**HPERM Ref:  
D17/96657**

**Recommendation (Item to be determined under delegated authority)**

That:

1. A location in McGrath Avenue, Nowra be identified for two accessible car parking spaces and associated parking changes.
2. Proceed to public consultation on McGrath Avenue car parking improvements and if broad community support is received, refer the item to Shoalhaven Traffic Committee for review and determination.

**RESOLVED** (Clr Pakes / Clr Proudfoot)

MIN17.395

That

1. A location in McGrath Avenue, Nowra be identified for two accessible car parking spaces and associated parking changes.
2. Proceed to public consultation on McGrath Avenue car parking improvements and if broad community support is received, refer the item to Shoalhaven Traffic Committee for review and determination.

CARRIED

**SA17.129 Outdoor dining on public footpaths - Review of fee waiver**

**HPERM Ref:  
D17/122659**

**Recommendation**

Council reintroduce annual outdoor dining fees for the use and occupation of public footpaths across the Shoalhaven at the flat rate of \$62.4/m<sup>2</sup> per annum and an application fee of \$161.2, commencing 1<sup>st</sup> July 2017.

**Recommendation** (Clr Guile / Clr Proudfoot)

That:

1. The report be received for information;
2. The waiving of the flat rate continue and outdoor dining fees be reviewed within 12 months;
3. The application fee of \$161.20 commence 1<sup>st</sup> July 2017.

CARRIED

**SA17.130 Update Council on negotiations with property owners affected by the Bomaderry Nowra Regional Sports & Community Precinct Master Plan**

**HPERM Ref:  
D17/137888**

**Recommendation (Item to be determined under delegated authority)**

Receive the report for information on negotiation with property owners.

**RESOLVED** (Clr Gash / Clr Findley)

MIN17.396

That the report be received for information on negotiation with property owners.

CARRIED

**SA17.131 Proposed Deed of Agreement with adjoining owner - Lot 25A DP5996 Bryces Road, Far Meadow**

**HPERM Ref:  
D17/142513**

**Recommendation**

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

**RESOLVED** (Clr Guile / Clr Proudfoot)

MIN17.397

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

CARRIED

**SA17.132 Surrender of Lease - Reflections Cafe - Slice of Life**

**HPERM Ref:  
D17/137786**

Clr Gash – SA17.132 - Surrender of Lease - Reflections Café - Slice of Life – less than significant non pecuniary interest declaration – remained in the room and took part in discussion and vote – Karen Anstiss is known to her and stood for Team Gash in the 2012 election.

**Recommendation**

Council, in its capacity as the Worrigeer (R97869) Reserve Trust agrees to the surrender by Slice of Life Australia of the Reflections Café lease as at 31 May 2017.

**Recommendation** (Clr Findley / Clr Cheyne)

That Council, in its capacity as the Worrigeer (R97869) Reserve Trust agrees to the surrender by Slice of Life Australia of the Reflections Café lease as at 31 May 2017.

CARRIED

**SA17.133 Old Bakery - Disposal Of Property 124 -126 Jacobs Drive, Sussex Inlet**

**HPERM REF:  
D17/139588**

Item dealt with earlier in the meeting.

**SA17.134 Progress on Community Concept Plan - Larmer Ave, Sanctuary Point**

**HPERM Ref:  
D17/133284**

**Recommendation (Item to be determined under delegated authority)**

That Council:

1. Endorse the concept plan for Bherwerre Wetland as the basis for future negotiations once funding is available; and
2. Congratulate both the Basin Villages Forum and The Bay and Basin Community Resources for actively leading local residents through a cooperative planning process.

**RESOLVED** (Clr Proudfoot / Clr Gash)

MIN17.398

That Council:

1. Endorse the concept plan for Bherwerre Wetland as the basis for future negotiations once funding is available;
2. Ensure that in future management of the site, that drainage through the site is identified as an essential link in storm water drainage in Sanctuary Point and this will require regular maintenance in the future
3. Congratulate both the Basin Villages Forum and The Bay and Basin Community Resources for actively leading local residents through a cooperative planning process.

CARRIED

**SA17.135 Re-Adoption of Pesticides Use Notification Plan - 2017**

**HPERM Ref:  
D17/137060**

**Recommendation (Item to be determined under delegated authority)**

That Council re-affirm the Pesticides Use Notification Plan with minor amendments outlined in the report.

**RESOLVED** (Clr Guile / Clr Pakes)

MIN17.399

That Council re-affirm the Pesticides Use Notification Plan with minor amendments outlined in the report.

CARRIED

**SA17.136 Triple Bottom Line (TBL) Performance Reporting 2015-2016**

**HPERM Ref:  
D17/113031**

**Recommendation (Item to be determined under delegated authority)**

That the information in this report be noted and council acknowledge the excellent results.

**RESOLVED** (Clr Findley / Clr Guile)

MIN17.400

That the information in this report be noted and council acknowledge the excellent results.

CARRIED

**SA17.137 Review of Shoalhaven Water Group Policies**

**HPERM Ref:  
D17/118362**

**Recommendation (Item to be determined under delegated authority)**

That Council reaffirm the following policies with minor changes:

1. POL16/83 – Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions
2. POL16/92 – Water Meter Services – Downsize, Disconnect or Nominal Sizing

**RESOLVED** (Clr Guile / Clr Cheyne)

MIN17.401

That Council reaffirm the following policies with minor changes:

1. POL16/83 – Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions
2. POL16/92 – Water Meter Services – Downsize, Disconnect or Nominal Sizing

CARRIED

**SA17.138 Extinguishment of Water Supply Easement - 55 Meroo Road Bomaderry**

**HPERM Ref:  
D17/147203**

**Recommendation**

That

1. Council resolve to extinguish the Easement for Water Supply 3.048 wide over Lot 1 DP249217 at Bomaderry, as shown by hatching on copy of DP249217 marked 'Attachment 1'.
2. Council's costs to extinguish the easement are to be met from Shoalhaven Water's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**Recommendation** (Clr Proudfoot / Clr Guile)

That

1. Council resolve to extinguish the Easement for Water Supply 3.048 wide over Lot 1 DP249217 at Bomaderry, as shown by hatching on copy of DP249217 marked 'Attachment 1'.
2. Council's costs to extinguish the easement are to be met from Shoalhaven Water's Water Fund.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

**Procedural Motion - Matters of Urgency**

**MOTION** (Clr Proudfoot / Pakes)

That an additional item in relation to the detention basin to the east of Maxwell Crescent and the south of Copeland Avenue, Sanctuary Point be introduced as a matter of urgency.

The Chairperson ruled the matter as urgent for local reasons and as there had been damage to Council assets

**SA17.139 Detention Basin Sanctuary Point - Installation of Barrier to Prohibit Vehicle Access**

**RESOLVED** (Clr Proudfoot / Clr Pakes)

MIN17.402

That Council, as a matter of urgency, install an adequate amount of bollards or barriers so as to prevent motor vehicles from illegally accessing the grassed basin floor in the detention basin to the east of Maxwell Crescent and the south of Copeland Avenue, Sanctuary Point

CARRIED

**CONFIDENTIAL REPORTS**

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

No members of the public made representations.

**RESOLVED** (Clr Pakes / Clr Cheyne)

MIN17.403

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

CSA17.9      Renewal Agreement - Illuminated Street Name Signs - Claude Outdoor Pty Ltd

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

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

CSA17.10      Proposed Deed of Agreement with adjoining owner - Lot 25A DP5996 Bryces Road, Far Meadow

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

*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.*

CARRIED

The meeting moved into confidential the time being 8.43pm.

The meeting moved into open session, the time being 8.44pm.

There being no further business, the meeting concluded, the time being 8.45pm.

Clr Guile  
CHAIRPERSON



## **SA17.140 Notice of Motion - Callala Bay Sailing Club Erosion**

**HPERM Ref:** D17/180313

**Submitted by:** Cllr Mitchell Pakes

**Attachments:** 1. Photographs [↓](#)

### **Purpose / Summary**

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

### **Recommendation (Item to be determined under delegated authority)**

That Council

1. Urgently repair the erosion caused by works carried out by Council in 2016.
2. Remove the rocks that were used and have now rendered the dune unsafe and unusable.
3. Replace the three access tracks and upgrade them with timber structures.
4. Consult with the Sailing Club Committee before undertaking the works.
5. Replant all the grass and any other shrubs that were removed when the 2016 works were carried out.

### **Background**

Please see attached photos of the erosion caused by works carried out by council in 2016.

### **Note by the General Manager**

A cost estimate and funding source should be sought before moving forward.

In 2015 Council was requested by Callala Bay Sailing Club to urgently assist with erosion that was threatening the club building as shown in the photo below



The location had previously had beach scraping works carried out to manage this emerging risk. The Natural Resources Unit in conjunction with Assets & Works undertook foreshore rehabilitation works to assist in preventing the on-going undermining of the Callala Bay Sailing Club building by both regular coastal storms and severe weather events. A copy of the concepts of the work that was carried out is attached.

The limited budget for the project did not allow enhancement to access and landscaping, therefore the project was not completed to a disabled access standard. An attempt to facilitate access by providing Holey Belt Ramps has not been successful. It should be noted that these works are located in a high coastal hazard zone and will be subject to ongoing wave attack and will continue to be impacted. To simply remove the cobble rock armour would place the sailing club building at risk.

A report outlining options for the infrastructure required to improve access for sailors with disabilities and potential funding sources could be prepared. Any future plans/works will need to be done in close consultation with the Callala Bay Sailing Club committee and will likely require further approvals from Crown Lands and the Marine Park Authority.

Additional shrubs and grasses can be planted and it is suggested that this could be done via a Parkcare Group with members of the Callala Bay Sailing Club directly participating.











## SA17.141 Notice of Motion - Drainage - Orient Ave, Orient Point

**HPERM Ref:** D17/180496

**Submitted by:** Cllr Mitchell Pakes

**Attachments:** 1. Photographs [↓](#)

### Purpose / Summary

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

### Recommendation (Item to be determined under delegated authority)

That

1. Council urgently repair the drainage along both sides of Orient Ave, Orient Point (House number 16 to 38 Eastern side and 19 to 25 western side)
2. Works to include
  - a. Cleaning and scraping of road verges.
  - b. Creation of a table drain down both sides of Orient Ave.
  - c. Bitumen spraying of the table drains.

### Background

Please see attached photos of the condition of the road verges and the lack of drainage.

### Note by the General Manager

The works are currently unfunded in 2017/18 and creation of table drains will impact driveway access and may not be the appropriate treatment as residents have had concerns previously about driveway access and appearance of the road verge. Residents will be required to construct driveways to suit the table drain profile. The requested works are above what would normally be accommodated within routine maintenance budgets. Also, considering these works as 'urgent' will divert Council resources from higher risk management and scheduled works.

Orient Ave is typical of many streets in the Shoalhaven that have been developed with limited drainage infrastructure. There is an allocation in FY18/19 general fund budget, subject to other priorities under the proposed special rate increase. Improvements to Orient Ave could be considered as part of that program or the Road Shoulder reconstruction programs.

SA17.141













## **SA17.142 Notice of Motion - Drainage - Prince Edward Ave, Culburra Beach**

**HPERM Ref:** D17/180517

**Submitted by:** Cllr Mitchell Pakes

**Attachments:** 1. Photographs [↓](#)

### **Purpose / Summary**

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

### **Recommendation (Item to be determined under delegated authority)**

That

1. Council undertake urgent maintenance works on the open drains along Prince Edward Ave Culburra Beach.
2. Council start work on drains that run along house's 2 to 28 Prince Edward Ave
3. Works include mowing, clearing and cleaning to ensure water flows effectively through the drains and eliminates the risk of flooding.

### **Background**

Please see attached photos of the poor condition the drains along Prince Edward Ave are in.

Many residents have made representations to staff and myself regarding the poor condition of the drains along Prince Edward Ave.

The drains are so far overgrown that they're no longer functioning the way they're designed to.

### **Note by the General Manager**

Mowing of the Princes Edwards Ave drain is a schedule activity. Due to the batters of the drain slashing is done with Council's reach mower, which is currently allocated on other projects. It is due in Culburra in August.

SA17.142









## SA17.143 Notice of Motion - Public Toilet Facilities upgrade

**HPERM Ref:** D17/180649

**Submitted by:** Cllr Mitchell Pakes

**Attachments:** 1. Photographs [↓](#)

### Purpose / Summary

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

### Recommendation (Item to be determined under delegated authority)

That Council

1. Undertake a maintenance program to clean and freshen up our public toilet facilities.
2. Urgently address the poor condition of the following toilet facilities by re-painting them
  - a. Crookhaven Heads boat ramp,
  - b. Callala Bay boat ramp,
  - c. Callala Beach Road car park,
  - d. Greenwell Point pool reserve

### Background

This Notice of Motion is a result of the CCB meetings I attend and this topic being a reoccurring subject.

CCB committees understand and are aware of the backlog of works in regards to replacing public toilet facilities.

While a large number of public toilet facilities in Ward 2 are sometime away from replacement it is important to maintain the facilities we have.

CCB's simply believe that most facilities still have much life left in them but most of the facilities that also happen to be in important positions around the villages look old and tired.

CCB's and community groups agree that a simple paint would help improve the look of the facilities making them look more modern and would satisfy the community until council is in a position to replace them.

### Note by the General Manager

Shoalhaven City Council has 119 public amenities (toilets) which are provided in areas of high demand associated with the use of other services such as:

- commercial/shopping centres
- parks
- waterway facilities.

A maintenance program exists for

- a) Painting internal and external;
- b) Re roofing;
- c) Replacement of walls when not masonry i.e. metal clad or timber,
- d) Refurbishing of facilities.

Public amenities (toilets) are painted internal and externally dependent on condition, utilisation levels, resources and budget.

A life expectancy for a public toilet paint is dependent on utilisation levels, fair wear & tear graffiti or vandalism. There are 22 public amenities proposed to be painted in 2017/18 financial year and these four identified sites are in that schedule.

Current asset strategy for public amenities is to replace those that are highly utilised, in poor or very poor condition, to cater for persons with disabilities. The current public amenity capital budget allows for on average either the replacement or a new public amenity each financial year. Council has with public amenity buildings replaced 6, refurbished 4 and constructed 7 new in the past 13 years of which 2 were funded predominately by other funding. This included public amenities at Culburra Beach – Tilbury Cove, Callala Bay – Bicentennial park, Callala Beach – Parkes crescent and near Community Centre. The proposed rate increase for 2018/19 will provide the opportunity to replace public amenities and refurbish existing to meet current and future patron needs.





SA17.143 - Attachment 1



## SA17.144 Report of the Aboriginal Advisory Committee - 15 May 2017

HPERM Ref: D17/164882

### AA17.8 Adoption of Applications - Membership - Four (4) Year Term

HPERM Ref:  
D17/61973

#### Recommendation

That:

1. Council acknowledge the applications of Membership and appoint the following members for a continuing four (4) year term:
  - a. Janet Atkins
  - b. Sylvia Timbery
  - c. Patricia Lester
  - d. Christine Finney
  - e. Shane Brown
  - f. Leonie Ebzery
  - g. Valda Corrigan
  - h. Leslie Halls
  - i. Sue-Anne Cutmore
  - j. Noel Wellington
2. The completed application from Paul McLeod be accepted and he be appointed to the Aboriginal Advisory committee for a term of four (4) years
3. The two (2) Youth applications from Janaya Hennessy and Morgan Blakeney be accepted and appointed for a term of four (4) years
4. Consultation continue to work to obtain a representative member of each of the three (3) Aboriginal Land Councils as members on the Aboriginal Advisory Committee.
5. Should representation from each of the Land Councils not be achieved, then the Committee should consider how such vacancy will be managed.

### AA17.10 Local Government Regional NAIDOC Awards

HPERM Ref:  
D17/123899

#### Recommendation

That the Aboriginal Advisory Committee financially contribute \$2,000 to the 2017 Local Government Regional NAIDOC Awards.

SA17.144

**AA17.12 Additional Item - Conference - NSW Local Government Aboriginal Network****Recommendation**

That:

1. An Aboriginal Advisory Committee Member be funded to attend the NSW LGAN Conference in Albury Entertainment Centre Wednesday 13 to Friday 15 September 2017;
2. The Cost of attending the conference be funded from the General Manager and Councillors Budget.

*Note by the General Manager:*

*There is no available "General Manager conference budget" – The CFO may provide advice of other alternatives to fund the conference attendance.*



## SA17.145 Public Policy for Review - Statement of Business Ethics

**HPERM Ref:** D17/165974

**Group:** General Manager's Group

**Attachments:** 1. Public Policy - Statement of Business Ethics [↓](#)

### Purpose / Summary

Council needs to review all policies within 12 months of the election. The attached policy is presented for consideration with minor changes.

### Recommendation (Item to be determined under delegated authority)

That the public policy, Statement of Business Ethics, be adopted with minor changes as indicated in Attachment 1.

### Options

1. Adopt the Policy as recommended.

Implications: The General Manager will continue to implement the Policy.

2. Make amendments to the Policy.

### Background

This Policy provides guidance and clarity to all sectors of the Community when conducting business with Council. The Policy is promoted to all staff, councillors, and suppliers.

### Community Engagement

This matter is not considered to require general community engagement before its adoption.

### Risk Implications

The Policy is intended to promote ethical conduct and mitigate risks of fraud or breaches of the Code of Conduct.



**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

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Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the [Corporate & Community Services](#) [General Manager's](#) Group

## Statement of Business Ethics

**Policy Number:** POL16/216 • **Adopted:** 30/10/2007 • **Reaffirmed:** 10/02/2009, 23/04/2013 • **Amended:** 15/10/2010 • **Minute Number:** MIN07.1498, MIN09.128, MIN13.392 • **File:** 4092E • **Produced By:** [Corporate & Community Services](#) [General Manager's](#) Group • **Review Date:** [December 2020](#)

### 1. PURPOSE

This statement provides guidance for all sectors of the Community when conducting business with Shoalhaven City Council.

### 2. STATEMENT

This statement applies to all dealings between Council and sectors of the community when conducting business with Shoalhaven City Council. It outlines Council's aims to:

- Build and maintain ethical relationships with all sectors of the community - public and ~~in-particular-the~~ private sector.
- Encourage transparency and accountability in all dealings including lending, contracting, supply of goods and services and business partnerships.
- Ensure other sector partners understand Council's public duty obligations.
- Manage the potential risk and misunderstanding that can occur in business transactions between the public and private sectors.
- Maintain corruption-resistant, ethical work practices.

### 3. PROVISIONS

#### 3.1. Council's Business Ethics

All Councillors, staff and delegates of Shoalhaven City Council are required to comply with its adopted Code of Conduct. The Code of Conduct has been developed to assist Council officials to:

- Understand the standards of conduct that are expected of them.
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and due diligence.
- Act in a way that enhances public confidence in the integrity of local government.

In all procurement dealings, Council will act in a manner that is honest, impartial, ethical, fair and consistent.



*Shoalhaven City Council – Statement of Business Ethics*

### 3.2. Confidentiality of Commercial Information

Whilst Council promotes the principles of public openness and transparency, on occasions this must be balanced against the need to ensure that businesses are not ~~exposed to possible commercial advantagedisadvantaged~~ through the disclosure of their business affairs. Council will therefore consider the nature and sensitivity of information and if necessary consult with the contractor before publicly disclosing information in accordance with the requirements of the Government Information (Public Access) Act 2009.

With regard to the purchases of goods and services, Council and its representatives will make decisions based on the principle of value for money. This means Council will balance all relevant (price and non-price) factors including quality, reliability, service, timeliness, and whole of life cost.

### 3.3. What to expect from Council staff and representatives

Council will ensure that all policies, procedures and practices related to contracting, purchase of goods and services and tendering are consistent with best practice and the highest standards of ethical conduct. Council staff are accountable for their actions having regard to the Code of Conduct, and are expected to:

- Use public resources effectively and efficiently.
- Avoid any real or perceived conflict of interest.
- Deal honestly, fairly and ethically with all individuals and organisations.

All Council procurement dealings will be underpinned by the following guidelines:

- Energy-efficient products containing recycled material and which are environmentally friendly will be purchased wherever reasonably possible.
- All potential contractors will be treated with fairness, given equal access to information and opportunities to submit bids.
- The Council will not disclose confidential or proprietary information without lawful excuse.

### 3.4. What Council expects from Contractors and Suppliers.

When dealing with Council staff or representatives, Council expects contractors and suppliers to:

- Comply with Council's procurement policies and procedures.
- Declare any real or perceived conflicts of interest as soon as they become aware of the conflict.
- Not engage in any form of collusive practices including offering employees inducements or incentives that may be designed to, or interpreted as, improperly influencing the conduct of their duties.
- Act ethically, fairly and honestly in all dealings with Council.
- Assist the Council to prevent unethical practices in our business relationships.

Contractors and suppliers need to be aware that the offering of gifts or benefits to Councillors, staff and delegates are generally prohibited. ~~from receiving anything but~~

*Shoalhaven City Council – Statement of Business Ethics*

~~token gifts or benefits offered in relation to the performance of their duties~~ (refer [Section 8Part 5](#) “Personal Benefit” of Council’s Code of Conduct).

**3.5. Further Information**

Further information in regard to the conduct required of staff, Councillors and delegates can be found in Council’s Code of Conduct and any enquiries in that regard should be directed to the Public Officer.

**4. IMPLEMENTATION**

This Policy shall be administered through the ~~Finance and Corporate Services~~[General Manager’s](#) Group.

**5. REVIEW**

This Policy shall be reviewed within one year of the election of each new Council, or earlier should circumstances arise to warrant revision.

**6. APPLICATION OF ESD PRINCIPLES**

This Policy supports Council’s commitment to ESD principles through requiring the consideration of energy efficiency and recycled component of goods provided to Council.

## SA17.146 Shoalhaven Economic Development Strategy (2017 - 2026) - Adoption of the Strategy

**HPERM Ref:** D17/183404

**Group:** General Manager's Group  
**Section:** Economic Development

**Attachments:** 1. Economic Development Strategy - Submissions Review (councillors information folder) ➡  
2. Shoalhaven Economic Development Strategy (2017 - 2026) - FINAL (under separate cover) ➡

### Purpose / Summary

To consider the submissions report emanating from the public exhibition of the Shoalhaven Economic Development Strategy and submit the Strategy for adoption by Council.

### Recommendation (Item to be determined under delegated authority)

That

1. Council adopt the Shoalhaven Economic Development Strategy 2017 - 2026
2. The new Strategy be referred to the Business, Employment and Development Committee to discuss and recommend priority settings for the "*Recommended Actions*" within the Strategy, acknowledging the resource/capacity limitations of the Economic Development Section.

### Options

1. Adopt the recommendation as printed
2. Council make further amendments to the draft Strategy having regard to submissions made or other factors and then adopt the Shoalhaven Economic Development Strategy 2017 - 2026

### 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.

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.



A Councillor briefing was held on 9th March.

The strategy was placed on public exhibition for a period in excess of 4 weeks with the period for submissions closing on 16<sup>th</sup> May 2017. The document as exhibited is available at <http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D17/90884>

Stakeholders involved in the development of the Strategy were advised that the document was on exhibition and public advertisements appeared in the local press.

A total of 6 submissions were made and Locale Consulting has compiled a Submissions Review (attached). Some amendments to wording have been made as a result of the submissions and these are incorporated in the Submissions Report.

The final document is now available for Council adoption. (Attached)

### **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.

### **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. Council will need to be cognisant of this aspect when setting priorities and budgets within its DP/OP.

### **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. The implementation of the Strategy will be staged over several years and within existing resources and budget. The Southern Phone dividend payments (which are anticipated to reduce in the short term) will be the main source of funding to progress with the various "*Recommended Actions*", although grant funds will be sought at every opportunity also. The proceeds from land sales within the Industrial lot subdivisions will be reinvested in further subdivisions to ensure a sufficient land stock is available for new or expanding businesses.

## SA17.147 Sale of Council Industrial Land - Lot 105 Cumberland Ave, South Nowra - Revision of Sale Price

**HPERM Ref:** D17/183462

**Group:** General Manager's Group  
**Section:** Economic Development

### Purpose / Summary

To revise the price of an industrial lot within the Flinders Industrial Estate.

### Recommendation

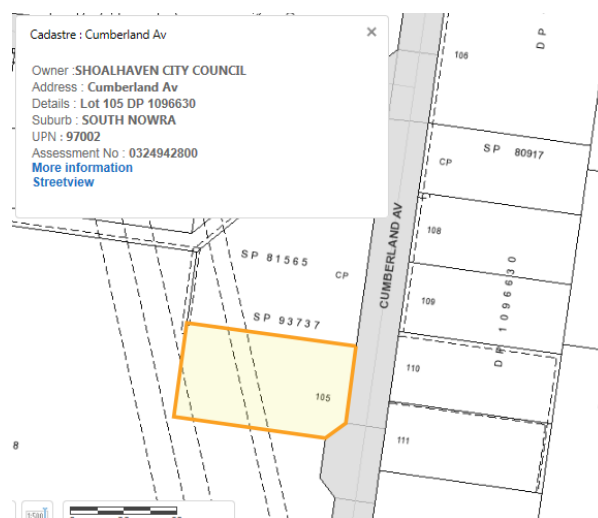
That Council set the minimum sale price for Lot 105 DP 1096630 Cumberland Ave South Nowra at \$355,000 plus GST.

### Options

1. Adopt the recommendation as printed
2. Propose an alternate recommendation

### Background

This industrial lot was created by subdivision in 2006. The lot is affected by 3 electricity easements which affect 56% of the lot (2944m<sup>2</sup> of the 5211m<sup>2</sup>).



The lot has been listed for sale since its creation, but as with most of Council's industrial lots there was little interest since the GFC. It has now been realised that the sale price as previously set (MIN 17.123) did not take the 50% discount applied to lands that are easement affected.

In line with the per square metre prices used by Council to set industrial land prices it is proposed to set the revised price for Lot 105 Cumberland Ave at \$355,000 being arrived at as follows:

- Unaffected area of 2267m<sup>2</sup> @ \$95/m<sup>2</sup> = \$215,635
- Affected area of 2944m<sup>2</sup> @ \$47.50/m<sup>2</sup> = \$139,840

The site is suited to a transport operator that requires outside parking or a manouvring area.

### **Community Engagement**

This action is in line with Council's CSP to bring employment lands to the market. In this case the previous price did not reflect the easement affect on the lot. No purchase enquiries were received reflecting the inappropriate price being sought.

### **Financial Implications**

Proceeds of the sale will be placed within the Industrial Land Development Reserve and used for the development of future subdivision stages.



## SA17.148 Event Policy Update

**HPERM Ref:** D17/152355

**Group:** Finance Corporate & Community Services Group  
**Section:** Tourism

**Attachments:** 1. Draft Sustainable Events Policy (under separate cover) [↗](#)

### Purpose / Summary

To adopt the revised Events Policy after feedback was received during the public exhibition period.

### Recommendation (Item to be determined under delegated authority)

That Council endorse the new Events Policy taking into consideration the changes made from the comments received during the public exhibition period.

### Options

1. Adopt the recommendation

Implications: Accepting the recommendation will lead to the policy being adopted. Approval will align the council Event Policy with the current Local Environmental Plan (LEP) and allow council staff to stream line event approvals on public land in line with the relevant legislation.

2. Adopt the recommendation with an amendment.

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

3. Rescind the recommendation

Implications: The existing policy does not align with the LEP and creates issues for staff and event organisers.

### Background

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

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

Extensive staff consultation has been conducted to deliver this Draft Events Policy and ensure both the legislative and Council risk needs are appropriately addressed.

Consideration was also given to cutting the red tape for event organisers were possible so that the Shoalhaven remains “open for business”. Staff consultation included workshops with representatives from Parks and Recreation, Planning, Waste, Strategic Planning, Executive Strategy, Insurance and Risk and Tourism

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

## Community Engagement

The Draft Policy has been on public exhibition for 28 days and submissions receipted for 42 days.

## Policy Implications

Submission Author	Submission Content	Comment
Sanctuary Point Community Pride Inc. - External	<p>Section 3.4.2 Para 51 which states: <i>Bonds will be released back to the event organiser within 14 days after the scheduled date of the event subject to and inspection by Council and the public land being returned to its original condition.</i></p> <p>As most Council properties are quite insecure (eg. Francis Ryan Reserve) this condition can only be applied equitably if Council operators inspect the venue immediately prior to occupation by the event management and immediately following the point at which the event management considers that the venue is ready to vacate. There is nothing to prevent external parties damaging a venue some time before or after an event but after, or prior to, Council inspection. A procedure must be developed to protect event organisers from this likelihood.</p>	Noted. Council staff do conduct a “before” and “after” inspection as close to the event start and finish as possible. The event organiser may also choose to provide “before” and “after” photographs of the site if they are concerned about possible third party damage.
Strategy Planning – Internal	<ul style="list-style-type: none"> <li>• Under this Policy, you appear to be issuing approvals under the Local Government Act and the Roads Act. It is strongly recommended that you liaise with Strategic Planning to formulate any provisions that should be included in Council’s single Local Approvals Policy (LAP) which is currently being prepared by Strategic Planning.</li> <li>• You note in Section 3.1 (Step 1) that in some cases a DA may be required. The exempt provisions in Shoalhaven Local Environmental Plan (SLEP) 2014 need to be outlined/referenced in the Policy. You should also include commentary on when development consent is required and what planning instruments and policies would be relevant in those circumstances (e.g. SLEP</li> </ul>	<p>Noted.</p> <p>Noted. Event organisers are encouraged to liaise directly with Council in relation to their event so DA requirements (if applicable) can form part of that discussion. However, a hyperlink to the exempt provisions of SLEP 2014 will be inserted in the Policy.</p>

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	<p>2014, Development Control Plan 2014, Contributions Plan).</p> <ul style="list-style-type: none"> <li>• In section 2, paragraph 2, you note that this Policy applies to markets, then say that 'separate requirements apply to markets'. Please clarify this inconsistency and clearly specify what these provisions are. It would be helpful to view this prior to the Policy being finalised.</li> <li>• Although you make reference to approvals being required for events within the road reserve, there is limited commentary in the Policy.</li> <li>• I have attached a copy of the draft Policy noting typos, formatting etc for your consideration.</li> </ul>	<p>Noted. The relevant Terms &amp; Conditions and any other DCP requirements for markets will be inserted in the Policy OR a separate policy is being developed to address markets that no longer require a DA to be lodged.</p> <p>Noted. The process for lodging a Section 138 (or Roads Act) application is already outlined on the Council website – as follows, so it is not repeated in the Policy document: <a href="https://www.shoalhaven.nsw.gov.au/Planning-and-Building/Development/Section-138-applications">https://www.shoalhaven.nsw.gov.au/Planning-and-Building/Development/Section-138-applications</a></p> <p>Noted.</p>
Private Individual - External	<p>I have been involved in events in the Shoalhaven - in organisation, management, stall holding and volunteering. These have included RSPCA Nowra Million Paws Walk, RSPCA Ulladulla Dogs Day Out, RSPCA Nowra Puppy Dogs Picnic and various other events such as Huskisson Easter Carnival, Australia Day at Nowra Showground, Relay for Life, Spring into Sanctuary Point and most recently the Huskisson Triathlon.</p> <p>I have read through the draft policy and the only concern I have is clause 3.23 - Toilets.</p> <p>The events I have managed or taken part in for the RSPCA have had between 100 and 300 patrons and with a duration of 4-6 hours. These have been held in the past at Nowra Showground, Harry Sawkins Park, White Sands Park, Milton Showground, Mollymook Beach Reserve and Lions Park, Burrill Lake. The existing toilet facilities at these sites have always been adequate for our events (and one of the reasons we have chosen those places to hold our events). But under this draft policy we would be required to organise extra toilets at some sites, which I believe is firstly, not</p>	<p>Noted.</p> <p>The toilet requirements under Section 3.23 of the Policy reflect best practice and are consistent with the current requirements being used for events that require DAs and those that don't require DAs in the Shoalhaven.</p> <p>It is further noted the Policy provides a guide and should an event organiser demonstrate that toilet facilities are adequate, based on the specific circumstances of their event, then Council will not</p>

	<p>warranted and secondly, adding an unnecessary cost to our events. As a charity we need to keep costs down as much as possible.</p> <p>One thing to note is that there is a big difference between 100 and 500 people, so I think this should be recognised in the Policy, perhaps by making it another reducing factor, along with the reduction for shorter duration events - especially since smaller events would be better at smaller venues where there are fewer existing toilets.</p> <p>Another concern is that the draft policy states "Separate toilet and handwashing facilities should be made available for food handlers" - I have never seen this in place and I believe it is not a feasible requirement, I can't even think of how this would be done, unless a portable toilet with handwashing facilities and a keyed lock was supplied.</p> <p>A table was also provided showing the toilet requirements (under this Policy) on some public reserves.</p> <p>I was also wondering about unisex toilets - I believe they are the future of public toilets - but the policy doesn't specify what the requirements are if there are only unisex and not separate male and female toilets.</p> <p>And just to be pedantic, when reducing the number required, what happens when you have a half - do you provide for the rounded down or rounded up number?</p>	<p>demand toilet provision that is not required. This may be the case where an event is located in various locations or moves between locations. However, Council must ensure that during any event health &amp; safety requirements for community members is satisfactory.</p>
Private Individual - External	<p>In keeping with "a plastic conscience or plastic wise Shoalhaven" I'd like to propose that the events policy updates its policies to best reflect this including the minimising single use plastics, banning the use of balloons and single use plastic bags, maximising recycling opportunities, offering information opportunities on alternatives and possibly incentives through charges based intended practices or positive outcomes.</p>	<p>Noted. This is a matter that can be addressed in the WMP (under Section 3.2.2 of the Policy). However, additions have been made setting out the current legislation.</p>

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### Financial Implications

Previously, when an event required a DA, applicants had to pay DA fees. With the changes to the LEP these fees no longer apply for many events who now no longer require a DA.

Administration fees have been created to assist with costs of processing the Event Applications.

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

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

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

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

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

### **Risk Implications**

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

## SA17.149 Workplace Surveillance Report

**HPERM Ref:** D17/158690

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

### Purpose / Summary

Provide a report to Council on the use of computer, camera and tracking surveillance by Council in accordance with Council Minute 17.127.

### Recommendation (Item to be determined under delegated authority)

That Council accept this report for information.

### Options

1. As per the recommendation.

Implications: Nil

2. Council request a further report.

Implications: The implications will be dependent on any further request from Council.

### Background

This report is provided in accordance with Minute MIN17.127 and further to the Councillor Briefing on 11 May 2017.

Council developed the Workplace Surveillance Policy in accordance with the requirements of the Workplace Surveillance Act 2005. This policy was developed to ensure Council meets its obligations under the Act and was developed in consultation with the USU, Staff Consultative Committee and to meet requirements of the Industrial Relations Commission.

The Workplace Surveillance Act 2005 is an Act to regulate surveillance of employees at 'work'. An employee is at 'work' for the purposes of this policy when the employee is:

- At a Council workplace whether or not the employee is actually performing work at the time; or
- At any other place while performing work for Council; or
- Using Council vehicle, plant or equipment in the course of performing work for Council.

However surveillance in change rooms and bathrooms, surveillance while employee is not at work (unless computer surveillance on equipment provided by Council) and covert surveillance are prohibited.



The use of certain surveillance devices by Council:

- Provides the potential to identify the geographical location of an employee or Council vehicle or plant and equipment;
- Provides the potential to deter vandalism, assault or other criminal activity and reduce the risks associated for employees and others and capture evidence of criminal activity;
- Allows for monitoring to manage the risks associated with non-compliance of Council's Code of Conduct and Work Health and Safety (WHS) requirements;
- Assists management to optimise performance, improve efficiency and improve customer service.

Council's Workplace Surveillance Policy addresses the following types of surveillance in the workplace:

- Camera surveillance
- Computer surveillance
- Tracking surveillance

Council has camera surveillance in 37 facilities (specific location details were provided at the Councillor Briefing). The cameras have been installed for operational, security and/or safety reasons.

Council undertakes computer and mobile device surveillance for the following reasons:

- Security of Council property and assets;
- Protection of Council information;
- Protection of Council's systems – reduce the risk of malware/ viruses;
- Ensure Council's computer resources are not misused.

The following devices within Council's workplace have tracking functionality (whether by GPS or otherwise) available:

- GPS devices in plant and motor vehicles
- Building Security Alarms and Swipe Card Access Systems
- Time and Attendance Systems
- GPS enabled mobile devices, for example, distress alarm, 2 way radio.
- Phone and fuel records

Tracking functionality may be used for the following purposes:

- Provides the potential to identify the geographical location of an employee or Council vehicle or plant and equipment;
- Allows for monitoring to manage the risks associated with non-compliance of Council's Code of Conduct and Work Health and Safety (WHS) requirements;
- Assist to optimise performance, improve efficiency and improve customer service.

Listening devices are governed by the Surveillance Devices Act 2007. The Act prohibits the installation, use or cause to be used or maintain a listening device to overhear, record, monitor or listen to a private conversation to which a person is not a party or to record a private conversation to which the person is a party unless there is consent to the listening device being used. It is important to note that the provisions of the Surveillance Devices Act

do not apply to any addresses at community meetings as these are public and not private conversations.

Council does not currently have voice recording devices active in the workplace. However Council may look to record phone calls of customer service related functions in the future for coaching and training purposes to ensure that customer needs are being met. It may also be used by Council as part of investigations into customer complaints.

However in accordance with Clause 9.12 of Council's Code of Meeting Practice, Council allows the electronic recording by any person of an open session of any council meeting and open meetings of committees.

## SA17.150 Policy Review - Water Safety

**HPERM Ref:** D16/352846

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

**Attachments:** 1. Water Safety [↓](#)

### Purpose / Summary

The Local Government Act requires that all Council policies should be reviewed within twelve (12) months of an election of a new Council. Various Recreation Corporate & Community Services Policies will be presented to Council over the next 12 months for review, with any proposed amendments. The following Policy is presented for Council at this meeting:

Water Safety – POL16/220 - see Attachment 1

### Recommendation (Item to be determined under delegated authority)

That Council adopt the amended Recreation Community & Culture - Water Safety Policy POL16/220 as indicated in the report.

### Options

1. Resolve to adopt the recommendation in the report.

Implications: Council ratifies the updated Water Safety Policy – POL16/220.

2. Resolve to change a recommendation

Implications: Requires resubmission of amended policy

3. Resolve to make amendments to individual policies

Implications: Requires resubmission of amended policy

### Background

The purpose of the Recreation Community & Culture – Water Safety Policy - POL16/220 - is to define Council's management of:

- Council's Swim & Fitness Centre Facilities
- Council's unsupervised Sea Pools:
  - Huskisson Sea Pool & Wading Pool
  - Ulladulla Sea Pool
- Council managed beach access ways, parks and foreshore reserves adjacent to beaches under the Coastal Maintenance Program and waterways as funding becomes available for inland waterways on a risk priority basis commenced at boatramp and adjacent reserve facilities

The following changes to this Policy are presented for Council's consideration:

- Updating of:
  - Titling of Council's facilities
  - Related documentation by which the Water Safety Policy - POL16/220 - is guided
- Inclusion of the National Aquatic and Recreational Signage Style Manual as one of the related documents.

### **Community Engagement**

As part of its commitment to the recreational safety of its ratepayers, residents and visitors, Council is applying due diligence in ensuring the currency of its relevant policies.

### **Policy Implications**

The Local Government Act requires that all Council policies should be reviewed within twelve (12) months of an election of a new Council.

### **Financial Implications**

Swim & Fitness Facilities -There are no additional financial implications of this report.

For Council managed parks and foreshore reserves this is currently unfunded – signage will be updated from within operational signage budgets as damaged or missing signs need replacement subject to funding, and more broadly across the reserves network as further additional funding may become available in the future.

### **Risk Implications**

As part of its commitment to the recreational safety of its ratepayers, residents and visitors, Council is applying due diligence in ensuring the currency of its relevant policies.



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For more information contact the [Finance](#) Corporate & Community Services Group

## Water Safety

**Policy Number:** POL16/220 • **Adopted:** 27/01/2010 • **Effective:** 15/02/2010 • **Amended:** 23/11/2012 • **Minute Number:** MIN10.23, MIN12.1267 • **File:** 4410E • **Produced By:** [Finance](#) Corporate & Community Services Group • **Review Date:**

### 1. PURPOSE

The purpose of the Policy is to define Council's management of:

- Council's ~~Aquatic & Leisure~~ Shoalhaven Swim & Fitness Facilities
- Council's unsupervised Sea Pools:
  - ~~at Huskisson Sea Pool & and Ulladulla and Huskisson Wading Pool~~
  - Ulladulla Sea Pool
- Council managed beach access ways, parks and foreshore reserves adjacent to beaches and waterways

### 2. STATEMENT

The Policy is guided by the Department of Local Government Practice Note 15 (July 2012) – Water Safety and relevant industry guidelines.

### 3. PROVISIONS

#### 3.1. Supervised ~~aquatic & leisure~~ Swim & Fitness facilities

The management of Council's ~~Aquatic & Leisure~~ Swim & Fitness Facilities will be guided by:

- Department of Local Government - Practice Note 15 (2012) – Water Safety
- Royal Life Saving Society of Australia (RLSSA) – Guidelines for Safe Pool Operation (GSPO)
- NSW Health Department – Public Health Regulation 2012 – Swimming Pools & Spa Pools (Public)
- Statewide Mutual – “Signage as Remote Supervision” - Best Practice Manual (2012)
- National Aquatic and Recreational Signage Style Manual

Council's supervised ~~Aquatic & Leisure~~ Swim & Fitness Facilities are at the following locations:

- Kangaroo Valley Village Pool
- Berry Village Pool
- Shoalhaven Heads Village Pool
- Greenwell Point Village Pool

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- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• <u>Milton Village Pool</u></li> <li>• Bomaderry Aquatic Centre</li> <li>• <del>Nowra Olympic Pool</del> Aquatic Park</li> <li>• <del>Greenwell Point Village Pool</del></li> </ul> | <ul style="list-style-type: none"> <li>• Bay &amp; Basin Leisure Centre</li> <li>• Sussex Inlet Aquatic Centre</li> <li>• <del>Milton Village Pool</del></li> <li>• Ulladulla Leisure Centre</li> </ul> |
|---|---|

### 3.2. Unsupervised Sea Pools

Based on requests from the community for increased access to seasonal Sea Pool facilities, and funding constraints to provide a fully supervised service at these facilities, the following Sea Pools are managed on an unsupervised basis:

- ~~Huskisson Sea Pool~~ &
- ~~Huskisson Wading Pool~~
- Ulladulla Sea Pool

The management of Council's unsupervised Sea Pool facilities will be guided by:

- Statewide Mutual – "Signage as Remote Supervision" - Best Practice Manual (2012)
- ~~Statewide Mutual – "Signage as Remote Supervision" – Best Practice Manual~~
- National Aquatic and Recreational Signage Style Manual

Council reserves the right to provide supervision of Huskisson Sea Pool ~~and~~ Wading Pool and Ulladulla Sea Pool and, should services be provided on this basis, they will operate in accordance with provision of Clause 3.1 of this Policy.

### 3.3. Council managed beach accessways, parks and foreshore reserves adjacent to beaches and waterways

Council managed beach accessways, parks and foreshore reserves adjacent to beaches and waterways are maintained for public use. Maintenance within the water for swimmer safety purposes is outside Council's management responsibility. The safety of the waterway will not be managed by Council.

Where these Council managed land areas provide access to beaches and waterways known to be used for swimming and there has been a demonstrated community need, and/or a risk assessment has shown that there is a need, signage may be placed on or adjacent to the Council managed beach accessways, park or foreshore reserve, using the Statewide Mutual "Signage as Remote Supervision" Best Practice Manual (2012) as a guide.

Professional seasonal Beach Patrol Services are provided at designated areas for the periods of time that Council specifies and for which funding availability permits; typically for the New South Wales School Summer Holiday period.

The management of these professional services during the hours of the Beach Patrol Service will be guided by the following:

- Provisions for staff qualification in accordance with Department of Local Government – Practice Note 15 – Water Safety (2012)



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- Provisions for temporary beach signage in accordance with:
  - Standards Australia – Design & Application of Water Safety Signs – AS2416
  - Statewide Mutual – “*Signage as Remote Supervision*” – Best Practice Manual [\(2012\)](#)
  - [National Aquatic and Recreational Signage Style Manual](#)

#### 4. IMPLEMENTATION

The ~~City Services & Operations~~ [Finance](#) Corporate & Community Services Group will administer the ~~Aquatic & Leisure~~ Shoalhaven Swim & Fitness Facilities to which this Policy applies, beach patrol services and Council managed parks and foreshore reserves.

The ~~Strategic Planning~~ [Environment](#) & ~~Infrastructure Development Services~~ Group will administer the beach accessways adjacent to Council managed parks and foreshore reserves.

#### 5. REVIEW

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

#### 6. APPLICATION OF ESD PRINCIPLES

Not applicable.

## SA17.151 Access Area for Dogs

**HPERM Ref:** D17/162059

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

**Attachments:** 1. Access Areas for Dogs [↓](#)

### Purpose / Summary

Council is required to review all policies within 12 months of the election. This policy is presented for readoption without changes.

### Recommendation (Item to be determined under delegated authority)

That Council re adopt the public policy, Access Area for Dogs, without changes.

### Options

1. Re adopt the policy as recommended.

Implications: Social Infrastructure and Planning will continue to implement the policy, in conjunction with the Rangers and Tourism, to ensure a coordinated approach is taken. This policy gives Council an official position on Access Areas for Dogs.

2. Amend the recommendation.

Implications: Any significant change to the policy has resourcing implication that are not currently funded, any changes should consider consultation and input from Internal units of Council such as Rangers and from the wider community, as the resulting decisions may have resourcing implications and impact on the way our community use their public spaces. A more comprehensive review of this policy will require Council to allocate specific funding for this to be undertaken.

3. Rescind the policy.

Implications: Not recommended as this will result in a loss of provisions and controls for the relevant policy.

### Background

This policy was re adopted 17 February 2015. This policy has been developed in line with current legislation and community feedback. Please see existing policy attached.

The policy has on a number of occasions come to Council for amendments, these amendments have been dealt with accordingly. A full review of the policy was undertaken 2012/13 with extensive community consultation, this review required considerable resources: staff, advertising, survey work, map changes, signage updates etc.

Council staff consider that this policy is on the whole working well for our community at present, with a balance of on and off leash and prohibited areas for dogs to assist access to all public spaces for our community. With the exception of Narrawallee Beach, inquiries and

requests for dog on-leash and dog off-leash areas have settled down and Council has resolved a position on Narrawallee Beach.

Council staff consider that if a full review was to be undertaken this will require funding to be identified. Council staff have made budget funding submissions and requested funding to undertake a review beyond that which can currently be resourced. These requests have been made via Council reports and budget bids to fund a review. Due to the non-allocation of funding staff are requesting that Council endorse the existing policy, and address concerns or legislated changes as they occur.

### **Community Engagement**

The review of the above policy does not warrant community engagement. Community engagement is recommended only if the policy is significantly changed or considered for amendment by the elected Council.

### **Financial Implications**

No additional financial implication result from readoption of the existing policy.

A full review of the Access Areas for Dogs Policy will require \$40,000 if this is to be outsourced and reviewed through the engagement of specialist consultants. If undertaken by staff this would require significant reprioritisation of current projects.



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For more information contact the Finance Corporate & Community Services Group

## ACCESS AREAS FOR DOGS

**Policy Number:** POL16/173 • **Adopted:** 25/01/2005 • **Revised:** 27/06/2006, 26/09/2006, 30/1/2007, 27/2/2007, 22/04/2008, 27/05/2008, 10/02/2009, 21/12/2010, 21/06/2013, 9/12/2014, 17/02/2015, 19/07/2016 • **Minute Number:** MIN05.79, MIN06.870, MIN06.1286, MIN07.121, MIN07.242, MIN08.526, MIN08.711, MIN09.160, MIN10.1445, MIN13.631, D14/327993, MIN15.85, MIN16.541 • **File:** 3220E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

### 1. PURPOSE

This policy has been prepared to provide dog owners with public domain conduct guidelines as well as to define off-leash, on-leash and prohibited dogs areas for land and assets within the ownership, management, care and control of Council.

### 2. STATEMENT

This policy supersedes the previous *Access Areas for Dogs* policy and was adopted by Council at its meeting of 17 February 2015.

### 3. DEFINITIONS

The following definitions provide clarity to meaning and terminology for which this policy applies:

**3.1 Foreshore Reserve** – Council Land (Community Land) or Crown Land (Council as Trust Manager or having a Care, Control and Management responsibilities) that adjoins permanent water bodies or intermittent watercourses including oceans, estuaries, lakes, rivers, creeks, watercourses and wetlands.

**3.2 Beach** – Land (as described above) that is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment. For the purpose of this policy the term 'waters edge' refers to a depth of 10 metres from the low tide mark.

**3.3 Dangerous Dogs** – Any dog breed that is described as 'Dangerous' under the Companion Animals Act or deemed by Council.

**3.4 Restricted breed dogs** – any dog breed that is described as "Restricted" under the Companion Animals Act.

**3.5 Off-leash** – Dogs are allowed off leash, however, a collar must remain on the dog.

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**3.6 On-leash** – an adequate chain, cord or leash that is attached to the dog and that is being held by (or secured to) the person.

**3.7 Under Effective Control** – Dogs that behave in an acceptable manner in social environment and are at minimum, basic trained and will respond to their owner's commands.

**3.8 Patrolled or "flagged" areas** – Land (as described above) or a section of beach, water and/or foreshore reserve that is supervised or used by individuals, volunteers, organisations, operators or public officers, with the authorisation of Council.

**3.9 Owner** – for the purpose of this policy an 'owner' refers to any person who has permission to take the dog into a public domain; maintain the dog under effective control; and willing to accept responsibility for which this policy applies.

#### **4. DOG OWNERS CODE OF CONDUCT**

Dog owners have a responsibility to the social and natural environment of the Shoalhaven community. For that reason and for the purpose of this policy, dogs must be under control at all times, when in the public domain.

Dog owners who use off-leash areas must be within view of their dog/s and within close proximity of their dog/s.

Dog owners have a responsibility to remove all waste faeces created by their dog/s and disposing of the waste in the appropriate manner. Council has dog tidy bags for sale at the Visitor Information Centre and at Council's Administrative Centres.

#### **5. PROVISIONS**

##### **5.1. On-Leash Areas for Dogs**

Outside Council's 'dog prohibited' areas and 'prohibited boundary' areas as governed by the Companion Animals Act, a dog may be taken onto any Council land as described by this policy providing it is kept on-leash at all times. There are exemptions, which are identified in section 5.5.

##### **5.2. Dog Prohibited Areas – Companion Animals Act**

This policy is governed under the Companion Animals Act, therefore the recognised dog prohibited areas legislation applies city wide as an enforceable regulation.

- Dogs are prohibited in the following places (whether or not they are leashed or otherwise controlled):
  - (a) *Children's play areas*
  - (b) *Food preparation/consumption areas.*
  - (c) *Recreation areas where dogs are prohibited*
  - (d) *Public bathing areas where dogs are prohibited*
  - (e) *School grounds*
  - (f) *Child care centres*
  - (g) *Shopping areas where dogs are prohibited.*
  - (h) *Wildlife protection areas*

### 5.3. Dog Prohibited Areas – Site Specific

In addition, to the generic prohibited areas as defined above, Council has zoned designated site specific areas of managed land or land within the care and control of Council to be enforced as dog prohibited (24 hours). The prohibited zoning of the below listed areas were influenced by either the natural or social environment.

To define the applicable boundary, dogs are prohibited at the greatest distance set by either the Companion Animals Act or Council site specific boundary.

#### **Bendalong**

- Flat Rock Beach

#### **Berrara**

- Berrara Beach

#### **Callala Beach**

- Callala Beach between Parkes Crescent and Centre Street.
- Southern end of Callala Beach south of the Beach Street car park at Myola.

#### **Culburra**

- Lake Wollumboola Foreshore Reserve - southern end of The Lake Circuit to Kiah Lane.

#### **Huskisson**

- Huskisson sand / rock foreshore area between Currambene Creek and Nowra Street.
- Moona Moona Creek sand/rock foreshore area between Jervis Street and northern end of Ilfracombe Avenue.
- Council managed land which forms Currambene Creek Mudflats Sanctuary Zone.

#### **Lake Conjola**

- Lake Conjola Spit

#### **Lake Tabourie**

- Within the reserve north of Lake Tabourie entrance – foreshore adjacent to Lake Tabourie Tourist Park.

#### **Mollymook**

- Mollymook Beach - North and South ends

#### **Narrawallee**

- Narrawallee Beach and reserve from Narrawallee Creek to the unnamed Island.
- Narrawallee Beach and reserve from the northern end of Victor Avenue to Surfers Avenue.

#### **Sanctuary Point**

- Palm Beach and Red Head Reserve to the headland stairs and the southern end of John Williams Reserve

#### **Shoalhaven Heads**

- Shoalhaven River entrance sand spit at the southern end of Seven Mile Beach south-east of the River Road car park.



*Shoalhaven City Council - Access Areas for Dogs*

**Vincentia**

- Within Blenheim Beach Reserve - Fredrick Street to Elizabeth Drive.
- Vincentia foreshore and reserve from northern end of Ilfracombe Avenue to the boat ramp at the end of Holden Street, Vincentia, including Collingwood Beach and foreshore excluding the Collingwood cycleway which is an on-leash area.

**5.4. Off-leash Areas for Dogs**

Off-leash areas for each of the sites listed below are subject to time variations and may be altered on the application of reserves, beaches and open space hire / lease bookings made through Council.

**Basin View**

- Basin View foreshore reserve west of boat ramp, bordered by Basin View Parade
  - *off-leash 24 hours*

**Bawley Point**

- Cormorant Beach
  - *off-leash 24 hours*

**Bendalong**

- Washerwomans Beach
  - *off-leash 24 hours*

**Berry**

- Berry Sporting Complex (between the Skate park and North Street)
  - *off-leash 24 hours*
- Camp Quality Park
  - *off-leash 24 hours*

**Bomaderry**

- Cricket oval immediately adjacent to the Bomaderry Aquatic Centre
  - *off-leash 24 hours when no used by user groups*

**Burrill Lake**

- Public reserve east of Princes Highway, bounded by Racecourse Creek & opposite Kings Point Drive
  - *1 October to 30 April – off-leash from 4pm to 8.00am*
  - *1 May to 30 September – off leash from 3pm to 10am*

**Callala Beach**

- Callala Beach foreshore reserve between Callala Creek and Currambene Creek
  - *1 October to 30 April – off-leash from 4pm to 8.00am*
  - *1 May to 30 September – off leash from 3pm to 10am*

**Culburra**

- Culburra Beach and foreshore reserve between Gateway Caravan Park & Tilbury Cove
  - *1 October to 30 April – off-leash from 4pm to 8.00am*
  - *1 May to 30 September – off leash from 3pm to 10am*

## Shoalhaven City Council - Access Areas for Dogs

**Currarong**

- Currarong Beach and foreshore reserve from Currarong Creek extending westwards to Peel Street.
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am

**Huskisson**

- Huskisson Beach and foreshore reserve between Nowra Street & Tapalla Avenue.
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am

**Milton**

- Milton Showground
  - off-leash 24 hours except during scheduled events

**Mollymook**

- Public reserve adjacent to Mitchell Parade and south east of buildings and playing fields off (north of Donlan Road).
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am
- Collers Beach
  - off-leash 24 hours

**Narrawallee**

- Beach access steps off Victor Avenue to the un-named Island
  - 1 October – 30 April – off leash from 6pm – 8am
  - 1 May to 30 September - off leash from 3pm – 10am

**Nowra**

- Area north of Worrigee Street at the Nowra Showground.
  - off-leash 24 hours

**Sanctuary Point**

- Clifton Park
  - off-leash 24 hours

**Shoalhaven Heads**

- Jerry Bailey Reserve cricket field
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am
- Shoalhaven Head Beach 200m north of the Surf Club building to the public access way through the Shoalhaven Heads Golf Course.
  - off-leash 24 hours
- River Road Reserve adjacent to the river edge - from the boat ramp in the east to the wharf at the end of Jerry Bailey Road.
  - off-leash 24 hours

**Swan Lake**

*Shoalhaven City Council - Access Areas for Dogs*

- Swan Lake foreshore reserve between northern boat ramp (end of Yaroma Avenue) and SLWSC boat ramp.
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am

**Ulladulla**

- Beach north of the Northern Breakwater in Ulladulla Harbour
  - off-leash 24 hours

**Vincentia**

- Nelson Beach and foreshore reserve
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am

**Worrigee**

- Ratcliff Park cricket field.
  - 1 October to 30 April – off-leash from 4pm to 8.00am
  - 1 May to 30 September – off leash from 3pm to 10am

**5.5. Exemption**

This policy does not apply to police dogs, emergency service dogs or dogs used to assist people with a disability.

The boundary restriction of 10 metres from food preparation/consumption areas does not apply should the preparation / consumption area be located within a public thoroughfare where a 10 metre separation distance is not possible. Cafes can allow dogs outside at their discretion – S14A Companion Animals Act.

In the event that a prohibited or restricted area enforceable under this policy be hired/leased out by Council to a group/individual/organisation, the terms and conditions of that hire / lease will determine the regulatory role of this policy.

In the event that an off-leash area is hired / leased out by Council to a group / individual / organisation / operator, the area will default to an on-leash area and a 10 metre separation from the event boundary will apply.

**5.6. Penalties for Non Compliance**

Penalties apply in accordance with the NSW Companion Animals Act 1998.

**6. IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer this policy and the Planning & Development Services Group (Ranger Services) will enforce the policy.

**7. REVIEW**

Council will monitor the access areas and policy over a 12 month period, from date of revision. The policy, in its entirety, will be reviewed within 12 months of the appointment of local government elect.

**8. APPLICATION OF ESD PRINCIPLES**

The provision of dog off leash and on-leash areas in the Shoalhaven has the capacity to contribute to the economy of the region through tourism. Defining access areas for dogs assist in the conservation of the natural environment and provide a holistic solution to balancing economic tourism income and protection of the environment.

**9. RELEVANT PLANS, POLICIES AND LEGISLATION**

NSW Companion Animals Act 1998  
Community Strategic Plan, Shoalhaven Council 2020  
Council Policy (POL08/213) Dog Control – Holiday Tourist Parks  
Council Policy (POL05/119) Foreshore Reserves Policy  
Council Policy (POL10/137) – Companion Animals Policy

## **SA17.152 Private Functions On Public Reserves Policy - Amendment**

**HPERM Ref:** D17/162332

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

**Attachments:** 1. Private Functions on Public Reserves Policy [↓](#)

### **Purpose / Summary**

To review the Private Functions on Public Reserves Policy follow the Local Government elections and amend to include Bannisters Reserve in the Medium Function Provisions and also include in Appendix A – Medium Function Locations. Delete the last sentence from 4.1 General Provisions (b) mentioning Bannister Reserve.

### **Recommendation (Item to be determined under delegated authority)**

That Council amend the Private Functions on Public Reserves Policy to include Bannister Reserve to the Medium Function Criteria and Map

### **Options**

1. Committee adopt the recommendation as above.

Implications: This would ensure the medium functions can be held on Bannister Reserve adjacent to Bannisters by the Sea Mollymook.

2. Committee reject the recommendation and provide an alternate with direction for staff

Implications: This may restrict use of Bannister Reserve for weddings adjacent to Bannisters by the Sea Mollymook.

### **Background**

The Private Functions on Public Reserves Policy was created in June 2015 following issues and complaints from residents in both the Callala Bay and Hyams Beach areas. The Policy was adopted to include specific locations for private functions with more than 50 guests and has been managed very well since adoption with no complaints being received from residents.

Bannisters by the Sea Mollymook is a function centre, hotel and restaurant in Mollymook, there is a section of Council managed public reserve – Bannister Reserve - adjacent to their centre which is often used for private functions including weddings. Eighty percent (80%) of Bannisters guests hold their ceremony on Bannister Reserve. By adding Bannister Reserve to the medium function provisions, this will alleviate potential doubling up of bookings on the same day and will be more manageable for staff both at Council and Bannisters, and the members of public hiring the reserve.

Bannisters by the Sea Mollymook was not originally included in the medium function provisions as it was considered at the time that Bannisters by the Sea Mollymook may enter

into a lease/licence over Councils Reserve, however this did not eventuate. Therefore to address this situation it is proposed to add Bannister Reserve to the medium function provisions in the Policy and include in the Medium Function Locations in Appendix 1.

### **Community Engagement**

Consultation with Functions Manager at Bannisters by the Sea Mollymook on 18 May 2017. Functions Manager agreed with the inclusion of Bannister Reserve into Council's Private Functions on Public Reserves Policy – Medium Functions.

As this amendment is minor in nature, and it essentially identifying Bannister Reserve as a medium function location, it is considered that it will not require public exhibition and is formalising established current practice. However the Ulladulla Forum will be contacted to confirm agreement.





**City Administrative Centre**  
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra  
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**Southern District Office**  
Deering Street, Ulladulla - Phone: (02) 4429 8999 – Fax: (02) 4429 8939

Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the Finance Corporate and Community Services Group

## PRIVATE FUNCTIONS ON PUBLIC RESERVES

**Policy Number:** POL17/57 • **Adopted:** 22/07/2003 • **Amended:** 21/12/2004, 10/12/2013, 23/06/2015, 28/06/2016, 28/03/2017 • **Reaffirmed:** 10/2/2009, 24/01/2017 • **Minute Number:** MIN03.964, MIN04.1591, MIN09.164, D13/318140, MIN15.376, MIN16.526, MIN17.16, MIN17.234 • **File:** 6320E • **Produced By:** Finance Corporate & Community Services • **Review Date:** 1/12/2020

### 1. PURPOSE

Council welcomes the community to use its parks and reserves for special private gatherings and functions, which complement existing use by the general public. All coordinated, private functions requiring the use of Council managed public reserves are subject to this policy. The purpose of the policy is to prevent conflicts, make necessary maintenance preparations, monitor use and avoid the overuse of public reserves.

### 2. OBJECTIVES

The objectives of this policy are to:

- Facilitate and manage private functions held on public reserves.
- Ensure private functions are carried out without unduly impacting on normal use of public reserves and the amenity of neighbours.
- Provide terms and conditions appropriate to the location and size of the private function being held on public reserves.

### 3. STATEMENT

This policy applies to all public reserves which are managed by Shoalhaven City Council and are subject of a private function.

This policy does not apply to:

- Council managed or owned public buildings & facilities including: Showgrounds, Community Halls, Community Centres, Sportsgrounds & Surf Clubs which are located on public reserves and limited private function use is a permissible use; and
- Community or religious functions or events that require a development application (DA).

In exceptional circumstances, Council's Director responsible for this policy has the ability to merit assess and approve a function which does not fully meet the provisions of this Policy.

#### 4. PROVISIONS

The following general and specific provisions form the Terms & Conditions for private functions on public reserves.

##### 4.1 General Provisions

- a) Reserve bookings will be accepted a maximum of 18 months in advance of the function.
- b) Function areas must be located a minimum of 25 metres from playgrounds, amenities building and private residential boundaries. The function must not also block access to other public facilities such pathways and car parks. ~~This provision does not apply to the public reserve directly adjacent to Bannisters (Bannister Point, Mollymook Beach).~~
- c) Reserve bookings for functions (excluding those that require a Development Application (DA) will be accepted only outside of peak tourism periods. Peak tourism periods include the Christmas, Easter and summer school holiday period.
- d) Reserve bookings can be approved between the following hours:  
Monday to Saturday 10am to 10pm  
Sunday 10am to 8pm
- e) A DA may be required for some private functions or infrastructure associated with the private functions. The function organiser is to contact Council's Planning & Development Services Group to determine if a DA is required.
- f) No fencing or other barriers are permitted.
- g) The area is to be left in a clean and tidy condition, and arrangements will be made for the collection/ removal of any waste generated as a result of the private function.
- h) Service of any alcohol (where permitted – noting that some reserves in the Shoalhaven are declared as Alcohol Free Zones) will be carried out by a person(s) with a valid RSA accreditation. Police must also be notified of any function serving alcohol.
- i) Fireworks are not permitted.
- j) Parking is permitted in allocated parking areas only. Vehicles are not permitted to enter the public reserve or beach.
- k) No helium filled balloons to be used on any playing field, sportsground or reserves. No balloons, helium filled or otherwise, to be released in or around any Council owned playing field, sportsground or reserves.
- l) If the function is a wedding, only biodegradable confetti, bubbles or loose rose petals are to be used.
- m) If the function is a wedding, multiple ceremonies that are facilitated by a wedding planner or celebrant in the same location and on the same day are not be permitted.
- n) Fees and bonds are included in Council's adopted Schedule of Fees & Charges - <https://www.shoalhaven.nsw.gov.au/My-Council/Fees-and-charges>. Fees and bonds are required to cover Council's costs of administering the service, address any damage caused to a public reserve as a direct result of a private function and to encourage and ensure compliance with the Terms & Conditions issued in a permit for use of a public reserve. Therefore, if Terms & Conditions are not abided by part or all of the bond may be retained by Council. The final bond amount will be determined by Council staff and related directly to managing the function requirements.

### **Specific Provisions**

Private Functions on Public Reserves are permissible if they comply with the above general provisions and the following function hierarchy:

#### **Small Function**

No Council booking, permit or fee is required if the following terms & conditions (and General Provisions) are abided by:

- Maximum number of people (including children) at the private function is 50 (total).
- Maximum duration of the function is 3 hour (incl. set up/ pack up).
- The area is available to be shared with the general public (i.e. the public reserve is for the use and enjoyment by all and public access must not be restricted in any way).
- Infrastructure is limited to a personal/ 'pop up' marquee (maximum 3m x 3m), one table and 10 chairs (that can be carried in and out of the public reserve). Larger marquees are not permitted.
- Public Address (PA) systems are not permitted.

#### Additional Provisions for Weddings:

- The organiser conducts a wedding ceremony only on the public reserve, with a wedding reception being held at a separate venue.

#### **Medium Function**

A booking, permit and fee is applicable and the following terms & conditions (and General Provisions) are to be abided by:

- Permitted only in the reserve locations listed and mapped in Appendix A & B. The remainder of the public reserve is for the use and enjoyment by all and public access must not be restricted in any way.
- Maximum number of people (including children) at the private function is 100 (total).
- Maximum duration of the function is 3 hours (incl. set up/ pack up).
- The organiser is required to ensure safety and security for the function. The organiser must delegate a Function Safety Coordinator (in the application), who must be on site at all times during the function, be contactable by mobile phone and be responsible for liaising with all of the relevant authorities.
- The application form declaration has been signed by the Function Safety Coordinator.
- The organiser or Function Safety Coordinator will inspect the nominated area before the function and if additional bins are required the cost will be in accordance with Council's adopted Schedule of Fees & Charges or by the applicant making arrangements with a waste contractor.
- The organiser will not sublet the nominated area or assign rights to any other organisation or person.
- The organiser is required to advise the Police of the function.

*Shoalhaven City Council – Private Functions on Public Reserves*

- Infrastructure is limited to two personal/ 'pop up' marquees with a maximum size of 9m<sup>2</sup> (with the exception of Currarong where one only is permitted), two tables, 50 chairs, an aisle runner and 2 flags. Larger marquees are not permitted.
- No access to electrical power in public reserves will be granted. 0
- Public address (PA) systems are required to be battery operated. Noise is to be controlled by the organiser and is not to create a nuisance to other park users or private residences, therefore your function must be carried out in a manner which does not cause offensive noise as defined by the Protection of Operation of the Environment Act 1997. That is, the noise level produced during the function shall not exceed the background level (L90), by more than 5 dB when measured at the nearest residential boundary. Speakers must also be faced away from neighbouring properties.
- If the nominated area is left in a clean and tidy condition and the overall Terms & Conditions are abided by the bond will be authorised for return to the function organiser. If the nominated or surrounding area has been left in an untidy condition or the nominated or surrounding area has been damaged, Council will contact the organiser and make arrangements for cleaning or repairs to be carried out. Any costs incurred for any additional cleaning or repairs necessary to reinstate the nominated or surrounding area to the condition it was before the time of the function will be deducted from the bond. This bond can be withheld if the terms & conditions are not fulfilled or if the function has a significant impact on the general users of the reserve or neighbours.

Additional Terms & Conditions for Weddings:

- The organiser conducts a wedding ceremony only on the public reserve, with a wedding reception being held at a separate venue.

**Large Function**

A booking, permit and fee is applicable and the following terms & conditions (and General Provisions) are to be abided by:

- Permitted only in the reserve locations listed and mapped in Appendix B. The remainder of the public reserve is for the use and enjoyment by all and public access must not be restricted in any way
- Maximum number of people attending the private function must be easily accommodated within the mapped area and not exceed 200.
- Maximum duration of the function is 6 hours and set up / pack up to occur within a total of 2 days.
- If a marquee is to be erected a minimum 100m<sup>2</sup> up to maximum 300m<sup>2</sup> total floor area is permitted.
- The nominated area gives primary use of this part of the public reserve. The remainder of the public reserve is for the use and enjoyment by all and public access must not be restricted in any way.
- The organiser is required to ensure safety and security for the function. The organiser must delegate a Function Safety Coordinator (in the application), who must be on site at all times during the function, be contactable by mobile phone and be responsible for liaising with all of the relevant authorities.
- The application form declaration has been signed by the Function Safety Coordinator.

*Shoalhaven City Council – Private Functions on Public Reserves*

- The organiser or Function Safety Coordinator will inspect the nominated area before the function and if additional bins are required the cost will be in accordance with Council's adopted Schedule of Fees & Charges or by the applicant making changes with a waste contractor.
- The organiser will not sublet the nominated area or assign rights to any other organisation or person.
- The organiser is required to advise the Police of the function.
- If access is required to electrical power in public reserves an additional fee will be required for this access and supply. The organiser must ensure that all electrical equipment is compatible with the available electrical supply and all electrical equipment meets relevant standards.
- Public address (PA) systems outside a marquee are required to be battery operated. Noise is to be controlled by the organiser and is not to create a nuisance to other park users or private residences, therefore your function must be carried out in a manner which does not cause offensive noise as defined by the Protection of Operation of the Environment Act 1997. That is, the noise level produced during the function shall not exceed the background level (L90), by more than 5 dB when measured at the nearest residential boundary. Speakers must also be faced away from neighbouring properties.
- If the nominated area is left in a clean and tidy condition and the overall Terms & Conditions are abided by the bond will be authorised for return to the function organiser. If the nominated or surrounding area has been left in an untidy condition or the nominated or surrounding area has been damaged, Council will contact the organiser and make arrangements for cleaning or repairs to be carried out. Any costs incurred for any additional cleaning or repairs necessary to reinstate the nominated or surrounding area to the condition it was before the time of the function will be deducted from the bond. This bond can be withheld if the terms & conditions are not fulfilled or if the function has a significant impact on the general users of the reserve or neighbours.
- The organiser accepts responsibility for any claim for damage to property or injury to persons which arises from your use and occupation of the nominated area. The organiser must obtain and maintain public liability insurance for the amount set out in the permit with an insurer approved by the Australia Prudential Regulation Authority. A Certificate of Currency must be provided to Council at least 14 days prior to the function.

**Addition Function Venues**

In addition to those public reserve locations listed and mapped in Appendix B, Council encourages private functions in its Public Buildings & Facilities including: Showgrounds, Community Halls, Community Centres, Sportgrounds & Surf Clubs. Some of these facilities can be viewed at <http://doc.shoalhaven.nsw.gov.au/Displaydoc.aspx?Record=d14/246790> )

**5. IMPLEMENTATION**

The Finance Corporate & Community Services Group will administer this policy.

**6. REVIEW**

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

**7. APPLICATION OF ESD PRINCIPLES**

ESD (Ecologically Sustainable Development) principles are evident in the terms & conditions listed in this Policy, that require: use of biodegradable confetti only, limited number of locations to be used for private functions of a certain size, and associated consideration of bushfire risk, noise impact and waste disposal.



*Shoalhaven City Council – Private Functions on Public Reserves*

**Appendix A – Medium Function Locations**

**Apex Park, Berry**



**Greenwell Point Foreshore Reserve, Greenwell Point**



*Shoalhaven City Council – Private Functions on Public Reserves*

**Tilbury Cove Reserve, Culburra Beach**



**Dolphin Point Reserve, Currarong (only one 9m<sup>2</sup> tent or marquee permitted)**





*Shoalhaven City Council – Private Functions on Public Reserves*

**Community Hall Reserve, Callala Beach**

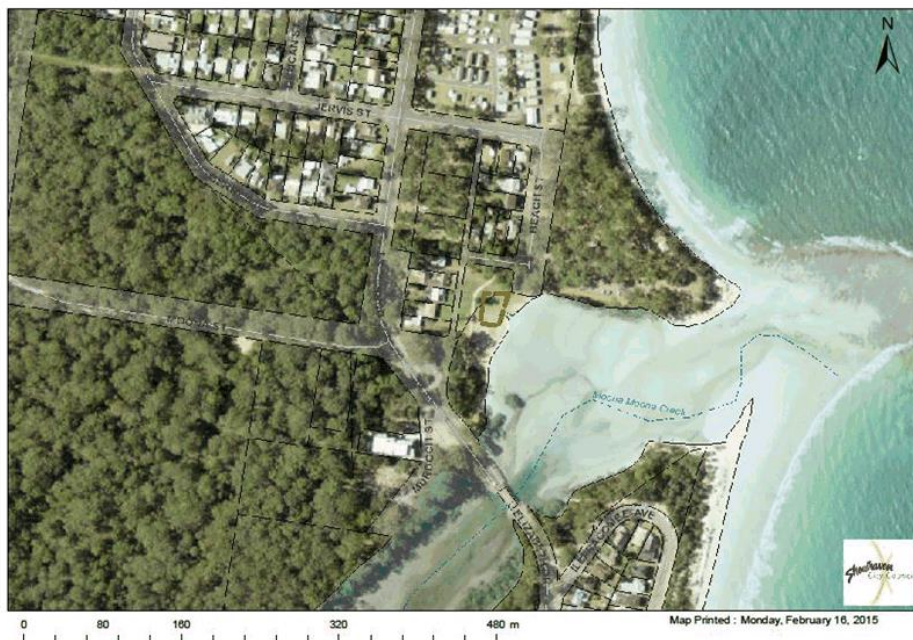


**Voyager Park, Huskisson**

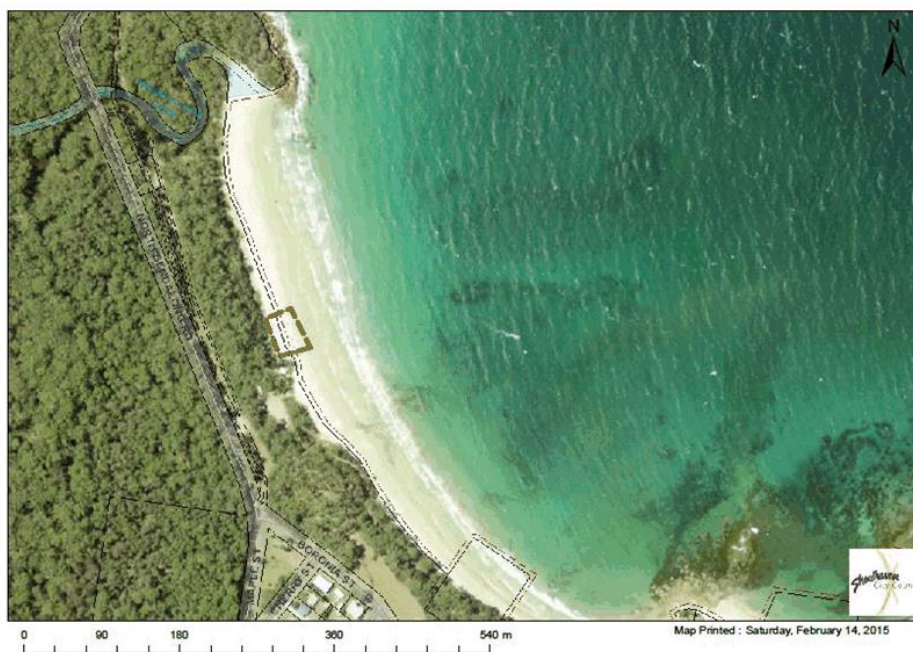


*Shoalhaven City Council – Private Functions on Public Reserves*

**Moona Moona Creek, Huskisson**



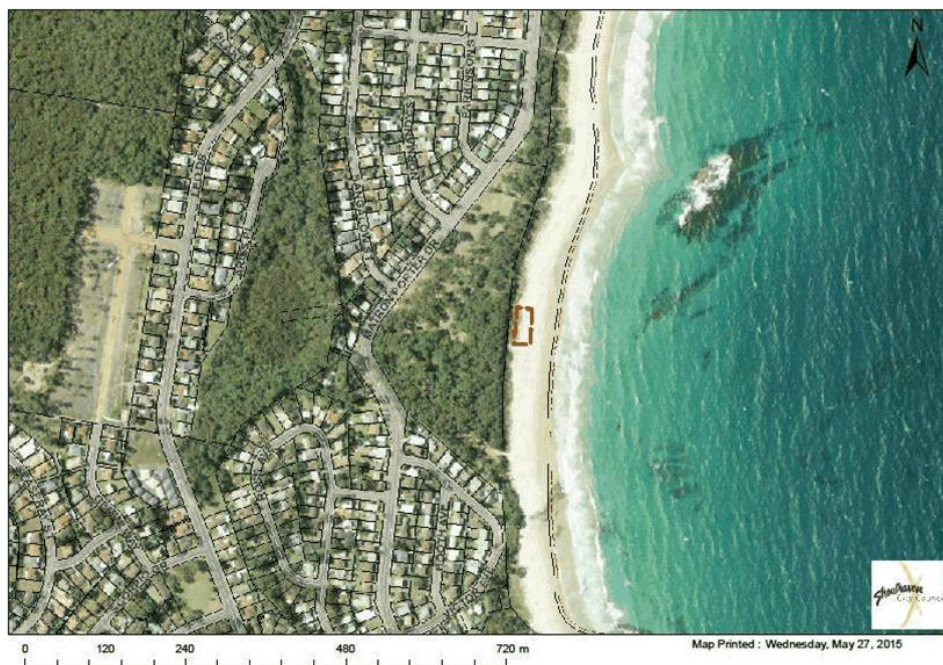
**Washerwomens Beach Reserve, Bendalong**





*Shoalhaven City Council – Private Functions on Public Reserves*

**Narrawallee Beach Reserve, Narrawallee**

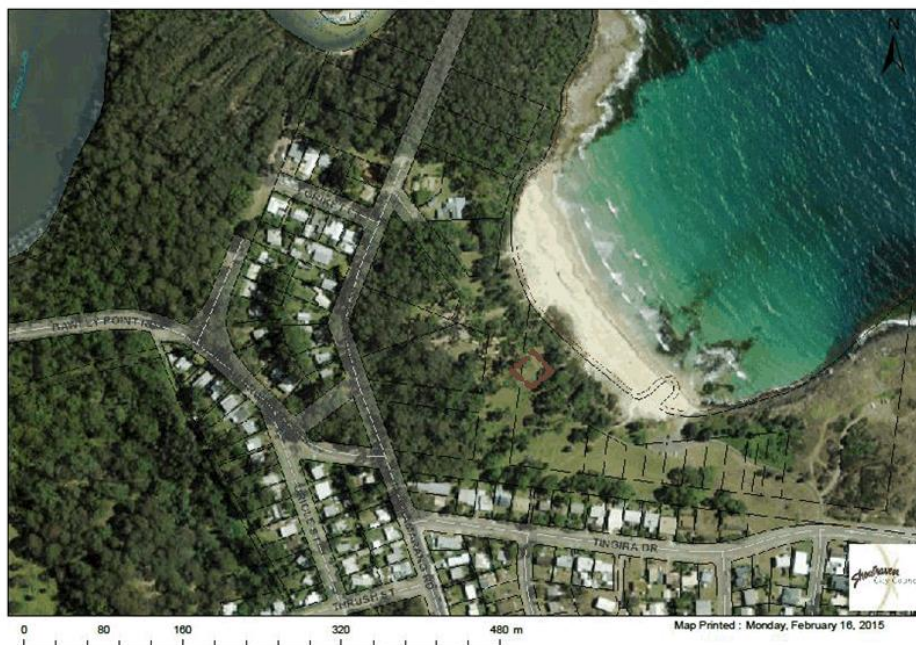


**Bannister Reserve, Mollymook Beach**



*Shoalhaven City Council – Private Functions on Public Reserves*

**Johnston Street Reserve, Bawley Point**



SA17.152 - Attachment 1



*Shoalhaven City Council – Private Functions on Public Reserves*

**Appendix B – Large Function Locations (able to accommodate Medium Functions)**

**River Road Reserve, Shoalhaven Heads**



**Marriott Park, Nowra**



*Shoalhaven City Council – Private Functions on Public Reserves*

**Harry Sawkins Park, Nowra**



**Greys Beach Reserve, Nowra**





*Shoalhaven City Council – Private Functions on Public Reserves*

**Plantation Point Reserve, Vincentia**



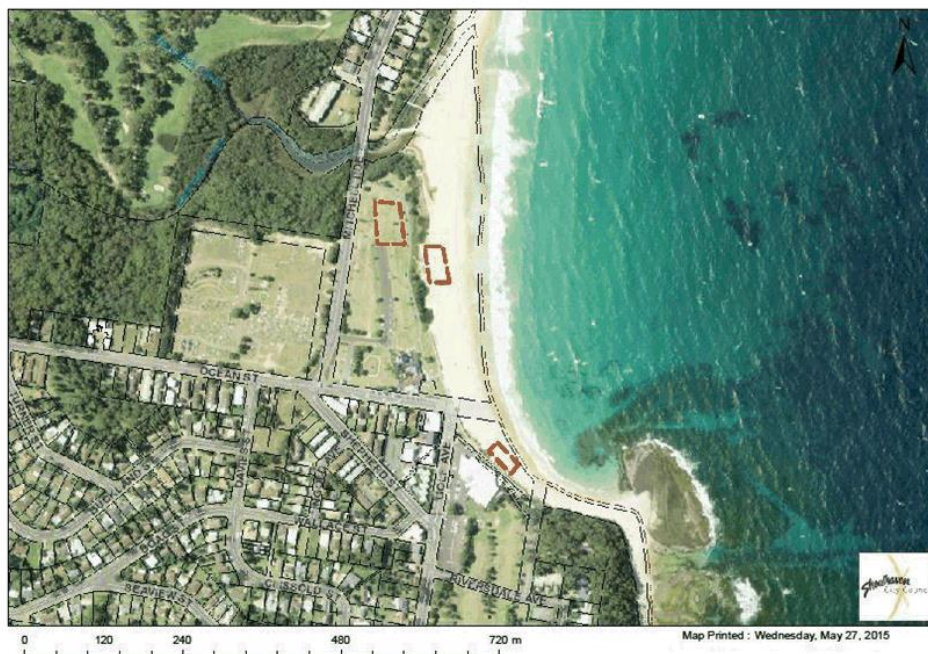
**Lions Park Reserve, Sussex Inlet**





Shoalhaven City Council – Private Functions on Public Reserves

**Mollymook Beach Reserve, Mollymook Beach (large functions not permitted on beach)**



**Ulladulla Civic Centre, Ulladulla**





*Shoalhaven City Council – Private Functions on Public Reserves*

**Rotary Park, Ulladulla**



**Lions Park Reserve, Burrill Lake**



## **SA17.153 Bay and Basin Community Hub - Draft Master Plan Exhibition Complete - Request for Detailed Design Phase**

**HPERM Ref:** D17/162815

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

**Attachments:** 1. Draft Bay and Basin Master Plan - Community Hub - January 2017 for Exhibition (under separate cover) [⇒](#)  
2. Overview - Exhibition Boards [↓](#)  
3. Submission table with Staff comment [↓](#)

### **Purpose / Summary**

To present the submissions received during the exhibition of the Draft Bay & Basin Master Plan for Council to adopt the Plan with minor wording changes to the report and to seek Council approval to proceed to detailed design The detail design phase needs to show staging to ensure the gym, health and fitness facilities remain operational during construction.

### **Recommendation (Item to be determined under delegated authority)**

That Council:

1. Adopt the Draft Bay & Basin Master Plan, with minor wording changes to the report as outlined in the submission table
2. Council support progressing this project to the next stage of detailed design.

### **Options**

1. Adopt the recommendation.

Implications: This will allow finalisation of the plan and be able to progress to detailed design so the project is shovel ready.

2. Adopt the recommendations with amendment(s).

Implications: Council may resolve to remove or add to the recommendations and this may require re-exhibition of the master plan.

3. Council not adopt the draft master plan and provide a different strategic direction to staff.

Implications: This may not meet the expectations of our community current users and staff

### **Background**

In response to population growth in the Bay & Basin area, Council has recognised the potential to further develop the Bay & Basin Leisure Centre and surrounding lands. To recognise this potential, Council engaged consultants Group GSA to develop a Master Plan

**SA17.153**



for the site. The Draft Bay & Basin Community Hub Master Plan was established and presented to Council's Strategy and Assets Committee meeting on 21 February 2017 (SA17.36). At that meeting under delegated authority, MIN17.102 was adopted:

- "1. Endorse public exhibition of the draft Bay & Basin Community Hub Master Plan for a period of 42 days.*
- 2. Advise stakeholders involved in the preparation of the draft Bay & Basin Community Hub Master Plan of its public exhibition.*
- 3. Receive a further report after public exhibition of the draft Bay & Basin Community Hub Master Plan.*
- 4. Establish a Sub-Committee comprising of Clrs and members of the CCB's and user groups be convened to assist to finalise the Draft Bay & Basin Community Hub Master Plan."*

Subsequently, in line with item one (1) of the resolution, Council placed the Draft Master Plan on public exhibition from 6 March to 30 April 2017. The Get Involved Page, Social Media, Print Media and hard copy flyers were utilised. In addition, there were two (2) drop in sessions held at the Bay and Basin Leisure Centre on Tuesday 4 and Wednesday 5 April 2017, for community to view the plans and speak with Council Staff and the consultants. The drop in sessions at the Bay and Basin Leisure Centre were well attended with positive comments and feedback on the proposal.

Council received eleven (11) submissions (10 from the community and the other being from internal referrals), with a range of comments:

- Mention of a facility of this magnitude in Sanctuary Point,
- Reversible basketball / netball hoops and dual marking courts,
- Outdoor pool for water polo,
- Varied pedestrian access,
- Skateboard park surveillance / vandalism concern,
- Impact on Huskisson Community Centre and a
- Few points about finance commitments and prioritising (roads and Sussex Inlet – modifications potentially more important).
- Changes to report to reflect correct reference to Local Environment Plan

The comments are broad and range from satisfied to dissatisfied, however overall there was support for the Master Plan. The submissions received and staff comments are attached to this report. The submissions that have requested changes, which staff have reviewed and supported, will be addressed in the detailed design stage of the project. The changes requested regarding reference to DCP instead of LEP will be changed in the draft report prior to finalisation.

In relation to parking provision, the new parking area is more than double the existing parking providing for 268 spaces and another 80 spaces available in the temporary overflow parking zone. The parking demand for the facility is to be 294 spaces (refer to table on page 46 of the Master Plan Draft Report attached) The maximum figure of 294 does not account for the fact that different uses will have peak parking demands at differing times during the day.

In line with item four (4) of the resolution, Council wrote to all Councillors and Community Consultative Bodies in Vincentia, Huskisson, Tomerong Wandandian, Hyams Beach and Bay and Basin, the user groups (i.e. rugby, netball, soccer, AFL, Vincentia High School), to request their participation and attendance as part of a subcommittee. Council received notification from two (2) CCBs and one (1) Councillor, unfortunately one (1) of the CCBs was

unavailable on the day set to hold the meeting. Council staff facilitated the meeting with one (1) Councillor and one (1) representative from the Vincentia CCB, the submissions received during the exhibition were discussed at the meeting. It was determined to report back to Council supporting the Draft Bay & Basin Master Plan and requesting to move forward to progress to the detailed design stage.

The Draft Bay & Basin Master Plan is now provided to Council for adoption, and to request support to progress to undertake detailed design in line with the Master Plan and recommended changes from the exhibition period. It is important that the detailed design stage progresses in a way that enables the current gym, health and fitness facilities to remain operational during construction stages.

### **Community Engagement**

Public exhibition ran from 6 March – 30 April 2017. Council utilised the Get Involved Page, Social Media, Print Media and hard copy flyers.

In addition, there were two (2) drop in sessions held at the Bay and Basin Leisure Centre for community to view the plans and speak with Council Staff and the consultants.

The website received 944 visits and there were ten (10) written comments.

The sub-committee meeting on 4 May, 2017 agreed on and supported the Draft Master Plan, and that the progression to detailed design stage should be put to Council to approve and commence.

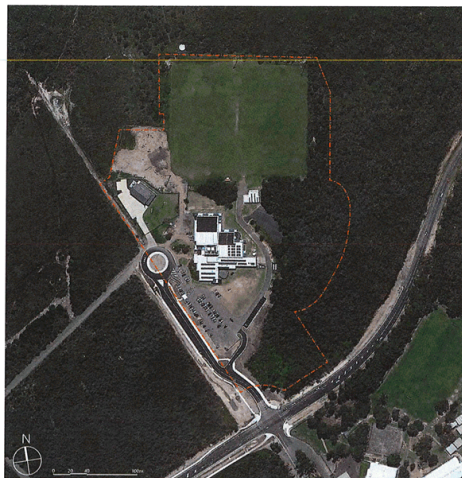
The subcommittee attendees were Cllr Greg Watson and a representative from the Vincentia CCB.

### **Financial Implications**

Funding to continue advancement of the detailed design so the project can be shovel ready for grant funding / project delivery is currently allocated in the draft 2017/18 financial year budget.

## BAY & BASIN COMMUNITY HUB: OVERVIEW

### PROJECT BACKGROUND + OVERVIEW



AERIAL VIEW OF SITE (SOURCE: GOOGLE EARTH)

#### RE-IMAGINE THE BAY & BASIN LEISURE CENTRE AS A COMMUNITY HUB

Shoalhaven City Council has identified the need for improved community infrastructure within the Bay & Basin area.

The Draft Master Plan is based on a vision to expand the existing Bay and Basin Leisure Centre into a multi-use, vibrant Community Hub.

In addition to expanding the built footprint of the Leisure Centre, outdoor areas are proposed to be revamped to better utilise the site, introduce new attractions, and increase parking.

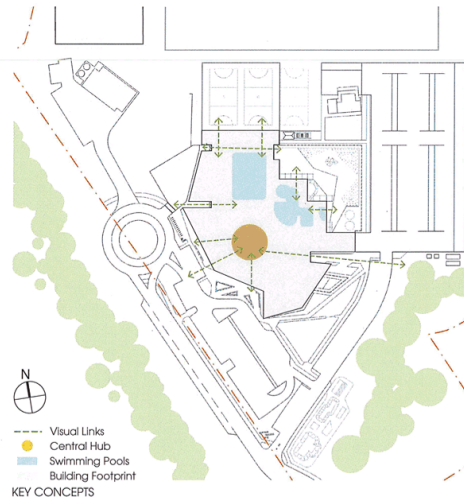
#### THE PROPOSAL

When complete, the Community Hub will augment the existing pool facilities by providing a library, community facilities, crèche, a larger and improved gym, clubhouse, cafe, indoor play area, new entry foyer, and administrative offices.

Outdoors, the existing sports field will be upgraded. A new skate park and netball courts are also proposed.

More than double the number of existing parking spaces are proposed and access improved.

The extension to the pool is designed to wrap around the existing facility to create a new identity for the Centre. The proposed building will be two storeys high, in keeping with the character of the area.



#### KEY MASTER PLAN PRINCIPLES

- > Establish an inviting Community Hub for all by co-locating leisure, community, education, and cultural uses.
- > Bring the National Park into the Community Hub by enhancing visual and physical linkages to the bushland setting.
- > Modular and legible planning designed for seamless and staged extension of the existing Centre. The resulting flexibility allows expansion in stages, depending on priorities and availability of resources.
- > The planning reconciles the varied needs of multiple users.
- > Interplay of indoor and outdoor spaces create spaces of delight.
- > The compact footprint minimises the construction impact on the site.
- > A new front entry.
- > Build on the existing investment made into the Leisure Centre by minimising disruption to the existing facilities.
- > Address the existing site constraints while maximising its opportunities.

### PROPOSED DEVELOPMENT VISION



### THE PROCESS

#### 1 COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

This Council strategy recommended the expansion of the Bay & Basin Leisure Centre into a multi-use Community Hub.

#### 2 DRAFT MASTERPLAN

Consultants were engaged to prepare a Master Plan for transforming the Leisure Centre:

- > Existing site conditions were analysed to identify development opportunities.
- > The Council was consulted throughout to determine the proposed development components.
- > Stakeholders and the community were consulted between June 2016 and July 2016.
- > A Draft Master Plan was prepared based on these consultations.

#### 3 PUBLIC EXHIBITION

#### WE ARE HERE

#### 4 REVIEW THE DRAFT MASTER PLAN

Findings from the Exhibition will be captured in a report to inform the Master Plan.

#### 5 SUBMIT THE FINAL MASTER PLAN TO COUNCIL

This will take on board comments from the Public Exhibition process.

#### 6 COUNCIL APPROVES THE MASTER PLAN

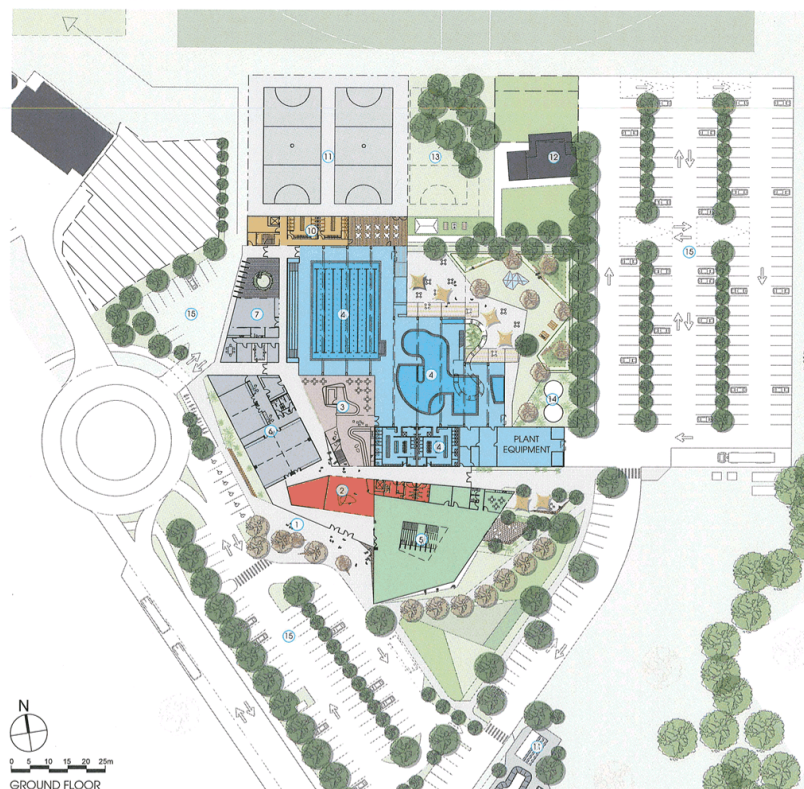
Once approved, the Master Plan provides a 'roadmap' for the Council to deliver the expanded centre in accordance with priorities.

#### 7 COUNCIL ENGAGES CONSULTANTS TO UNDERTAKE DETAILED DESIGN

Detailed architectural and landscape designs will be produced to enable construction.



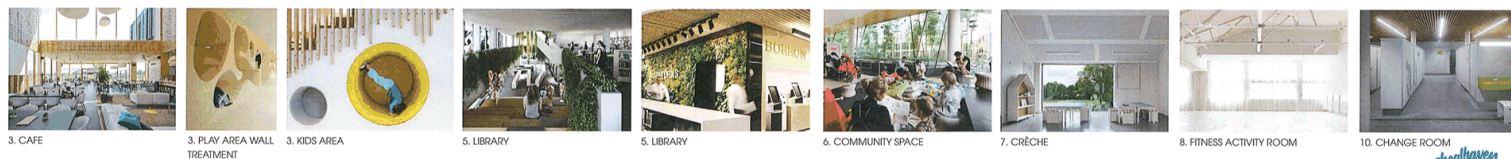
## BAY & BASIN COMMUNITY HUB: THE BUILDING



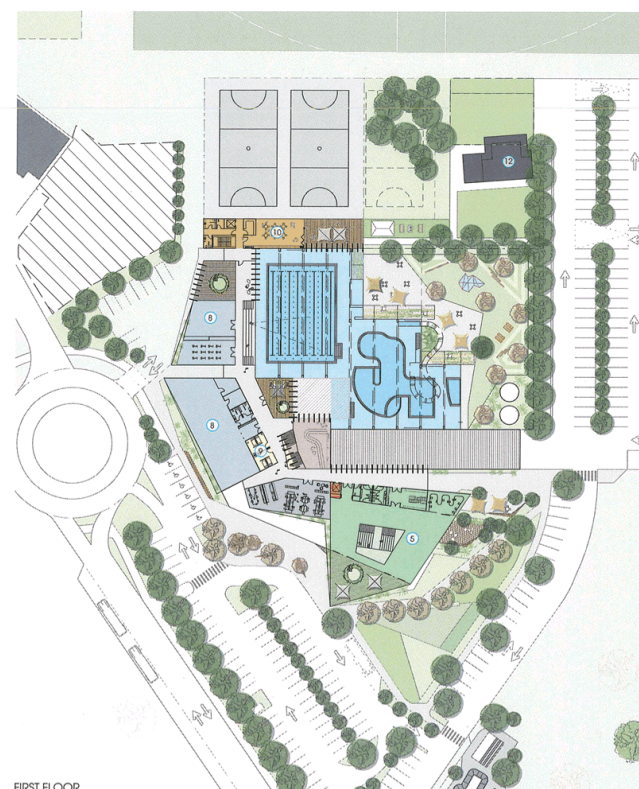
GROUND FLOOR

- 1. FORECOURT
- 2. FOYER
- 3. ATRIUM / CAFE
- 4. EXERCISE / POOL CHANGE ROOMS
- 5. LIBRARY
- 6. COMMUNITY
- 7. CRÈCHE
- 8. FITNESS
- 9. FRANCHISER
- 10. CLUBHOUSE / NEW CHANGE ROOMS
- 11. OUTDOOR SPORT
- 12. EXERCISE BUILDING
- 13. FUTURE EXERCISE
- 14. SERVICES
- 15. CHARNER

### POTENTIAL CHARACTER



GROUP USA FOR Shoalhaven City Council



FIRST FLOOR



## BAY & BASIN COMMUNITY HUB: PUBLIC DOMAIN

### LANDSCAPE MASTER PLAN

- > Links the architectural form of the Community Hub with the landscape and public domain.
- > Integrates the surrounding open spaces and the natural environment of the National Park.
- > Achieves a holistic response to architecture, landscape and the existing environment.
- > Social, natural and functional site planning principles.



ENTRY FORECOURT



LIBRARY READING GARDEN



COMMUNITY GARDEN



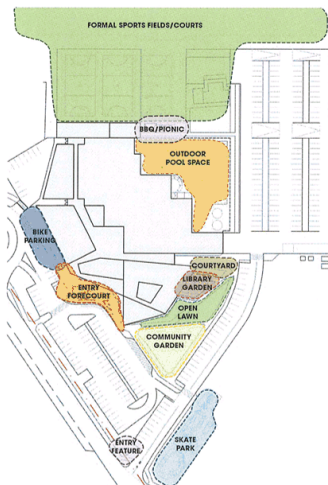
OUTDOOR SPACE FOR THE POOL



SKATE PARK

### ACTIVATION ZONE AND USES

- > Entry Forecourt
  - + Raised planters with feature trees.
- > Community Garden
  - + Raised vegetable planters for a productive garden.
- > Library Reading Garden
  - + A small discrete garden courtyard for reading.
  - + Soft, shaded planting and quiet seating.
- > Skate Park
  - + Multi-functional facility for skateboard, mountain bike, scooter and other wheeled sports.
  - + Good access and visibility to The Wool Road.
- > Outdoor Pool Space
  - + Informal breakout area for pool users.





## BAY & BASIN COMMUNITY HUB: ARTIST'S IMPRESSIONS



THE NEW COMMUNITY HUB ENTRANCE



THE LIBRARY AND COMMUNITY GARDEN



OVERVIEW FROM THE WEST LOOKING AT THE FITNESS FACILITIES, COMMUNITY MEETING ROOMS, ENTRANCE AND LIBRARY

<b>Bay &amp; Basin Community Hub - Draft Master Plan 53255e</b>			
Number	Record No.	Comments	Staff Comments
1	D17/87303	Looks like one of the best proposals that council has put forward for down here in ages. The sooner it's started, the better.	Noted.
2	D17/87151	I think Sanctuary Point would be a great spot for this hub as we need more things for kids to do the skate park is a terrible mess and the location of the skate park is terrible it attracts unwanted destruction and unwanted people because its in a out of sight area we need to build more in Sanctuary Point to create jobs for the young and old	Noted. The site has been chosen as there is an existing Council facility, developing a colocated facility which meets Councils endorsed Community Infrastructure Strategic Plan. The Vincetia location is central to the Bay and Basin Area.
3	D17/90545	It would add further value to the community if one or both of the two outdoor netball courts could have dual markings and a reversible hoop to enable both netball and basketball to be played on the court. This works successfully in other areas, and provides healthy activity for young people of a wide range of ages at minimal cost to council.	Noted. This is a great idea and gives greater potential of utilisation therefore will be addressed in the detail design phase
4	D17/105674	Any chance of an outdoor pool with scope for water polo	Noted. The Brief was to leave the pool area, with no additional pool.
5	Comments from Workshop	Pedestrian access to Centre aisle	Comments from Workshop, This is definitely something that will be incorporated into the detail design phase of the project.
6	D17/112129	I am impressed with the plan and consider it will be of great benefit to the community. My main concern is the limited pedestrian crossings. At the existing site there is no pedestrian crossing from the main entrance to the car park in the middle of the parking area. As there are many young children using this area with their parents and carers, I feel more pedestrian crossing would provide a safer environment	Noted. Safe pedestrian access will be addressed in the detail design phase of the project.



7	D17/113671	Agree with all except the skateboard park because has tendency to attract graffiti artists, vandals, ratbags and all other manner of anti social behaviour	Noted. The Skate park has been located at the front of the facility to ensure safer by design principles are adhered to and provide good passive surveillance
8	D17/125355	While I am in general support of developing the Leisure Centre, I am concerned that it will lead to the closing of local Community Centres. I live in Huskisson and our Community Centre is easily accessible to residents and caters for a wide range of activities. I attend Tai Chi classes, meetings of the local CCB and diverse other functions such CWA Fund Raisers to combat domestic violence there. To close it would be like closing the Husky Cinema because there was a cinema in Nowra.	Noted. The Council endorsed Community Infrastructure Strategic Plan does not identify the closure of the Huskisson Community Centre
9	D17/125478	The Bay and Basin Community Hub -draft masterplan is a expensive want (not need) for the wealthier area of the Shoalhaven. Shoalhaven's needs are good roads, drainage, kerb and gutter, footpaths and basic infrastructure in all of the Shoalhaven villages.	Noted.
		The most important page in the document is the last page, page 55, the astronomical cost. The cost of the project is \$30 million based on a 20% contingency. The proposed cost of an outdoor terrace is some \$1.5 million. Past history such as the Council Chambers and Entertainment centre shows a 50% cost overrun is much more likely. There is also no mention of the huge operating costs that will be incurred by Council every year to run this facility. How can we reconcile spending \$30 to \$40 million dollars on this project when:	Noted.
		1- outerlying villages such as Sussex Inlet have been asking the Shoalhaven City Council unsuccessfully for the past 28 years for a basic upgrade of their main street costed by Council at \$900,000 ( approximately half the cost of the B & B Huskisson outdoor terrace)	Noted
		2- We are asking the pensioners and the poorer ratepayers of the Shoalhaven to fund rate increases of 27% compounding every year. Please reconsider this expenditure	Noted

10	D17/125478	I congratulate council for proposing Community facilities providing community meeting places, Library services, Extension of the existing gym, Skate park (outdoors), Two netball courts (outdoors) and Improved access to the sportsground, Additional parking to cater for increased usage. I am not sure we need community meeting places or Exhibition space.	Noted.
11	Referral comments	Planning Control Summary - Page 13	Noted.
		The table of 'applicable planning controls' inaccurately labels it as the DCP, this should be the LEP.	comments noted and will be added to finalised report
		The maximum building height incorrectly references "DCP Clause 4.3" – this should be the LEP, the clause should specify the sub-clause, i.e. Clause 4.3(2a)	comments noted and will be added to finalised report
		There is no reference to SEPPs as 'key planning controls' – i.e. Coastal SEPP and also the Infrastructure SEPP (see my comments with respect to the professional consulting rooms).	comments noted and will be added to finalised report
		Existing facilities - page 24	
		the table of 'uses' and their m <sup>2</sup> should say 'parking for leisure centre' etc., similar to new facilities page on p.26	comments noted and will be added to finalised report
		Master Plan - The crèche is some distance from the facilities like the gym and library, would it not be sensible to have this closer to the entry point and therefore being within close proximity to all of the facilities	the design has been developed in consultation with the existing user groups and functionality of the facility
		Access for emergency service vehicles is generally addressed in the MP but there is no commentary as to whether the roundabout suitable for manoeuvres of a HRV (i.e. fire truck)?	there are no changes to the roundabout, which is existing and addresses the current Rural Fire Services
		The emergency services hub does not benefit other emergency services except for RFS and therefore inhibits opportunities for the Police or Ambulance Service to be located here.	Expansion of other services are noted and area for this is not part of the development

		It is unclear whether the accessible parking spaces provide safe pedestrian movement areas from the car park to the building entry - it seems as though they would have to walk on the inside part of the car park and potentially conflict with vehicles before they are able to use a pram ramp to get onto the footpath.	This has been noted previously and detail design will ensure that safe pedestrian access is developed in the detail design
		Car parking – it is noted that compliance with the car parking controls of the DCP are only due to the availability of the overflow parking area. It is noted that the overflow parking area is the location of 'future emergency services' - are there provisions in the future in place to allow for additional car parking when that takes place? Will the future emergency services building result in demand for additional parking under the DCP – where will this go?	noted - and detail design is developed and floor areas determined car parking provisions will be meet
		What is intended for the professional consulting suites? Depending on the future uses, these may be prohibited in the SP2 zone. A 'health services facility' may be permitted as either an ancillary use under the LEP (i.e. physio / sports medicine in association with the gym) or alternatively under the Infrastructure SEPP (Division 10 - this should be further investigated). In addition, the consulting rooms and external waiting area does not seem functional - Where is the admin component of it - or is that part of the 'one stop shop' counter?	All facilities will be ancillary to the leisure centre
		The external barbeque area may not make use of optimal passive surveillance opportunities (terrace may obstruct views) – this may not be an issue during large sporting events and the like, however it will be at quieter times. This should be considered for relocation into the open seating area.	noted

## **SA17.154 Section 355 Management Committee - Terms of Reference - Nowra Showground**

**HPERM Ref:** D17/165021

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

**Attachments:** 1. Management Committee Policy [↓](#)  
2. Management Committee Guidelines (under separate cover) [⇨](#)  
3. Management Committee Subsidy Application Form 2016-17 [↓](#)

### **Purpose / Summary**

To identify Terms of Reference for the proposed Section 355 Management Committee to have delegated care, control and management of the whole Nowra Showground site including leased and licensed facilities, under Section 377 of the Local Government Act, 1993.

### **Recommendation**

That Council

1. Endorse the Terms of Reference and committee membership numbers for the establishment of a 355 Management Committee for Nowra Showground as outlined in the report,
2. Advertise for members to establish a 355 Management Committee for Nowra Showground.
3. In accordance with MIN15.622 and the delegation provided therein, the General Manager approve the membership appointments to the 355 Management Committee for Nowra Showground.
4. The once the committee is established staff continue to work with the committee to establish an appropriate operational budget and determine how works will be undertaken (i.e. existing council staff, contract or volunteers).

### **Options**

1. Council adopt the recommendations  
Implications: this will allow Council staff to act on the resolution MIN17.387
2. Council adopt the recommendations with amendments(s)  
Implications: Council may resolve to remove or add to the recommendations
3. Council not adopt the recommendation and provide an alternative recommendation  
Implications: This may not meet the expectations of the community and current users of the site.

SA17.154

## Background

The Strategy & Assets Committee resolved on 16/05/2017 and adopted MIN17.387 D17/115403 that:

*“Council establish a 355 Committee (Showground Committee) across the whole showground site, and staff report back on the establishment of the Committee, Terms of Reference and membership”.*

This report outlines Terms of Reference for the Management Committee. Once these are endorsed, staff will proceed to seek membership to form the Committee.

## Guidelines

The Terms of Reference for a Section 355 Committee are detailed in the *Management Committees Policy POL12/185* and *Management Committee Guidelines* (attached to this report). The Guidelines document the essential roles and functions of Committees, and the protocols and procedures that they must follow in carrying out these roles. Where circumstances occur that the Guidelines do not cover, liaison with Council may be required to clarify responsibilities/obligations.

Currently Council has 30 Section 355 committees operating effectively under these Terms of Reference and Guidelines. The Berry, Milton and Kangaroo Valley showground committees all operate within these guidelines.

The Management Committee operates as a Committee of Council. Members are volunteers who agree to comply with Council's Code of Conduct, and to maintain in every respect Council's obligation to operate in a fair and equitable manner, with transparency, accountability and responsibility, and within all procedural, policy and legislative requirements. All facilities and funds managed by the Committee belong to Council, and Council should be notified, and approval has to be sought from Council prior to any major works being undertaken.

The following list of responsibilities, including but not limited to, summarises the Committee's responsibilities, as detailed in the Guidelines:

- a) Provision of an Annual Facility Management Plan,
- b) Provision of Annual Financial Statements (profit & Loss and Balance Sheet) & Forecast Budget,
- c) Administration of Hire arrangements – booking, invoicing, bond refunds – subject to Council's adopted Fees & Charges, utilising the proposed on-line booking system, and managing potential conflicting applications for use,
- d) Set up, manage the finances and bank account for the Nowra Showground Management Committee, and submit the quarterly GST returns to Council's Finance Section,
- e) Provision of Facility Maintenance covering the whole site including amenities and licensed facilities but excluding leased facilities. This includes but is not limited to:
  - a. water and electricity accounts;
  - b. air-conditioning;
  - c. security & alarm services;
  - d. engagement and supervision of contractors;
  - e. line-marking, grounds maintenance, floodlight repairs, power boxes;
  - f. cleaning & consumables;
  - g. vandalism & graffiti;



- h. maintenance such as internal & external-touch-up repainting, replacement of worn or broken items, plumbing, potholes, gutters, trees;
- i. repairs (as further detailed in the Management Committee Guidelines),
- f) Bookkeeping of Management Committee accounts – all operational income and expenses,
- g) Undertake Risk Management – maintenance and reporting in accordance with Council's WHS procedures,
- h) Keep and maintain accurate records and minutes of meetings and submit to Council,
- i) Induct and train new members in accordance with the requirements for volunteers. (Note - Council will initially provide start up training for the Management Committee)
- j) Participate in four (4) yearly review of the Nowra Showground Plan of Management (POM).

How the Committee manages their operational responsibilities is a decision to be taken by the Committee, upon consideration of their member skills base and capacity.

All professional services must be performed by contractors with relevant industry certification, or by Council staff (in which case, staff wages and costs are on-charged to the Management Committee – at cost). Most other Committee functions are usually performed by volunteers, however some Committees have elected to contract out for services such as grounds maintenance & mowing, cleaning buildings, Booking Officer, bookkeeping, camping manager/fee collection. Strict legislative conditions apply to the engagement of contractors, which must be observed by the Committee, and will be advised by the Facility Officer.

SA17.154

#### *4.2 Membership (abridged from the Management Committee Guidelines)*

Council will actively seek members (from the community) with the potential to enhance the depth and balance of committee skills. This may be done by advertising committee elections. It is Council's usual practice to consult with committees before appointing additional members. If vacancies exist, these are to be advertised on facility notice boards or in the press with a request for nominations to fill the vacant positions.

All user groups are entitled to have equal representation on the Committee. No one user group can have a majority of members, other than Showground Management Committees.

The Guidelines allow that Showground Management Committees may permit:

- Five (5) voting members from show societies and
- Two (2) from each of the other user groups (MIN10.654)

Members of general community – no set number or limit.

In this case, as the Nowra Showground has so many user groups, it is proposed to invite:

- Five (5) voting members from Nowra Show Society,
- One (1) voting member from each regular user group with high frequency bookings listed below, and
- Two (2) members of the general community.

The Committee shall consist of a minimum of ten (10) committee members. The following committee positions need to be filled for the committee to be viable and function effectively:

- Chairperson,
- Deputy Chairperson,
- Treasurer,

- Secretary,
- Booking Officer,
- Maintenance Officer,
- Plus four (4) other members to give flexibility covering positions when required.

When new regular users with high frequency bookings become established at the Nowra Showground site they will be eligible to join the management committee on the membership basis detailed above. The Management Committee will seek approval via Council's Liaison Officer.

Office bearers are to be elected by the Committee on the following basis to maintain continuity:

- a) Every year, in conjunction with the Annual General Meeting, all positions will be declared vacant. Executive office bearers will be elected (re-elected) before the committee members.
- b) The Executive office bearers will comprise Chairperson, Deputy Chairperson, Secretary, Treasurer, Booking Officer and Maintenance Officer.
- c) Committees can designate additional positions (such as Publicity Officer, Assistant Secretary, Assistant Treasurer, etc.) with such positions being filled by any committee member.
- d) A committee member shall not hold more than one executive position at any one time.
- e) If an executive office bearer ceases to hold the position, an election should be held at the next General Meeting or at a special meeting called for that purpose.
- f) 4.2.4 Motion of No-confidence  
Council has the right to remove any member from a committee, if seventy five percent (75%) of the committee entitled to vote, who are present at an Extraordinary Meeting convened to consider this option, vote in favour of a motion of no-confidence.

In establishing the Management Committee, consideration will need to be given to the skill sets required and expertise of potential office bearers – e.g. computer literacy, accounting experience, governance expertise etc. Similarly, nominations from community members for the two (2) places will need to be assessed against the requirements of the Committee once the regular users have confirmed their nominees.

Regular User Group	Facilities Used	Tenure	Membership on Committee
Nowra Show Society	All of Showground	MOU with Council	5
Shoalhaven Citizens Youth Club Nowra Gymnastics Club	Community Youth Hall	Management Committee - transitioning to lease by 04.10.2018	1
Woodcraft Society	Caretaker's Cottage	Lease	1
Spinners & Weavers	Caretaker's Cottage	Lease	1
Nowra Men's Shed	Caretaker's Cottage	Lease	1

West Street [Nowra] Croquet Club	Croquet Lawn and Clubhouse	Lease	1
Nowra Poultry Club	Poultry Pavilion	Licence	1
Shoalhaven Dog Training Club	Dog Clubhouse Added Area Sports field	Regular user	1
Illawarra Shoalhaven Local Health District - Aboriginal Vascular Health – Auntie Jean	Pavilion/Committee Room Regular Hirer	Regular hirer	1
Helping The Homeless in Nowra Soup Kitchen	Pavilion/Committee Room Regular Hirer	Regular hirer	1
Nowra Cricket Club	Main Arena, Added Area, Amenities Building (store room), Shed behind Caretakers Cottage	Nominated home ground – seasonal bookings	1
Shoalhaven Twilight Cricket Association	Added Area Sports field	Seasonal bookings	1
Nowra Warriors Rugby League Football Club	Main Arena and Grandstand Pavilion Kitchen Amenities Building	Nominated home ground – seasonal bookings	1
Nowra Bomaderry JETS	Main Arena and Grandstand Pavilion Kitchen Amenities Building	Nominated home ground – seasonal bookings	1
General Community	Vicinity	None	2
<b>TOTAL MEMBERSHIP POSSIBLE</b>			<b>20</b>

SA17.154

**Meetings of committees** may be held as often as considered necessary or desirable for their purposes. However, meetings must be held at least quarterly. The Annual General Meeting (AGM) is to be held between 1 July and 30 September. A simple majority of committee members shall constitute a quorum. All decisions must be adopted by a majority of members present.

Committees are representatives of Council. As such, they are subject to Council's requirements for transparency, accountability and responsibility. To ensure these aims are met, meetings are to be open to the public. Committees should note that public observers do not have voting rights and may only address the committee if agreed to by the committee representatives. Confidential and sensitive matters may be discussed with Council's Liaison Officer.

**Induction and Training** will be provided in the first instance by Council for members appointed Nowra Showground Management Committee. Subsequent induction and training of new members will be the responsibility of the Management Committee. Induction and Training will be recorded and reported annually to Council. This will include, but not be limited to:

- Code of Conduct Training,
- Committee Meeting Practice,
- Work Health & Safety training and induction to the manual and reporting requirements,
- Risk Assessment,

- Incident Reporting,
- Workplace Inspections,
- Manual Handling,
- Workplace Chemical Awareness and maintaining the on-site Chemical Register,
- Electrical Tagging & Testing and maintaining the on-site electrical Appliance Register,
- Training in relevant Safe Work instruction (SWI's) and Standard Operating Procedures (SOP's),
- Nowra Showground Plan of Management (POM) Awareness.

### **Community Engagement**

Community Engagement will proceed once Terms of Reference have been resolved, in order to seek membership and establish Committee.

All Nowra Showground stakeholders listed above will be contacted directly.

In addition, this opportunity will be advertised via:

- Public Notice,
- Council's website and Facebook platforms,
- Media release.

### **Policy Implications**

The proposed committee membership formulation is a change to the membership make-up of the existing Management Committee Guidelines constitution. As such this variation requires Council endorsement.

Annual Crown Reserves Reporting requirements apply to the Crown Land sections of the Showground (all areas north of Worrigeer Street). The Committee will be responsible for providing usage, facility management, and financial data each year.

### **Financial Implications**

The establishment of the committee will be within existing staff and budgetary allocations.

Council staff will work with the Nowra Showground Management Committee, throughout the transition to develop a site-wide Facility Management Plan, to manage all operational functions.

In general, Management Committees are required to meet all operational expenses from income derived from the facilities. However, a maintenance subsidy is provided to sportsground and showground Management Committees that provide services that do not attract hire income (sportsgrounds). Application is made annually by the Committee to Council, including detailed financial statements. Financial viability is considered, and the subsidy is to be phased out as income increases at the facilities. The subsidy for 2016/17 at Milton Showground was \$30,000 (/annum) and Berry Showground, \$25,000 (/annum).

Currently Council staff perform operational maintenance at the Nowra Showground, funded from operational budgets. The new Committee will elect to perform these functions via volunteer labour, engaging contractors, or requesting Council staff to undertake works (Council labour would be charged to the Committee at an on-cost basis).

Due to the extensive infrastructure and current low camping revenue at Nowra Showground, the maintenance subsidy that will apply will need to be assessed in consideration of the Committee's finances, as the site's Facility Management Plan is developed. The development of the Facility Management Plan will involve the establishment of a set of accounts for the site, and monitoring and analysis of the operational budgets.

An initial funds allocation will be made for operational cash-flow, and dedicated Job Numbers will be established.

Factors that will require further investigation in particular, are:

- expenditure budget to cover all operational requirements;
- possible impacts on Council's resourcing of the services provided to the showground.

In relation to any changes in resourcing at the Showground, consultation is required with staff in relation to workplace change before a definite decision is made, this is in accordance with the Local Government (State) Award 2014. The change in resources will depend on the formation of the committee and if their plans for management impact current operations which at this stage has not been determined.

In the future, grant applications to other funding bodies will provide additional funding for major infrastructure replacement/upgrade. Management Committees are responsible for making application, with support from Council's Facilities Coordinator.





**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](mailto:council@shoalhaven.nsw.gov.au)

Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the City Services & Operations Group

## MANAGEMENT COMMITTEES

**Policy Number:** POL12/185 • **Adopted:** 28/06/2005 • **Amended:** 14/04/2009 • **Reaffirmed:** 14/12/2012 • **Minute Number:** MIN05.733, MIN09.409, MIN12.1397 • **File:** 26634E • **Produced By:** City Services & Operations Group • **Review Date:** 1/12/2016

### 1. PURPOSE

The purpose of the policy is to define Council's management of its various Management Committees.

### 2. STATEMENT

The policy is based on Council's authority, under Section 355 and 377 of the NSW Local Government Act 1993, and subsequent amendments, to delegate management of facilities to local residents and/or organisations.

Upon adoption of this policy, the following were rescinded:

Minute 87.1402 "Management Committees – Playing Fields Subsidies"  
Minute 88.689 "Management Committees – Delegation of Powers" and  
Minute 98.1132 "Management Committees – Delegation of Powers"

### 3. PROVISIONS

Council Management Committees must be:

- 3.1. Appointed in accordance with Section 355 and 377 of the NSW Local Government Act 1993, and;
- 3.2. Function in accordance with Shoalhaven City Council's Management Committee Guidelines.

### 4. IMPLEMENTATION

The City Services & Operations Group will administer this policy and Council's Management Committee Guidelines.

### 5. REVIEW

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

### 6. APPLICATION OF ESD PRINCIPLES

Not Applicable.

SHOALHAVEN CITY COUNCIL  
**Application for Maintenance Subsidy**

**Estimates of Income and Expenditure for the Year 2016/17**

For \_\_\_\_\_ **Management Committee**  
(Appointed under provisions of Sec. 377 of the Local Government Act 1993)

**INCOME**

	2016/2017.....	Estimate	2015/2016.....	Actual
Grounds (casual or other use)	.....		.....	
	.....		.....	
	.....		.....	
Tennis Courts	.....		.....	
Halls/Clubrooms	.....		.....	
Floodlight usage charges	.....		.....	
Canteen.	.....		.....	
Bank Interest	.....		.....	
	.....		.....	
Basic Subsidy	.....		.....	
Irrigation Allowance	.....		.....	
Other	.....		.....	
	.....		.....	
<b>TOTAL INCOME (1)</b>	.....		.....	

**EXPENDITURE**

	2016/2017.....	Estimate	2015/2016.....	Actual
<b>General</b>				
- Water	.....		.....	
- Electricity	.....		.....	
- Gas	.....		.....	
- Loan payment	.....		.....	
	.....		.....	
<b>Grounds</b>				
- Mowing	.....		.....	
- Maintenance/Repair	.....		.....	
-	.....		.....	
Other.....	.....		.....	
<b>Halls/Clubrooms</b>				
- Cleaning	.....		.....	
- Maintenance/Repairs	.....		.....	
	.....		.....	
<b>Plant</b>				
- Hire	.....		.....	
- Maintenance/Repairs	.....		.....	
- Fuel	.....		.....	
-	.....		.....	
Other.....	.....		.....	
<b>Administration</b>				
Printing, Stationery & Postage	.....		.....	
Audit Fees	.....		.....	
Bank Charges	.....		.....	
Advertising	.....		.....	
Other.....	.....		.....	
	.....		.....	
<b>TOTAL EXPENDITURE (2)</b>	.....		.....	

SUMMARY			Copies of audited statements of accounts should be attached with this application
	2015/2016	2016/2017 estimated)	
Total of Expenditure (2)	\$.....	\$.....	
Less: Total of Income (1)	\$.....	\$.....	
<b>SURPLUS/(DEFICIT)</b>	<b>\$</b>	<b>\$</b>	

SHOALHAVEN CITY COUNCIL

1. Please indicate the balance of your Committee's accounts as at 30 June 2016.....

Working A/c	\$.....
Fixed Deposits	\$.....
TOTAL	\$.....

2. What Clubs or Associations if any, are affiliated with and/or represented on the Management Committee?

List Clubs	No. of Members on Committee	No. of Members in Club
a. ....	.....	.....
b. ....	.....	.....
c. ....	.....	.....
d. ....	.....	.....
e. ....	.....	.....
Others. ....	.....	.....

3. Are the facilities being managed by your Committee:

Under used  $\theta$                       Fully used  $\theta$                       Over used  $\theta$

Comments.....  
.....

4. Improvements needed

Minor	cost	Major	cost
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

5. Do user groups intend to apply for funding through the voluntary user contributions fund ?

Yes/No

Is any other grant funding to be applied for by user groups?  
Yes/no

5. Which Grant scheme ? .....

7. What contribution is available from user groups to match grant funding.

\$.....

## SA17.155 Australian Local Government Association - 2017 National Local Roads & Transport Congress

**HPERM Ref:** D17/164049

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

### Purpose / Summary

To consider Councillor attendance at the Australian Local Government Association - 2017 National Local Roads & Transport Congress scheduled for 7-9 November 2017 in Albany, Western Australia.

### Recommendation (Item to be determined under delegated authority)

That Council:

1. Notes the details of the Australian Local Government Association - 2017 National Local Roads & Transport Congress scheduled for 7-9 November 2017 in Albany, Western Australia.
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.
2. That Council not approve Councillor attendance at the Conference as Council Business.

### Background

The Australian Local Government Association - 2017 National Local Roads & Transport Congress is considered relevant to local government. The program for the congress has not been released at this time. Further information relating to the congress can be found on the Australian Local Government Association website <http://alga.asn.au/?ID=14893>.

Costs associated with the conference are estimated as follows:

- registration: Early registration (before 29 September 2017) \$890  
Late registration (after 29 September 2017) \$990
- travel, accommodation and out of pocket expenses: not yet determined.

The following Council Business is scheduled within the period of the conference:

- Aboriginal Advisory Committee.
- Rural Fire Service Strategic Planning Committee.



**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.

## SA17.156 Crown Land Management Act 2016

**HPERM Ref:** D17/151835

**Group:** Assets & Works Group  
**Section:** Business & Property

**Attachments:** 1. Impacts of Crown Land Management Act 2016 for Local Government [↓](#)  
2. Fact Sheet - Crown Land for the Future - Fit for Purpose Legislation for Crown Land and Roads [↓](#)

### Purpose / Summary

To advise of the current status of the Crown Land Management Act 2016.

### Recommendation

That Council receive the report for information on the Crown Land Management Act 2016 and refer this to the Natural Resource and Floodplain Committee for information.

### Options

1. Resolve as recommended.

Implications: The Crown Land Management Act 2016 came about as a result of the first comprehensive review of Crown lands legislation in twenty four (24) years and this report provides Council with an overview of the legislation and aspects of it which are of importance to local government.

2. Propose an alternative and provide further direction to staff.

### Background

The review of Crown Lands and the management of the Crown estate has been undertaken as a result of the Crown Lands Legislation White Paper which was published in 2014 and culminated in the passing into legislation of the Crown Lands Management Act 2016 on 9 November 2016 (assented to 14 November 2016).

The aim of the review was "...improving the management of Crown land and increasing the benefits and returns from Crown land to the community".

The principal reforms of the 2016 Act are:

- Dedicated or reserved Crown land will no longer be vested in reserve trusts;
- The Minister will, instead, be able to appoint Crown land managers for dedicated or reserved Crown land;
- The Minister will be able to create statutory land managers for appointment as Crown land managers (with board members of reserve trusts being automatically appointed by the proposed Bill to statutory land managers for former reserve trust lands);

- Better governance structures and conduct requirements will be introduced for Crown land managers and their boards (where applicable);
- The Minister will be able to issue Crown land management rules for the management of dedicated or reserved Crown land;
- The Minister will be required to approve community engagement strategies for certain dealings or other action affecting Crown land;
- Terms and conditions of certain holdings will be permitted to deal with particular matters (eg determination and redetermination of rent);
- Rent determinations and redeterminations in relation to Crown land holdings will be rationalised and simplified;
- The holder of a holding or permit will be required to pay rent due to the Crown before the holder can effect a transfer of the holding or permit;
- A local Council appointed as a Crown land manager of dedicated or reserved Crown land will be able to manage the land in accordance with the provisions of the *Local Government Act 1993* applicable to community land;
- The Minister will be able to transfer Crown land to local councils if the land is of local (and not State) significance;
- Special provisions will be introduced to protect native title rights and interests;
- The current land assessment programme will be discontinued;
- More flexible arrangements will be introduced for the sale, use and leasing of Crown land in the Western Division;
- Modern and robust provisions will be introduced for investigating compliance with, and enforcing, the proposed Bill and holdings granted under it; and
- The Minister will be required to approve 10 year State strategic plans for Crown land.

The Act delivers on the promise of reforms identified through the comprehensive review of land management (the 2014 Crown Lands White Paper) by providing for:

a) ***Stronger and more effective community engagement in decisions about Crown land***

**Comment:** The government has prepared a position paper which sets out its expectations for a community engagement strategy. Shoalhaven City Council already has a Community Engagement Strategy which needs to be assessed against the government's model to ensure consistency.

In addition to the requirement that Councils follow community engagement provisions under the *Local Government Act 1993*, the Minister will be able to require Crown land managers to establish community advisory groups. Shoalhaven City Council has established a commitment to community consultation through the formation of community consultative bodies which are based on defined geographic areas.

b) ***Continuing community involvement in the management of Crown land reserves***

**Comment:** It appears that there is an intent to further encourage community involvement in Crown land management. At the same time, the legislation takes a risk based approach to the level of Ministerial oversight by providing incentives for managers of Crown reserves to develop enhanced capacity and governance abilities.

Notwithstanding the intent, there are some anomalies which have been identified eg under the *Local Government Act 1993*, a lease can be granted for 5 years or less without approval from the Minister. Under the *Crown Land Management Act 2016*, a lease for 10 years or less can be granted without the Minister's consent.

c) ***Local management for the benefit of local communities***

**Comment:** Shoalhaven City Council strongly supports the principle of managing local lands at a local level and acknowledges the finding in the Crown Lands review that "...the NSW Government added marginal value by continuing to own locally significant Crown land."

The supporting documentation on the DPI Lands website suggests that the 2015 Local Land Pilot was conducted to explore the concept that local land should be transferred to local councils.

The pilot tested the draft criteria for identifying local land as recommended by the review, negotiated hypothetical outcomes and identified implementation issues and it has been publically acknowledged that the "...pilot found that there was support for the implementation of the local land transfer concept."

Whilst there is no reason to doubt this assertion, it will be reassuring to understand a detail account of the pilot and the conclusions arising from it.

Questions about resourcing continue to dominate discussion about this reform but unfortunately there is no information which has been made available to inform a debate about the merits of this concept.

Employees of the test pilot Councils were required to sign confidentiality agreements.

It is noted that implementation of the framework for the transfer of local land to local councils commenced in the pilot by local government areas in 2017 with further rollout to other areas across the state to be negotiated.

It is also noted that there will be no forced transfers and that any Crown land identified as local land will generally be transferred to local councils as "community land".

d) ***Local interests to be managed locally***

**Comment:** The underlying principle of the legislation is to manage Crown land in such a way that it continues to provide significant benefits to the people of NSW. In some cases these benefits are realised at a local level and in other cases the benefits are broader.

A key objective of the review was to identify who is best placed to manage Crown land and identify and protect Crown land that is important to the state and local communities. In 2015 the Local Land Pilot was conducted to explore the concept that local land should be transferred to local councils to enable better decisions about the land to be made by local communities.

The NSW Government will retain land that is of state significance ie land that:

- Currently provides, or is required for, planned core government services and infrastructure;
- Is part of a state or regionally significant system or network;

- Is of high environmental value at a state or regional scale and is required for addition to the conservation network, including land identified for future reservation;
- Is iconic or contains an iconic asset;
- Has or contains an item of state or heritage importance;
- Includes beaches, coasts, estuaries and adjoining, contiguous foreshore lands; and
- Produces or has the identified and earmarked potential to produce significant income for the state.

This definition of state significant land is wide ranging and suggests that there is a very real possibility that land of extreme importance to Council may be taken back by the State.

The government will involve Aboriginal Land Councils in voluntary negotiations using the new Aboriginal Land Agreement (ALA) provisions of the Aboriginal Land Rights Act 1983 to encourage the settlement of multiple land claims, enable opportunities for sustainable social, cultural and economic benefits for Aboriginal people and greater certainty for all parties over Crown land. Council is actively working with a number of the Land Councils in our area and the timely resolution of land claims is considered to be in everyone's interests. As such it hoped that this process may assist in this regard, however the NSW Government need to ensure that the resolution of land claims is appropriately resourced.

Any Crown land identified as local land will generally be transferred to local councils as "community land".

e) ***Protecting our environment, social and cultural heritage***

**Comment:** The intent of the legislation is to explicitly require environmental, social, cultural heritage and economic considerations to be taken into account in decision making about Crown land. This is to be achieved through the community consultation process and/or by Ministerial direction.

To deliver a consistent whole-of-state approach, land use on Crown land will be governed by a combination of the environmental and planning framework and the reserve purpose including but not limited to Local Environmental Plans, regional plans, environmental and other land management legislation.

The proposed legislation is silent on the issue of climate change and sea level rise although it is acknowledged that references to "environmental considerations" might be expected to cover these issues.

Crown land that is retained by the Crown should be adequately resourced to ensure the appropriate and timely management of weeds, pests, feral animals, anti-social behaviour and degraded access to mitigate the adverse impacts on adjacent lands and communities.

f) ***Meaningful involvement for Aboriginal communities in Crown land***

**Comment:** The existing Crown land legislation has supported involvement of Aboriginal communities to use and co-manage Crown land. However, the legislation has not referenced Aboriginal involvement or acknowledged their traditional connection to the land and their rights under land claim and native title legislation.



The positive objectives of the legislation include consideration of Aboriginal land rights and continuing to involve Aboriginal groups in discussions about the transfer of local lands to councils.

The legislation requires each local council in NSW to have a native title manager to oversee and approve specific dealings and actions that may affect native title. The Minister for Lands will be able to determine the relevant training and/or qualification for the native title manager to ensure that local councils managing Crown land under the LGA comply with native title legislation.

Native Title is not referred to in the current Crown lands legislation which commenced prior to the commencement of the commonwealth Native Title Act 1993. The new legislation references the Native Title Act 1993 and acknowledges the spiritual, social, cultural and economic importance of land to the Aboriginal people of NSW.

g) ***Effectively managing Crown land with native title rights and interests***

**Comment:** See (f)

h) ***A fairer and more consistent approach to Crown land tenures***

**Comment:** Whilst it is unclear, it does appear that tenures will continue to be managed by the NSW Government and will not impact on Shoalhaven City Council.

i) ***Facilitating a sustainable and prosperous Western Division***

**Comment:** Not applicable to Shoalhaven City Council.

j) ***Greater powers to stop illegal activity on Crown land.***

**Comment:** The Crown Lands review found that there was broad support for a stronger compliance and enforcement regime to help protect Crown land against illegal activity that threatens environmental values and/or public use and enjoyment of Crown lands.

The legislation contains updated and expanded enforcement and compliance provisions for Crown land ensuring that Crown land is appropriately used and managed.

**CURRENT ADVICE FROM CROWN LAND**

The most recent correspondence (refer Attachment 1) from Department of Industry – Lands explains the various aspects of the new legislation. Whilst it is acknowledged that most issues relating to the new legislation are covered in this correspondence, the key omission is any reference to what is to be defined as “State” lands, or alternatively land of primarily local significance that could be vested in Council and it is intended that further clarification be sought on this issue as a matter of critical importance to Council.

The following commentary relates to issues identified in the most recent advice:

- Commencement of the Act in early 2018 will provide time to “...prepare the required policies and systems to support the implementation of the Act” is a concern. Presumably the experiences of the Councils involved in the pilot study will be used to inform the composition of policies, regulations and systems but my understanding is

that the details of the pilot study are generally not available (participants were required to sign confidentiality agreements).

- “The Department has initially written to all local Councils about the key impacts of the new legislation” –what has been sent out is of little value.
- Under the new legislation, Councils will move from being “Crown reserve trust manager” to “Crown land manager”. Councils will be required to manage Crown reserves as if they are community land and will have to prepare plans of management for each. Concessions offered include the phasing in over three years of the requirement to have plans of management prepared and the offer of some funding.
- The Minister for Lands is to retain a level of oversight:
  - Consent requirements for the categorisation of Crown reserves transferred to Council as community land;
  - Appointment instruments that may apply certain restrictions or requirements for reserve management; and
  - Publication of “ministerial” rules that may apply to some or all Crown land managers (a recent example of this is the rules written for management of surf clubs on Crown land – onerous, restrictive and difficult to enforce).
- “Local lands” may be vested in Councils and “State” lands will be retained by the State. There are many concerns including but not limited to:
  - Definitions?
  - Dispute resolution?
  - Is there a default position? Status quo?
  - It is envisaged that negotiations will be three cornered between State, Councils and local Aboriginal Land Councils and they are to be referred to as the Land Negotiation Programmes.
  - The first of these negotiations will happen during 2017 and will involve local land pilot participants – Tweed, Tamworth, Federation and Northern Beaches LGAs.
  - EOI process to be employed to determine subsequent participants 2017 – 2020.
- Any transfer of land will be entirely voluntary and by agreement – the interesting time will come when there is no agreement and conflict resolution becomes important.
- Under the legislation, Councils will be required to employ/engage a qualified native title manager “...to ensure compliance with obligations under native title legislation.” Council staff had been under the impression that this person was to be the link between Councils and the aboriginal land claims unit and more broadly, the aboriginal community and would assist Councils and the community in dealing with land claims. It is noted that Lands has offered to pay for the training of a suitable candidate for the position. Given the explanation of this person’s role, a reasonable argument can be put forward in support of Shoalhaven Council appointing a native title manager and contracting that person to Wollongong, Shellharbour and Kiama to assist those Councils in dealing with native title matters.
- There is still no conversation about Crown roads?
- What additional resources does Council have to commit to the management of the Crown estate because of this legislation?

There is no question that Council has to deal with the new legislation but surely the major concern has to be with a lack of detail in the information intended to inform Councils on a way forward. This has been a major concern all the way through the entire process of legislative review.

NOTE: 7% of the Shoalhaven LGA or 33,000ha is Crown land and that there are about 600 parcels of Crown land and about 800km of Crown roads within the LGA.

#### SHOALHAVEN CITY COUNCIL - CURRENT POSITION

Shoalhaven City Council has been, and continues to be, supportive of the recommendations in the 2014 Crown Lands White Paper and the legislative reforms in the Crown Lands Management Act 2016.

However, Council is concerned that apart from (a) the information of a general nature contained in the explanatory notes, (b) the most recent correspondence from the Department and (c) information on the Department of Industry, Lands website, there is very little detail available which can be taken into account when considering the effect on Council of the legislation especially in terms of gaining an understanding of all/or any cost and resourcing implications.

It is not anticipated that Councils generally will have a clear understanding around these issues until the pilot study has been completed and the regulations have been written and formally adopted by government.

#### CROWN LAND LEGISLATION AMENDMENT ACT 2017

On 10 May 2017 the NSW Parliament passed the *Crown Land Legislation Amendment Act 2017*.

The Act makes changes required to certain legislation that deals with Crown land as a consequence of the *Crown Land Management Act 2016*. The changes do not alter the intent of the *Crown Land Management Act* but will ensure all legislation is consistent and correctly references the new Crown land legislation (refer Attachment 2).

This Act completes the consolidation process that began with the *Crown Land Management Act* by incorporating relevant provisions of the *Public Reserves Management Fund Act 1987* into the *Crown Land Management Act*. Financial support for improving Crown reserves across NSW will continue under the newly named and more flexible "Crown Reserves Improvement Fund".

The Act also updates the provisions for Crown roads in the *Roads Act 1993* in accordance with the recommendations of the Crown Lands Management Review and subsequent community consultation. Key changes include simplifying the process for closing and selling Crown roads and more flexible payment options for land owners wanting to buy Crown roads on their properties.

The Act removes the requirement for the Minister for Lands to approve the closure of council roads. This is a positive outcome for local council as it will remove inefficiencies and double handling. Stringent safeguards are in place to ensure a closure of a council road is appropriate and does not deny access to a property, including thorough consultation and notification requirements."

**Michael Harben**

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**From:** Michael Harben  
**Sent:** Friday, 10 February 2017 5:44 PM  
**To:** Records  
**Cc:** Russ Pigg; Benjamin Stewart; Gordon Clark  
**Subject:** Fwd: Crown Lands Review

**From:** Jeremy Corke <[jeremy.corke@crownland.nsw.gov.au](mailto:jeremy.corke@crownland.nsw.gov.au)>  
**Date:** 10 February 2017 at 4:25:01 pm AEDT  
**To:** Michael Harben <[Michael.Harben@shoalhaven.nsw.gov.au](mailto:Michael.Harben@shoalhaven.nsw.gov.au)>  
**Cc:** Kate Iffland <[kate.iffland@industry.nsw.gov.au](mailto:kate.iffland@industry.nsw.gov.au)>, Marwan El-Chamy <[marwan.el-chamy@dpi.nsw.gov.au](mailto:marwan.el-chamy@dpi.nsw.gov.au)>, Grant Merinuk <[grant.merinuk@crownland.nsw.gov.au](mailto:grant.merinuk@crownland.nsw.gov.au)>, Mark Edwards <[mark.edwards@crownland.nsw.gov.au](mailto:mark.edwards@crownland.nsw.gov.au)>, Peter Ragen <[peter.ragen@crownland.nsw.gov.au](mailto:peter.ragen@crownland.nsw.gov.au)>, Paul Layt <[paul.layt@crownland.nsw.gov.au](mailto:paul.layt@crownland.nsw.gov.au)>, Peter Richmond <[peter.richmond@crownland.nsw.gov.au](mailto:peter.richmond@crownland.nsw.gov.au)>  
**Subject: Re: Crown Lands Review**

Hi Mike

RE your request and further to my last email, please see below some initial information re impacts of the new Act for local government, which I hope you may find useful.

On 9 November 2016 the NSW Parliament passed the Crown Land Management Bill 2016 which will deliver modern, streamlined and transparent management of the State's vast Crown lands.

It is anticipated that the majority of the new legislation will commence in early 2018. This will enable sufficient time to inform and engage with stakeholders and customers with an interest in Crown land, as well as prepare the required policies and systems to support the implementation of the Act. In the meantime, all current legislation remains in place.

The Department has initially written to all local councils about the key impacts of the new legislation on local government and the Department will continue to provide information and engage with key stakeholders including councils as it moves towards the commencement of the Act.

It is important to note that until the new Act commences, Crown land and all Crown reserves will continue to be administered in accordance with the existing legislation. There are no immediate changes for existing reserve trusts, lessees, licence holders or others with an interest in Crown land.

### Key Impacts on Local Government

- Crown Reserve Management

The new Act continues to recognise the important role local councils play in managing Crown reserves.

Councils will continue to manage all the reserves that they are currently managing, although the terminology will change as the 'trust' layer is removed under the Act. This means that any council currently appointed as 'Crown reserve trust manager' will automatically be appointed as 'Crown land manager' for the reserve under the new Act.

Fundamentally, the Act enables local councils to manage Crown reserves under the provisions of the *Local Government Act 1993* (LGA) for public land. Councils will not generally be required to seek the Minister for Lands' approval for dealings. Instead, in most cases councils will manage these reserves as if they were community land. There will be the ability to manage land as operational land in appropriate circumstances subject to the Minister's consent. In accordance with the LGA requirements, councils will be required to prepare Plans of Management for all Crown reserves managed as community land. This requirement will be phased in over a period of three years and some funding will be available for Councils to assist with the associated costs.

These initiatives will bring council management of Crown land in line with that of 'public land' under the LGA and will reduce the red tape, duplication and administrative burden on councils. The Lands Minister will retain a level of oversight through consent requirements for categorisation of community land, appointment instruments that may apply certain restrictions or requirements for reserve management, and the publication of Ministerial 'rules' that may apply to some or all Crown land managers.

Councils will continue to be eligible to apply for grants from the Public Reserve Management Fund Program to support their management and up-keep of Crown reserves.

- Vesting of Crown land in councils

Delivering on the Crown land management review recommendation about transferring land to the most appropriate owner and manager, the new Act provides that land of primarily local significance, as guided by local land criteria, may be vested in local councils.

The guideline criteria are:

- land that provides, or has the demonstrated potential to provide, consistent with local planning instruments, a public good predominantly for people in the local government area or in adjacent local government areas
- land that is used consistent with the functions of local government, or that has identified potential to be used for activities consistent with local government functions
- land that is managed, or has the potential to be managed, as a community asset by a local government or some other body.

A fact sheets regarding State and Local Land is available on the [Lands website](#)



Any transfer will be entirely voluntary and by agreement – the Act explicitly requires council consent to any transfer of land. Any land subject to an undetermined Aboriginal land claim will also require the agreement of the local Aboriginal Land Council before any vesting can occur.

Land will generally be transferred as community land and once land is vested in a council it becomes public land under council ownership. Any proceeds from the leasing or licencing of the public land are then retained by council for use in accordance with the *Local Government Act 1993*.

Councils will have the opportunity to consider the values of the land, including any resourcing implications, before agreeing to any voluntary land transfers.

In practice, vesting will happen in a staged manner, through three way negotiations between the State, councils and Local Aboriginal Land Councils that cover whole LGAs. We are calling this the Land Negotiation Program.

The negotiations will commence this year in the council areas that participated in the Local Land Pilot - Tweed, Tamworth, Federation, Northern Beaches LGAs. It is intended that further negotiations will occur in 2017-2020, however the areas where negotiations will occur are not yet finalised. An EOI process will be held to determine which councils and LALCs are next involved in the Program.

- Native Title Compliance

The Act includes provisions to facilitate compliance by councils and other Crown land managers with the *Native Title Act 1993* (Cth), including a requirement for the engagement of qualified native title managers to ensure compliance with obligations under native title legislation. The NSW Government will pay for initial training for native title managers for all councils.

#### **More Information**

The Department will continue to provide information and engage with key stakeholders including councils as it moves towards the commencement of the Act.

Further information about the Act, including fact sheets, is provided on the Crown Lands website: [http://www.crownland.nsw.gov.au/crown\\_land/comprehensive\\_review\\_of\\_nsw\\_crown\\_land\\_management](http://www.crownland.nsw.gov.au/crown_land/comprehensive_review_of_nsw_crown_land_management)

Also, please note that next Friday 16th February, DoI Lands Senior Policy Officer Kate Iffland and I will be attending a session (between 11.30am and 12.30pm) of the General Managers Illawarra Pilot Joint Organisation (GMs of Shoalhaven, Wollongong, Shellharbour and Kiama), which I understand will be held in Kiama. Kate will

be giving a presentation to the group re the new Act and implications for Local Government and it is also an opportunity for me to meet the GMs and for us to get a better idea of the thoughts and issues of Councils.

Implementation of the new Act is a huge undertaking and we are very keen to keep Councils informed and to work together to get the best outcomes for all concerned. I hope this information is useful. Feel free to contact me any time to discuss further.

Regards

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Jeremy Corke | Area Manager - Sydney, South Coast  
NSW Department of Industry | Lands  
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W: [www.crowland.nsw.gov.au](http://www.crowland.nsw.gov.au)

Please Note: Office hours for general enquiries and account payments between 9:00am – 12:00pm weekdays | Appointments may be made between 8.30am - 4.30pm weekdays | Accounts can be paid at any Australia Post Office | Where possible, please send all correspondence and documents to this office electronically.

--

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Department  
of Industry  
Lands

## COMPREHENSIVE REVIEW OF NSW CROWN LAND MANAGEMENT

# Crown land for the future—fit for purpose legislation for Crown land and roads

MAY 2017

*To deliver modern, streamlined and transparent management of the state's vast Crown land the NSW Parliament has passed the Crown Land Management Act 2016 and the Crown Land Legislation Amendment Act 2017. This implements the reforms identified in the Crown Land Management Review. It is anticipated the majority of the legislative changes will commence in early 2018. This fact sheet describes some of the issues found during the review and how the legislation addresses them.*

### The second and final step in the Crown land legislation reform process

Management of the state's vast Crown land estate has been an important responsibility of the NSW Government since the earliest days of the colony. Across NSW, there are 580,000 individual Crown land parcels, covering some 33.5 million hectares.

It became clear several years ago that there needed to be a substantial rethink of the way the government oversaw the management of Crown land. For this reason, the NSW Government in 2012 initiated a comprehensive review of Crown land management—the first such review in 25 years. The review included extensive consultation with the community and key stakeholders over a number of years.

The *Crown Land Management Act 2016* (CLMA) was a key outcome of the review process—new and comprehensive Crown land legislation, consolidating and updating six different pieces of legislation, some of which date back to the late 19th century.

When the Act passed through Parliament in November 2016, the NSW Government made it clear that it was the first step in a two-stage process to reform the legislation governing Crown land. The second stage is now complete, with the passing of the *Crown Land Legislation Amendment Act 2017*. For the first time in more than a century NSW now has a consolidated piece of legislation to manage our vast Crown land estate.

### The Crown Land Legislation Amendment Act 2017

- The *Crown Land Legislation Amendment Act 2017* (the Act) was passed by NSW Parliament on 10 May 2017.
- The Act completes the consolidation process initiated by the CLMA by incorporating the provisions of the *Public Reserves Management Fund Act 1987* (the PRMF Act), and allow its repeal.
- Funding for Crown Land managers to improve Crown reserves across the state will continue through a new, more appropriate Crown Reserves Improvement Fund. Grants and loans to Crown reserves across the state are now even more flexible, providing grants and loans for the wide range of activities undertaken by reserve managers to improve and develop their land.
- The Act makes flow-on changes to all other acts that are a necessary outcome of amending the Crown land legislation. This will ensure that all legislation is consistent and correctly references the new Crown land legislation.
- The Act does not change the *Aboriginal Land Rights Act 1983* or the application of the *Commonwealth Native Title Act 1993* to state laws.



### Crown land for the future— fit for purpose legislation for Crown land and roads

- The Act does not fundamentally change the CLMA or any other legislation, with the exception of the repeal of the PRMF Act.
- It The Act does not affect the existing arrangements for reserve managers or Crown reserves that are primarily governed under other acts (such as cemeteries on Crown land, Luna Park and the Sydney Cricket Ground), but will streamline and update them in line with the CLMA.

#### A more efficient approach to Crown roads

Crown roads are generally unconstructed and unformed roads. They represent land that was historically set aside in anticipations of the state's future road needs. Crown roads provide lawful access to many privately owned and leasehold lands, where little or no subdivision has occurred since the early nineteenth century. They are part of the state's public road network.

Crown roads are regulated under the *Roads Act 1993* and associated regulations. This means the framework governing Crown roads was not changed by the Act. As recognised in the Crown Lands Management Review, the time has come to review and modernise the framework.

In addition to overseeing Crown roads, the Minister for Lands and Forestry is also responsible for the opening and closing of most roads, even where council is the relevant authority for the road. This has created inefficiencies that have been problematic for local councils.

#### How the Act deals with this issue

- Crown roads will remain the responsibility of the Minister for Lands and Forestry.
- Local councils will be given the power to close those public roads for which they are the roads authority in their local area, without requiring the Minister for Land and Forestry's approval. This will reduce red tape and double handling by government agencies. Stringent safeguards are included in the Act to ensure a closure is appropriate and does not deny access to a property.
- The process for selling Crown roads under the *Roads Act 1993* has been simplified. This could speed up the time taken to process road closure applications and allow for more strategic Crown road closures.
- Where a Crown road is not accessible to the general public, for example if it only provides access and is of benefit to a single private property, the Minister will be able to direct the users of the road to repair and maintain the road, or pay the NSW Department of Industry's costs to do this. This helps prioritise public funds for roads that benefit the general public.
- More details can be found in the *A more efficient approach to Crown roads* fact sheet available on the Lands website ([crownland.nsw.gov.au](http://crownland.nsw.gov.au)).

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## SA17.157 Shoalhaven City Council Property Strategy - Public Exhibition

**HPERM Ref:** D17/109720

**Group:** Assets & Works Group

**Attachments:** 1. Draft Shoalhaven City Council Property Strategy (under separate cover)  
[⇒](#)

### Purpose / Summary

To inform Council of the intention to place on public exhibition the draft Shoalhaven City Council Property Strategy (Attachment A).

### Recommendation (Item to be determined under delegated authority)

That

1. Council place on public exhibition the draft Shoalhaven City Council Property Strategy for a minimum of 28 days for comment.
2. Should Council receive no objections or submissions that would mean only a minor alteration to the Strategy, then the Strategy be deemed adopted at the conclusion of the submission period.
3. Should Council receive submissions that are considered to have a significant effect on the Strategy then a further report be presented to Council.

### Options

1. Resolve as recommended.

Implications: This will enable council to invite community opinion on council's proposed property management and dealings.

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

### Background

The Property Strategy provides a 'whole-of-Council' framework for the sound management of property assets and sets out guiding principles to ensure the property portfolio supports Council's service delivery objectives as defined in Council's Community Strategic Plan "Shoalhaven (CSP) 2023", Delivery Program and Operational Plan (DPOP) and the Community Infrastructure Strategic Plan 2016-2036.

It also supports the advice in 2015 from the Department of Planning and Environment to Council that any future Planning Proposals must be supported by an overarching property strategy. Acting upon this advice, the Council Land Review project was initiated, incorporating various sections of Council and led by Strategic Planning and the Property Unit. One of the key objectives of the Council Land Review project was the creation and adoption of a Property Strategy.

The Property Strategy:

- Sets a forward looking strategic agenda
- Develops a coordinated response to the use of Council owned and controlled property
- Helps in the assessment of how being commercial in our property dealings can meet the existing and emerging community needs and its contribution to Council's income earning capacity.

The purpose of the Property Strategy is to establish an approach to property based on a clear understanding of the requirements of Council and the services it delivers combined with best value in property management and development.

The Property Strategy provides an integrated framework for all elements of property ownership:

- Identifying non-ownership alternatives to property solutions (e.g. leases, community partnerships etc.)
- Owning property – to understand what property is owned and why it is owned
- Managing property – ensuring comprehensive data on all property assets (e.g. zoning, classification, easements, vegetation management plans, acquisition/use history, lifecycle costs, commercial potential etc.) is readily available to inform decisions
- Investing in property – ensuring the necessary financial resources are available to secure new assets and that commercial returns are market based, competitive and sustainable
- Releasing property – making commercial decisions about when and why to dispose of property that has no further purpose in Council ownership (Council determined surplus and non-performing assets)

### KEY OUTCOMES OF THE PROPERTY STRATEGY

The Property Strategy provides a 'whole of Council' framework for the management of Council's property assets. Key outcomes include:

- Achieve a balance of strategic, commercial and community benefit
- Maximise the value of Council's property resources
- Deliver on the aims and objectives set out in Council's plans and strategies such as Shoalhaven Local Environment Plan (LEP) 2014, Shoalhaven Development Control Plan (DCP) 2014.

### **Community Engagement**

Although Council has an extensive property portfolio (over 3,400 lots under its ownership or management) it does not have a comprehensive strategy which guides decisions on this valuable asset group.

The adoption of the Property Strategy is a landmark opportunity for Council to establish a clear vision for future management of its property holdings. As the custodian of public land, Council needs to support the community input in its management.

Community Engagement will play a very important role in any future land proposals.



**Financial Implications**

The Property Strategy establishes a framework for the future efficient and effective management of Council's property portfolio to increase financial returns to Council and to support investment.

## SA17.158 Proposed Sale of Land - 11 Grandview Street, Erowal Bay

**HPERM Ref:** D17/142694

**Group:** Assets & Works Group  
**Section:** Business & Property

**Attachments:** 1. Aerial View [↓](#)

### Purpose / Summary

To consider a recommendation to authorise the sale of vacant land at Lot 24 Sec 1 DP9182, 11 Grandview Street, Erowal Bay as shown in aerial view at Attachment 1.

### Recommendation

That Council:

1. Advertise its intention to dispose of 11 Grandview Street, Erowal Bay (Lot 24 Sec 1 DP9182) in accordance with Policy 16/256 (POL16/256) and advise the local CCB, and if no objections are received, authorise the sale of the property by public auction;
2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction;
3. Fund all costs associated with the sale from Job Number 88650 and the net income from the sale be placed in the Strategic Property Reserve; and
4. Grant authority to affix the Common Seal of the Council to any contract or sale documents required to be sealed.

### Options

1. Adopt the recommendation.

Implications: The proposed sale will be advertised and if no objections to the sale of the property are received it will go to auction. The proposed sale will generate additional income for Council and dispose of a property asset that does not currently support community needs. If objections are received, a further report to Council will be provided.

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

Implications: The property will be retained with Council responsible for ongoing maintenance and property related costs.

### Background

The subject property comprises of a single parcel of vacant land described as Lot 24 Section 1 DP9182 and is 872.6 sq m in area. The land is classified Operational with a zoning of R2 Low Density Residential under Shoalhaven LEP 2014.

This property was acquired in lieu of overdue rates in 1988. The property is fully cleared, grassed with a creek running down an unformed road to the south.

Council staff have considered the proposed disposal of this property with two concerns raised:

a. ***Strategic Planning***

In response to a concern the soil was ‘water charged’ a geotechnical investigation was undertaken which reported there is no specific geotechnical basis that would preclude the development of the site for residential purposes. Notwithstanding, elements were identified which will require careful management. It was recommended that any entity seeking to develop the site complete adequate assessment to satisfy themselves that any proposed works appropriately consider any potential constraints.

b. ***Environmental Services (Bushfire/Bushland Management)***

The land is adjacent an unformed timbered Council road reserve and as such is part bushfire prone. A development proposal for a dwelling will trigger compliance with Planning for Bushfire Protection 2006. This may trigger a referral to the RFS who may require the development meet specific conditions.

If the property is to be sold, the contract for sale will include conditons which adequately cover these issues.

### **Community Engagement**

The proposed sale of the subject land is considered to be a local area low impact issue as outlined in Council’s Community Engagement Policy. There will be an appropriate level of community engagement before the property is offered for sale and this will include newspaper advertising, notification on Council’s website and informing the local Community Consultative Body.

### **Financial Implications**

The proposed sale of this land will generate additional income for Council to be set aside for future land development and disposal projects. This represents potential for an improved return on assets which is considered to be in the best interests of the wider community.



## SA17.159 Proposed Road Closure of Part Battys Road Upper Kangaroo River, sale to Robert McCarron and Annette Miles and consolidation with Lot 2 DP839210 and Lot 1 DP846976

**HPERM Ref:** D17/146784

**Group:** Assets & Works Group  
**Section:** Business & Property

**Attachments:** 1. Aerial View [↓](#)  
2. Plan - Proposed Road Closure - Battys Road Upper Kangaroo River [↓](#)

### Purpose / Summary

To obtain a resolution of Council to close and sell part of the Battys Road road reserve, Upper Kangaroo River to the adjoining owners Robert McCarron and Annette Miles.

### Recommendation

That:

1. Council resolves to make an application to the Minister administering the Roads Act 1993, for the northern part of Battys Road, Upper Kangaroo River shown by hatching on Attachment "1" to be closed and sold to the owners of the adjoining Lot 2 DP839210 and Lot 1 DP846976, Robert McCarron and Annette Miles;
2. Authority be granted to affix the Common Seal of the Council of the City of Shoalhaven to any documents requiring to be sealed;
3. Council authorise the sale of the closed road to Robert McCarron and Annette Miles for \$7,000.00 (plus GST if applicable) provided that the land comprised in the closed road, Lot 2 DP 839210 and Lot 1 DP 846976 are consolidated into one (1) lot; and
4. All costs associated with this road closure are to be met by Robert McCarron and Annette Miles.

### Options

1. Resolved as recommended.

Implications: The closure of the northern part of Battys Road adjacent to land owned by the applicants will provide those landowners with improved privacy and security as well as an improved amenity by denying public access along a section of road immediately adjacent to their property which is not required for public access.

2. Refuse the application to close the road.

Implications: The public may continue to impact on the privacy, security and amenity of the adjoining owners.

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

## Background

Battys Road, Upper Kangaroo River was declared public road by notification in the Government Gazette dated 25 March 1881(folio 2029).

On 14 December 1993, Council resolved to close the part of Battys Road now comprised in Lot 2 DP 839210 so that the land could be sold to the owner of the adjoining land at the time, Mrs Una Batty. This came about as a result of an identification survey which revealed that the Batty residence and other buildings were in fact located within the road reserve (refer Attachment 1).

To compensate for the loss of part of Battys Road through the road closure process, it was agreed in negotiations involving staff from the office of Crown Lands and Council that the vacant unreserved Crown land comprised in Lot 1 DP 839210 was to be dedicated as road and that no compensation was to be paid. The dedication of Lot 1 DP 839210 did not eventuate because Crown Lands staff insisted that Council acquire the land by way of compulsory acquisition (payment of compensation implied) and then dedicate the land as public road under the provisions of the Roads Act rather than the Crown simply dedicate the land as public road under Section 12 of the Roads Act.

Council staff were of the view that Council could not justify the considerable cost in compulsory acquisition of Crown Land for road because, at the time, a road in that location was not required for public access. As Lot 1 DP839210 was not acquired by Council for road purposes or opened by the Crown as road under Section 12 of the Roads Act, it remains vacant unreserved Crown land.

Crown Lands staff refused to take action to dedicate the land as road under Section 12 of the Public Roads Act 1993 which provides that:

*“The Minister may, by notice published in the Gazette, dedicate any unoccupied Crown land as a public road.”*

The consequence of not dedicating Lot 1 DP 839210 as public road is that Battys Road is severed and public access along the road is only available to a point just north of the former Batty residence (now owned by McCarron and Miles).

It is noted that despite an agreement at the time that the road closure and opening be undertaken with no compensation payable, it is Council’s understanding that the Crown sold the land in Lot 2 DP 839210 to Mrs Batty.

On 3 March 1995 Council received notification that the part of Battys Road comprised in Lot 2 DP839210 was officially closed and ownership transferred to the adjoining owner of Lot 1 DP846976 (Batty).

## Current Situation

In or around November 2016, the current owners of Lot 2 DP839210 and the adjoining property, Robert McCarron and Annette Miles, sought clarification of the status of Batty Road and the Crown land adjacent to Brogers Creek as a result of concerns they had about the public accessing the area generally.

An onsite meeting was held with McCarron and Miles on 17 November 2016 to discuss these issues. Special mention was made of:

- the importance of understand
- ding that Battys Road has no continuous legal access past the McCarron/Miles house; and



- the vacant Crown land adjacent to Brogers Creek can be accessed by the public (pedestrian access only) but there is no legal entitlement to vehicular access through the vacant Crown land.

As a consequence of the information disclosed at the meeting, the subject road closure and purchase application relative to those parts of Battys Road shown hatched and cross hatched on Attachment 2 was lodged with Council by McCarron and Miles on 12 December 2016.

The Roads Act 1993 provides that the Minister may close a public road provided that Council agrees to such closure (Section 34) and upon successful closure of the road reserve the land remains vested in Council (Section 38).

Investigations have revealed that the bank of Brogers Creek has been severely eroded and as a result the part of Battys road shown by cross hatching on Attachment “1” is to be retained as public road to guarantee access to the Crown land. The applicants have officially withdrawn this part of the road closure from their application and this partly addresses the concerns of the Crowes.

The land within the road reserve proposed to be closed has been valued by Consultant Valuers Walsh and Monaghan on the basis of the land being consolidated with the adjoining land. Based on this valuation the applicants have agreed in writing to pay Council compensation in the amount of \$7,000 excl GST for the land within the closed road.

The road closure proposal has been considered by the various departments of Council and no objections to the closure has been raised. There is no objection to the closure from any of the statutory authorities including Endeavour Energy, Jemena Asset Management (GAS) and Telstra.

During the public notice period, Council received objections in relation to the closure from the adjoining property owners Philip & Sarah Crowe as owners of land in the area and from Hones Lawyers on behalf of Philip & Sarah Crowe.

Both objections voiced concerns about the lack of future access to the Crowes’ property comprised in Lot 2 DP846976 (east of the McCarron/Miles property) via the unmade road and the general public being unable to access Brogers Creek and the adjoining Crown land.

The area of Battys Road proposed to be closed does not provide legal access currently to the Crowes’ property as the road has no continuous legal access past the McCarron/Miles house. In relation to access to Brogers Creek and the adjoining Crown land, Council has ensured access to the adjoining Crown land and Brogers Creek has been provided by leaving a 20 meter wide access to the unreserved Crown land, this access is to the north of the part of the road proposed to be closed.

Extensive correspondence and meetings have been held with the Crowes to ensure they understand the application and process for the road closure and to ensure their concerns are taken into account.

The adjoining property owners continue to object to the closure and a public petition has commenced on Change.org titled “Save public riverfront land in Kangaroo Valley” and an article was placed in the Kangaroo Valley Voice titled “Council to sell off public river front land”. It is noted that information provided on both the web and article referring to the sale of public river front land is not correct. There has never been any discussion about the sale of vacant unreserved Crown land which is the “riverfront” land referred to.

Two submissions were also received after the public notice period. The concerns raised in these submissions have been taken into account when assessing the merits of the application. In general terms these submissions are similar to some of the earlier concerns raised, related to the sale of public land fronting Brogers Creek.

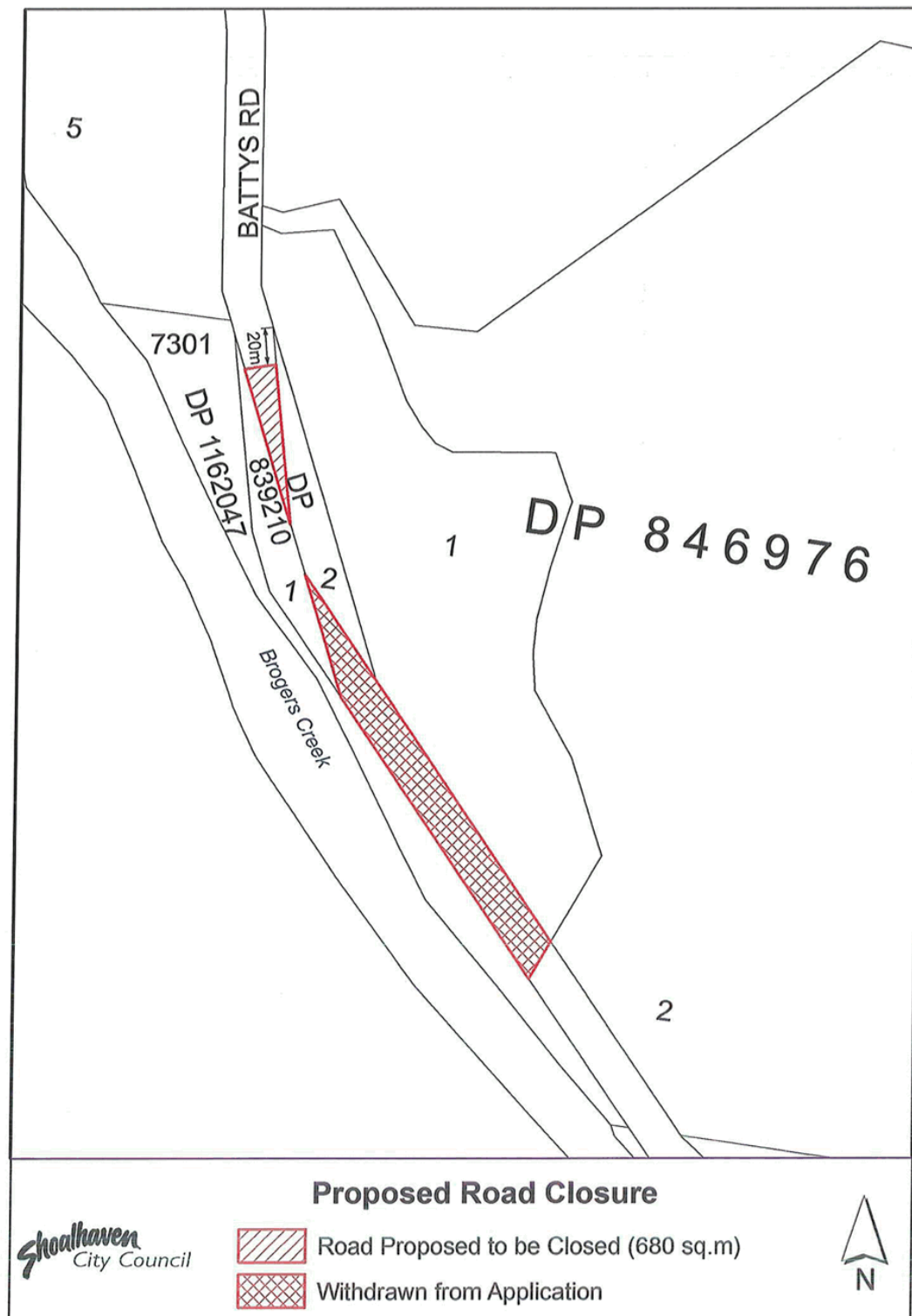
**Community Engagement**

The road closure process required public notification and advertising calling for submissions by any interested parties on the merits of the proposal. This consultation has been undertaken and the submission period closed on 17 March 2017; two submissions were received during the notice period and two more since.

**Financial Implications**

If the road is closed and sold to the adjoining owner Council will receive compensation in the amount of \$7,000 excluding GST and all costs associated with this matter are to be met by the owner of the adjoining land being Mr McCarron and Ms Mile. The sale proceeds are to be transferred to an appropriate reserve for use on future road projects in accordance with Section 43 of the Roads Act 1993.





## SA17.160 Transfer of Land within Heritage Estates to NSW National Parks & Wildlife Service

**HPERM Ref:** D17/156728

**Group:** Assets & Works Group  
**Section:** Business & Property

**Attachments:** 1. Aerial Map - Worrowing Heights Heritage Estate [↓](#)

### Purpose / Summary

To seek Council's approval to complete the transfer of the Council owned lots within the Heritage Estates to the NSW National Parks and Wildlife Service (NPWS) for addition to Jervis Bay National Park. Council has previously resolved to be part of the scheme and to donate its land, but to enable this to now happen, the resolution needs to state that the Common Seal of the Council of the City of Shoalhaven be affixed to the transfer and any documents required to be sealed.

### Recommendation

That Council:

1. Advertise its intention to transfer, for nil consideration, the Council owned lots located within the Heritage Estates at Worrowing Heights, listed in the table below, transfer to the NSW National Parks and Wildlife Service (or their nominee) and if no objections are received and subject to no adverse implications for the transfer from the pending court case, authorise the transfer of the Council owned lots:

DEPOSITED PLAN	LOTS
<b>DP8590</b>	47-48, 74, 77, 130, 136, 138-139, 162, , 172, 183, 186, 188, 194-195, 217, 274, 309, 357
<b>DP8591</b>	1, 14, 25, 28, 58, 60, 81, 87, 106-107, 148, 152-155, 199, 209, 228, 259, 264, 315
<b>DP8770</b>	8, 23, 27, 31, 34, 44, 71, 73, 97, 100-101, 110-112, 189A, 195
<b>DP8771</b>	26, 35, 40, 44
<b>DP8772</b>	4-6, 76, 104-105, 125, 135, 137, 144-145, 158, 167, 201, 204, 210, 223, 224, 244, 251
<b>DP625153</b>	1

2. Grant authority to affix the Common Seal of the Council to any documents required to be sealed.

SA17.160

## Options

1. Resolve as recommended.

Implications: Transferring the lots currently in Council's ownership will help to fulfil Council's commitments concerning this land that helped secure \$5.5M of Australian Government funding for the Voluntary Heritage Estates Land Purchase (HELP) project that is currently still active.

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

## Background

The 'Heritage Estates' is a long running 1,200 lot paper subdivision located at Worroving Heights. As part of Council's efforts to find a solution for the long-term tenure and management of the land following the discontinuation of the rezoning investigations, a report on a voluntary land donation / tax incentive scheme was considered by Council on 24 November 2009 when Council resolved (MIN09.1635) that:

- a) *Council in principle support an offer to contribute Council's land (lots and roads) to any Government acquisition arrangement (including voluntary land donation/tax incentive scheme) for the Heritage Estates;*
- b) *Indicate that Council is willing to enter into a partnership agreement with FNPW and DECCW to make a joint submission to the Federal Government for funding and support the voluntary land donation scheme;*
- c) *Council not support the waiver of outstanding rates; and*
- d) *Community consultation take place in accordance with Council policy on land disposal."*

Subsequently, on 17 May 2011 it was resolved (MIN11.477):-

*"That Council:*

- a) *Prepare and submit an application for funding under the Australian Government's 'Caring for Our Country' program, to acquire the Heritage Estates, Worroving Heights, for addition to the National Park system, in partnership with the NSW National Parks & Wildlife Service and any other bodies such as the Foundation for National Parks & Wildlife by the deadline of 30 May 2011.*
- b) *Acknowledge that if successful the Australian Government would fund a maximum of two-thirds of the purchase price; and*
  - i) *that Council contribute its land, as part of the acquisition package subject to creation of easements to accommodate infrastructure;*
  - ii) *seek a contribution from the NSW Government.*
- c) *Write to both Joanna Gash MP, Federal Member for Gilmore and Shelley Hancock MP, State Member for South Coast seeking letters of support to submit with the funding application."*

Following consideration of the abovementioned application for funding, the Australian Government allocated \$5,493,400 to achieve the objectives outlined in the above resolution. As a result of this grant, NPWS working in partnership with the Foundation for National Parks and Wildlife (FNPW) with input from Council and the Australian Government, have created and managed the Voluntary Heritage Estates Land Purchase (HELP) project. The project is



still active and allows landowners within the Heritage Estates to sell their land for \$5,000/lot to NPWS for addition to Jervis Bay National Park.

In accordance with point b)(i) of MIN11.477 Council is assisting NPWS and FNPW and has committed to contribute the Council land within the Heritage Estates to NPWS. Over many years, Council has acquired the listed lots from previous landowners in lieu of unpaid rates. The transferred lots will be included within Jervis Bay National Park, for permanent protection. The NSW Government will manage the land as part of Jervis Bay National Park under the Plan of Management for the Park. More than 460 lots have been purchased under the Voluntary HELP project, which will continue until the end of 2017.

As noted in previous reports on this matter, the road reserves will be donated at the appropriate point in the future, potentially in stages, to avoid land-locking any privately owned land.

Other efforts undertaken by Council in recent years to help resolve tenure and/or management of the Heritage Estates have included: rezoning the land to E2 – Environmental Conservation; the installing signage and barriers to exclude recreational vehicles, trailbikes and illegal dumpers; and securing NSW Environmental Trust funding to address erosion on land owned by Council and NPWS. NPWS has provided significant support in relation to the latter two.

Of the 81 lots in the table above, 17 are categorised as “Community Land”, refer to Attachment 1, however Section 45 (4) of the Local Government Act 1993 states:

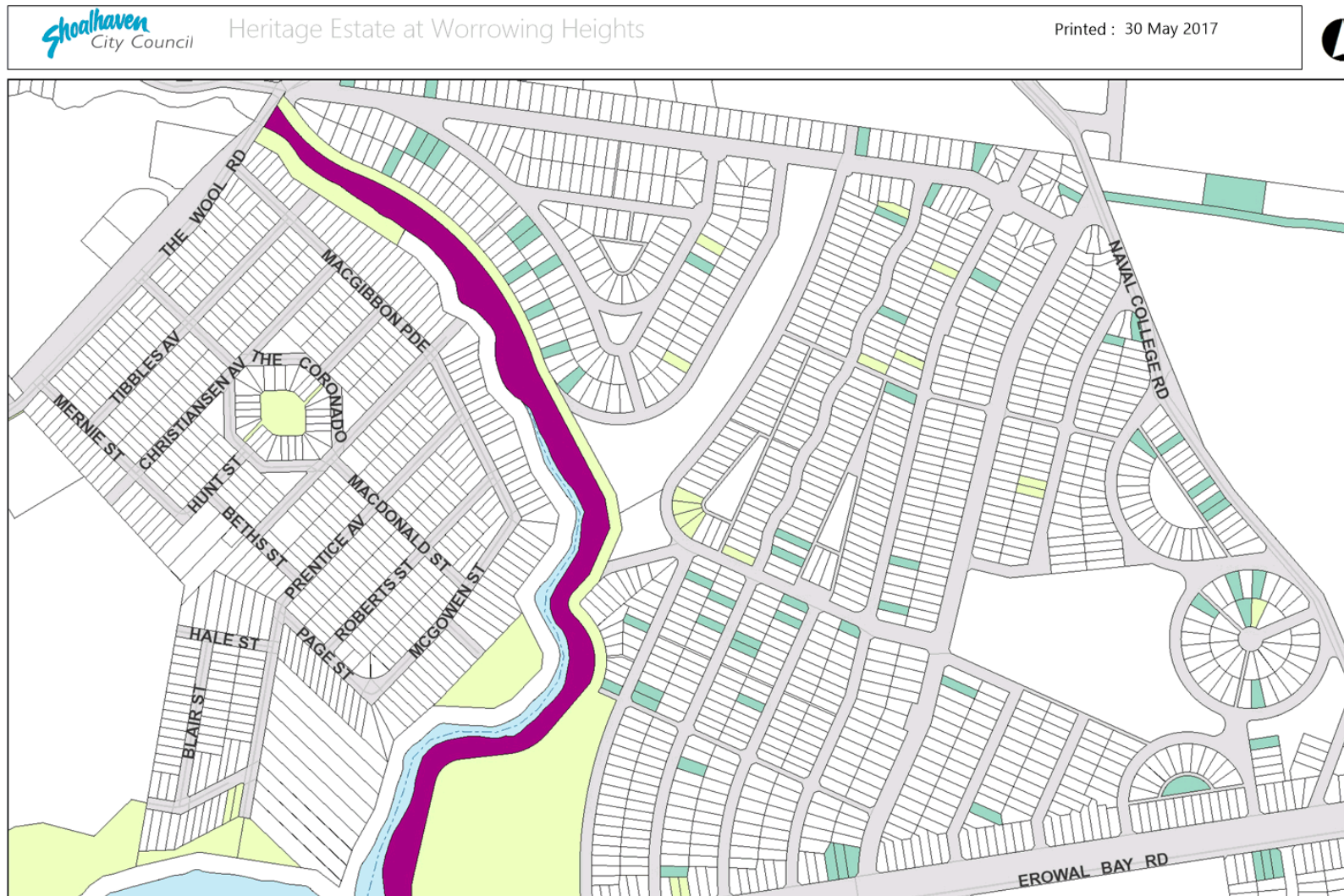
*“This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to become, or be added to, land that is reserved or dedicated under the [National Parks and Wildlife Act 1974](#).”*

### **Community Engagement**

In accordance with Council's Development and/or Disposal of Council Land Policy (POL16/256), Council will publicly notify its intention to dispose of the abovementioned properties.

### **Financial Implications**

Council will not recoup the costs expended in the transfer of the lots to NPWS (or nominee), which are expected to be minimal.



## **SA17.161 Surrender of Lease - Milton Ulladulla Ex-Servos Club Ltd - Ulladulla Civic Centre, Princes Highway, Ulladulla**

**HPERM Ref:** D17/156785

**Group:** Assets & Works Group  
**Section:** Business & Property

### **Purpose / Summary**

To seek Council approval to the surrender of the lease and licence agreements with Milton Ulladulla Ex-Servos Club Ltd for the use and occupation of the café/bar area, foyer and associated external dining areas in and around the Ulladulla Civic Centre. The occupancy rights and responsibilities will be incorporated into the Services Agreement recently agreed between Council and the Milton Ulladulla Ex-Servos Club.

### **Recommendation**

That Council:

1. Resolve to approve the surrender of the consecutive lease agreements (including the associated licence agreements) with Milton Ulladulla Ex-Servos Club Ltd for the use and occupation of the Council owned café / bar area of Ulladulla Civic Centre;
2. In its capacity as Reserve Trust Manager of Ulladulla (R87268) Reserve Trust, resolve to approve the surrender of the licence agreement between The Trust, the Minister for Lands and Forestry and Milton Ulladulla Ex-Servos Club Ltd for the Crown Land component of the Ulladulla Civic Centre and surrounds; and
3. Grant authority to affix the Common Seal of the Council to any documents required to be sealed and that the General Manager be authorised to sign any documents necessary to give effect to this resolution.

### **Options**

1. Resolve as recommended and surrender lease agreements and licence with Crown land  
Implications: Council has resolved (MIN16.937) to enter into a Services Agreement with Milton Ulladulla Ex-Servos Club Ltd to manage the Ulladulla Civic Centre.

The Service Agreement negotiations resulted in Milton Ulladulla Ex-Servos Club Ltd agreeing to surrender the lease and licence agreements over the Centre and the adjoining forecourt area. The responsibilities outlined within the lease and licence agreements will be included in the Service Agreement and therefore the occupancy agreements will be made redundant.

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

SA17.161

## Background

At the Ordinary Council Meeting of 22 November 2016 Council resolved (MIN16.937C) in part to:

1. *“accept the recommendation to enter into an agreement with Milton Ulladulla Ex-Servos Club Ltd to manage the Ulladulla Civic Centre for a 3 year term.....”* (the remainder of the resolution is confidential)

As outlined in the abovementioned report to Council, the negotiations for the Service Agreement required the Milton Ulladulla Ex-Servos Club Ltd to surrender their consecutive leases and licence agreements with Council for the exclusive occupation of the café / bar and associated areas. The rights and responsibilities currently outlined within the occupancy agreements have been incorporated into the Service Agreement, which also provides Council with the ability to terminate the Agreement if appropriate due to non-performance.

The Service Agreement has been constructed to ensure responsibilities are clearly defined, including maintenance and public liability.

## Financial Implications

Each party will be responsible for its own costs relating to the surrender of lease, including legal costs.

## SA17.162 Classification of Operational Land - Sewer Pump Station - Lot 3 DP1227133 - The Links Road, Nowra Hill

**HPERM Ref:** D17/167768

**Group:** Assets & Works Group  
**Section:** Business & Property

**Attachments:** 1. Aerial photo Lot 3 DP 1227133 - Links Road Nowra Hill [↓](#)

### Purpose / Summary

To classify the land described as Lot 3 DP1227133, comprising a sewer pump station, at The Links Road, Nowra Hill (refer to Attachment 1), as Operational Land.

### Recommendation

That Council resolve to classify the land described as Lot 3 DP1227133 at The Links Road, Nowra Hill as Operational Land

### Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose (Sewer Pump Station (SPS)). If any objections are received prior to the close of submission on the 8<sup>th</sup> of June these will be raised at the meeting.

2. Not resolve as recommended.

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

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

### Background

Lot 3 DP1227133, a Sewer Pumping Station (SPS) located at The Links Road, Nowra Hill was acquired to facilitate services to the South Coast Correctional Centre.

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

There are two Classification available:

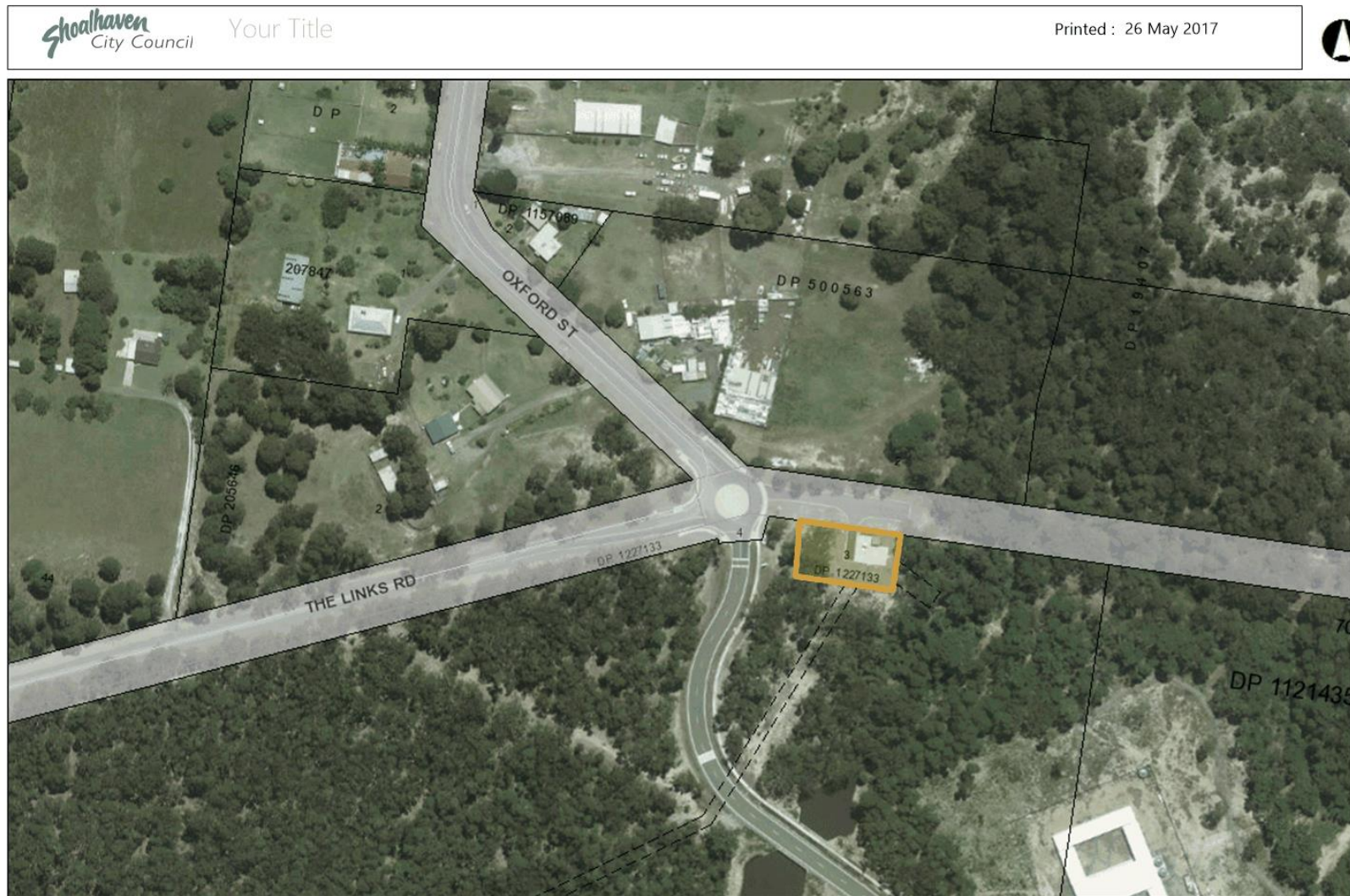
1. Operational Land – land which Council owns as a business entity and upon which it conducts Council business, and
2. Community Land – Land in Council's ownership which is held for and on behalf of the Community – subject to the Community Land provisions of LGA93.

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

### **Community Engagement**

In accordance with Section 34 of LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 10<sup>th</sup> May 2017 allowing 28 days or written submissions, closing 8<sup>th</sup> June 2017. At the time of writing this report no submissions have been received, however any submissions received prior to the closing time will be advised at the Committee meeting.





## SA17.163 Extinguishment of Drainage Easement - 32 Kings Point Dr, Kings Point

**HPERM Ref:** D17/174320

**Group:** Assets & Works Group

**Attachments:** 1. Extract - Deposited Plan 28562 [↓](#)

### Purpose / Summary

This report is submitted to seek Council approval to extinguish an obsolete easement for drainage over Lot 72 DP28562, 32 Kings Point Dr, Kings Point, owned by Mr Kevin Cooper (refer Attachment 1).

### Recommendation

That Council:

1. Resolve to extinguish the easement for drainage 3 wide over Lot 72 DP28562 at Kings Point;
2. Accept the offer of compensation of \$5,000 plus costs from the owner; and
3. Authorise the General Manager to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended.

Implications. An obsolete easement, no longer required by Council with no operational value will be extinguished.

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

### Background

The subject property is a modest residential dwelling in the village of Kings Point. An easement for drainage runs along the full length of the allotment from front to rear boundaries. Mr Cooper, the owner of the property, has advised Council that he wishes to undertake an extension to the dwelling which will encroach onto the easement and for that reason has asked Council to agree to it being extinguished.

The easement has never been used for piped drainage. Council's Engineering Coordinator has advised that the easement was created at the time of subdivision (21<sup>st</sup> April, 1958) although no drain was constructed nor has any practical use been made of the easement since then.

A '*Request for Internal Comment*' regarding a proposal to extinguish the easement has been circulated to all Council Sections with no objections raised.

Whilst the issue of compensation has been discussed with the property owner, consideration needs to be given to Section 89 of the Conveyancing Act 1919, which states in part:

**“Power of Court to modify or extinguish easements, profits à prendre and certain covenants**

- (1) Where land is subject to an easement or a profit à prendre or to a restriction or an obligation arising under covenant or otherwise as to the user thereof, the Court may from time to time, on the application of any person interested in the land, by order modify or wholly or partially extinguish the easement, profit à prendre, restriction or obligation upon being satisfied:
- (a) *that by reason of change in the user of any land having the benefit of the easement, profit à prendre, restriction or obligation, or in the character of the neighbourhood or other circumstances of the case which the Court may deem material, the easement, profit à prendre, restriction or obligation ought to be deemed obsolete, or that the continued existence thereof would impede the reasonable user of the land subject to the easement, profit à prendre, restriction or obligation without securing practical benefit to the persons entitled to the easement or profit à prendre or to the benefit of the restriction or obligation, or would, unless modified, so impede such user, or*
  - (b) *that the persons of the age of eighteen years or upwards and of full capacity for the time being or from time to time entitled to the easement or profit à prendre or to the benefit of the restriction, whether in respect of estates in fee simple or any lesser estates or interests in the land to which the easement, the profit à prendre or the benefit of the restriction is annexed, have agreed to the easement, profit à prendre, restriction or obligation being modified or wholly or partially extinguished, or by their acts or omissions may reasonably be considered to have abandoned the easement or profit à prendre wholly or in part or waived the benefit of the restriction wholly or in part,*
  - (b1) *in the case of an obligation:*
    - (i) *that the prescribed authority entitled to the benefit of the obligation has agreed to the obligation's being modified or wholly or partially extinguished or by its acts or omissions may reasonably be considered to have waived the benefit of the obligation wholly or in part, or*
    - (ii) *that the obligation has become unreasonably expensive or unreasonably onerous to perform when compared with the benefit of its performance to the authority, or*
    - (c) *that the proposed modification or extinguishment will not substantially injure the persons entitled to the easement or profit à prendre, or to the benefit of the restriction or obligation.*
  - (1A) *For the purposes of subsection (1) (b), an easement may be treated as abandoned if the Court is satisfied that the easement has not been used for at least 20 years before the application under subsection (1) is made.*

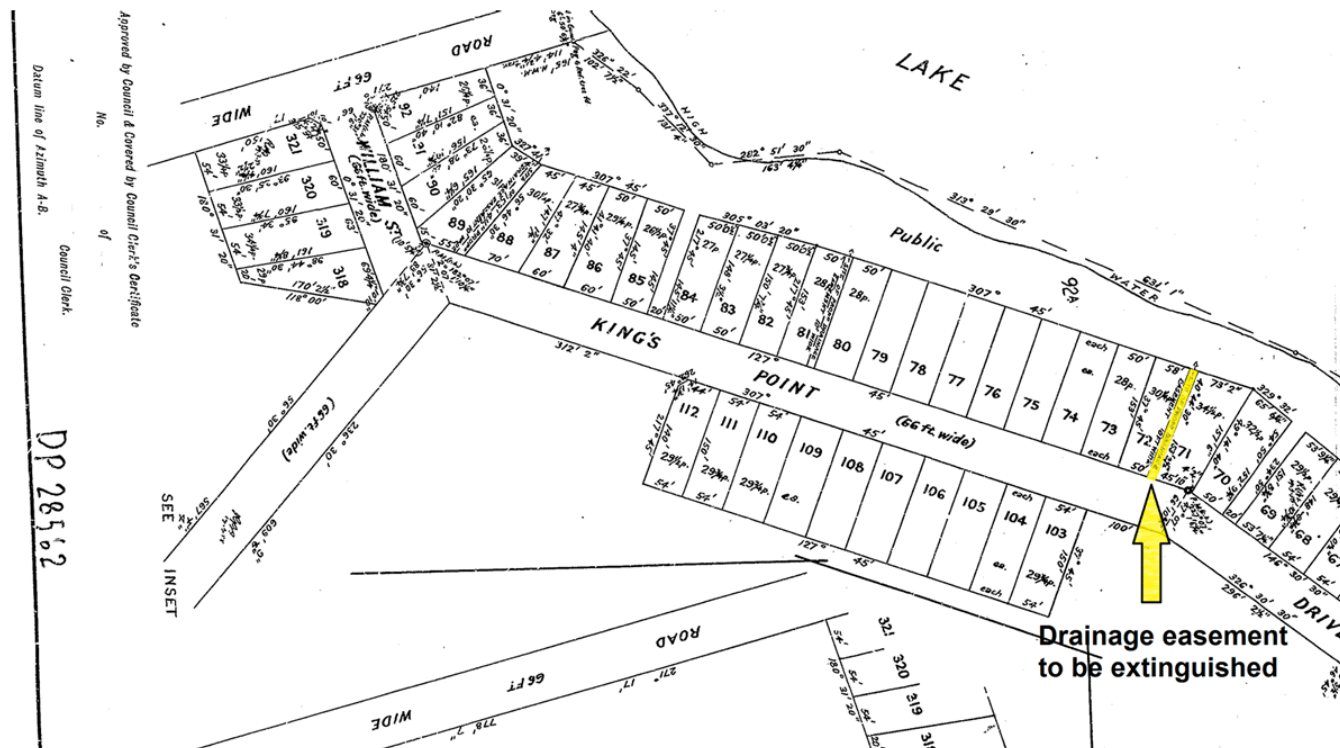
Given the easement in this instance has not been utilised by Council for fifty eight years, there is every likelihood, subject to legal advice, that the above could be applicable ie the Court may determine that the easement can be extinguished and that no compensation is payable.

However in this case, the owner has agreed to pay Council \$5,000 in compensation plus costs and if Council accepts this offer as a compromise, the need for both parties to seek legal advice is removed.

**Financial Implications**

The owner will meet Council's costs incurred in addition to the compensation amount agreed.

ATTACHMENT 1 – Extract of DP28562



DP 28562

Approved by Council & Covered by Council Clerk's Certificate  
No. of Council Clerk.  
Datum line of 121m A.B.

## SA17.164 Renewal Strategy - Footbridge over Kangaroo River, Upper Kangaroo Valley

HPERM Ref: D17/39809

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To report on a strategy for the repair and renewal of the pedestrian suspension bridge over Kangaroo River at Upper Kangaroo Valley.

### Recommendation (Item to be determined under delegated authority)

That

1. The timber deck and approach ramp of the bridge over Kangaroo River be replaced with Fibre Reinforced Plastic (FRP) and funded under the 2017/18 Bridge Maintenance Program
2. The timber pylons of the bridge be replaced and funded under the 2018/19 Bridge Maintenance Program

### Options

1. Replace the deck with Fibre Reinforced Plastic (FRP) in 2017/18 and replace the pylon in 2018/19. (Recommended)

Implications: As soon as the deck is replaced, the bridge can be re-opened. The pylon replacement is lower priority work but will be undertaken in 2018/19.

2. Replace the deck with timber planks in 2017/18 and replace the pylon in 2018/19. (Not recommended)

Implications: A timber deck would require more maintenance and earlier renewal than the FRP deck. The 'whole-of-life' costs are less for a FRP deck. However, replacing the deck in timber would restore the bridge to its original design.

3. Make some other recommendation

### Background

Council resolved at its meeting on 21 February 2017 (Minute MIN17.111) that

1. *Engage an Engineering consultant to review the options, including costs, for repairing and renewing the footbridge over the Kangaroo River*
2. *Advise the residents and stakeholders that plans are being progressed to renew components of the bridge and funding will be considered as part of the 2017/18 budget against other priorities.*

Also, Council resolved at its meeting on 16 May 2017 (Minute MIN17.384) that

*Staff provide a brief status report to Council on the Upper Kangaroo River Footbridge issue – advising when a report would be forthcoming about the future management of the bridge*

This report addresses both resolutions.

The engineering consultant's report detailed the necessary repairs required to re-open the bridge to pedestrians and the preventative maintenance necessary to ensure the longevity of the bridge.

The consultant was asked to consider options for the materials used in the bridge repairs. It suggested that Fibre Reinforced Plastic (FRP) would be a cost-effective replacement for the existing timber deck. FRP is widely used for jetties, boardwalks and other pedestrian structures. The bridge is currently closed because many of the timber planks have rotted. The use of FRP has subsequently been recommended.

### **Community Engagement**

The community demonstrated its desire to retain the existing bridge by recently submitting a petition of 1156 signatures. However, the community has not yet been consulted whether it prefers FRP or timber for the bridge deck.

### **Financial Implications**

The consultant's estimate of cost for the repairs, excluding contingencies and Goods and Service Tax, was \$130,800. The replacement of the deck and other urgent works necessary to re-open the bridge is estimated to cost \$49,200. This amount would be available under the 2017/18 Bridge Maintenance Program.

However, there is already a backlog of higher priority timber bridge repairs than the replacement of the pylons of this bridge so this work, valued at \$81,600, will be included in the 2018/19 Bridge Maintenance Program.



## SA17.165 Road Network Strategy - Nowra / Bomaderry

**HPERM Ref:** D17/170005

**Group:** Assets & Works Group

**Section:** Asset Management

**Attachments:** 1. Nowra Key Road Projects Strategic Overview (under separate cover) [⇒](#)

### Purpose / Summary

To consider a Strategic Overview of the road network for the Nowra – Bomaderry area which will guide future investment and advocacy for roads infrastructure in the Shoalhaven. The Strategy highlights those road projects which will provide the greatest value and benefits for the community.

### Recommendation (Item to be determined under delegated authority)

That

1. The report on the Strategic Overview of the road network for Nowra – Bomaderry be received for information
2. Council endorse the priorities and timing of the Nowra Key Road Projects
3. State and Federal Members of Parliament be advised of the endorsed projects to commence advocacy and to seek their commitment to future planning and funding
4. Staff work collaboratively with State Government roads and transport authorities to assist in the planning of these projects

### Options

1. As recommended endorse the Nowra Key Road Projects priorities. Commence advocacy with State and Federal Government Members of Parliament. Work collaboratively with road and transport authorities (Recommended)

Implications: The endorsement of road project priorities will allow the planning and advocacy for a logical program of works and to seek funding.

2. Not endorse the Nowra Key Road Projects priorities (Not recommended)

Implications: Council cannot effectively advocate for future road network upgrades without a practical and logical strategy to achieve these upgrades.

3. Make some other recommendation

### Background

The strategic overview document (refer to Attachment 1.) provides a succinct review and proposed directions for the future implementation of key road projects in the Nowra - Bomaderry area. The document is designed to support Council in its lobbying and funding

requests to enable key road projects to be progressed in a logical sequence which meets the needs of Council, NSW Roads and Maritime Services (RMS) and the Shoalhaven public.

A total of 13 key road projects have been identified as being critical to the effective movement of vehicles to and through the Nowra / Bomaderry urban area over the next 20+ years. These identified projects will assist to ensure that the local area continues to meet minimum service needs in the short to medium term. It should be noted that not all projects may need to be delivered over the short to medium term. This will be dictated by the growth of areas, priority and timing of each in the future.

The 13 key road projects include (generally from north to south):

1. Berry to Bomaderry upgrade;
2. Moss Vale Road duplication;
3. Far Northern Collector Road (short-term);
4. North Nowra Link Road (potential long term beyond 2028);
5. Highway upgrade - Moss Vale Road roundabout to Bolong Road;
6. Shoalhaven River Bridge;
7. Highway upgrade - Shoalhaven River Bridge to Warra Warra Road;
8. East Nowra Sub-Arterial;
9. Kalandar Street / Princes Highway upgrade;
10. Yalwal Road / Albatross Road to Princes Highway (long term);
11. Yalwal Road widening;
12. Yalwal Road / Albatross Road intersection upgrade; and
13. Registered Road Classification for Flinders Road.

Some projects are considered to be major due to their size/cost, whilst others are important due to strategic economic development interests or because they are able to push back other major works (for example the Nowra by-pass). Many of these projects were identified in the Nowra Bomaderry Structure Plan Strategic Directions report, endorsed by the NSW Department of Planning in February 2008.

### **Desired Outcomes**

The desired outcomes of preparing this Strategic Overview are:

- To facilitate the implementation of the Berry to Bomaderry Upgrade and Nowra Bridge projects by RMS and the Commonwealth of Australia;
- To ensure that residents of the Nowra / Bomaderry urban area are not unreasonably disrupted by the implementation of the those major projects;
- To facilitate orderly development of the URA's from the Nowra-Bomaderry Structure Plan;
- To ensure that more localised projects that have a substantive benefit to the operation of the Princes Highway are recognised by the RMS and considered for funding through appropriate State or Commonwealth funding streams; and
- To ensure that the implementation of major projects do not exacerbate traffic implications at the local level.

To achieve these outcomes, a comprehensive approach to the issue is required, establishing an agreed set of road network implementation priorities to facilitate long-term outcomes.

**Community Engagement**

Community engagement may not be needed at this strategic level. However, community consultation is undertaken for all major road projects.

**Financial Implications**

The Strategic Overview does not commit Council to financially contributing to any of the projects. The Federal government recently announced that it will be funding the Far North Collector Road.

## SA17.166 Investigation - Repair Beach Access - Ocean St Culburra

HPERM Ref: D17/224

Group: Assets & Works Group  
Section: Asset Management

### Purpose / Summary

To report on the results of investigations in relation to upgrading of the Ocean Street car park access at Culburra Beach.

### Recommendation (Item to be determined under delegated authority)

That the report on upgrading the Ocean Street, Culburra Beach car park be received for information.

### Options

1. As recommended
2. Make some other recommendation

### Background

Council at its meeting of 13 December 2016 (MIN16.959) resolved that:

1. *Council Staff investigate and provide costs back to council to repair the car park and access track to Ocean Street Beach so it can be utilised by disabled users, family access and emergency responders and general beach users.*
2. *The community and the CCB be included in any design ideas to create a user friendly area.*

Council has arranged for sealing of the carpark at Allerton Avenue, Culburra Beach with a single flush seal and line marking. This work is programmed for the first half of the 2017/18 financial year. The intention is to improve the access that is immediately adjacent to the entrance to the car park where water has been ponding.

With respect to the Ocean St beach access point, upgrading of this access is difficult as the orientation and aspect of the beach access track faces directly northeast, resulting in large volumes of sand being windblown and deposited up onto the car park, and grassed areas during the busy summer season.

The windblown sand also creates steep grades on the beach access point making any plans for disabled access difficult to achieve. On this basis, it would be expensive with current options and potentially not sustainable to provide an upgraded disabled access at the Ocean Street car park location. This location is also subject to high risk of damage during storm events and therefore expensive works are not recommended. At this stage a long term solution that is feasible to ensure access remains clear and accessible unfortunately hasn't been identified.

Disabled access is provided at the south end of the beach at Tilbury Cove. Access is also provided to the beach at this location for use by emergency service vehicles.

**Financial Implications**

The estimated cost for resealing the carpark is \$25,000 and will be funded from the road maintenance budget.

## SA17.167 Coastal Hazard Review- Outcome of public exhibition

**HPERM Ref:** D17/36024

**Group:** Planning Environment & Development Group

**Attachments:**

1. Technical Review of Submissions - Advisian (under separate cover) ➡
2. Coastal Hazard Review Draft Report placed on exhibition (under separate cover) ➡
3. Coastal Hazard Review Mapping - Collers (under separate cover) ➡
4. Coastal Hazard Review Mapping - Callala (under separate cover) ➡
5. Coastal Hazard Review Mapping - Warrain (under separate cover) ➡
6. Coastal Hazard Review Mapping - Shoalhaven Heads (under separate cover) ➡
7. Coastal Hazard Review Mapping - Narrawallee (under separate cover) ➡
8. Coastal Hazard Review Mapping - Mollymook (under separate cover) ➡
9. Coastal Hazard Review Mapping - Currarong (under separate cover) ➡
10. Coastal Hazard Review Mapping - Culburra (under separate cover) ➡
11. Coastal Hazard Review Mapping - Collingwood (under separate cover) ➡
12. Councillor Presentation - Shoalhaven Coastal Hazard Mapping (under separate cover) ➡

SA17.167

### Purpose / Summary

To inform Council of the outcome of the public exhibition of the revised Coastal Hazard Study for beach compartments in Shoalhaven.

### Recommendation

That Council

1. Adopt the Shoalhaven Coastal Hazard Review, that includes Council's adopted sea level rise projections, in accordance with Council's resolution (D15/39660); and
2. Submit the adopted Shoalhaven Coastal Hazard Review to the NSW Government, replacing the 2009 Coastal Hazard Assessment, as part of the Shoalhaven draft 2012 Coastal Zone Management Plan for certification, in accordance with Council's resolution (MIN16.849); and
3. Review the Shoalhaven Local Environmental Plan 2014 and Shoalhaven Development Control Plan 2014 to reflect the outcomes of the Shoalhaven Coastal Hazard Review and a further report be provided on the proposed amendments

### Options

1. As recommended in this report. Council completed a review of its 2009 Coastal Hazard Study to update it with Council's adopted sea level rise projections, in accordance with Council resolution. Council also resolved to update the draft 2012 Coastal Zone Management Plan with the revised study for which Council is seeking certification.



Implications: This option is merely implementing Council's resolution to update its coastal hazard review with its sea level rise projections. It does not give regard to the outcome of the public exhibition. The review has also incorporated additional data that has become available since the 2009 to include current beach and post storm survey data.

2. Council do not adopt the Shoalhaven Coastal Hazard review 2016 in view of the submissions received during public exhibition.

Council request the State Government (Department of Planning and OEH) to provide the probabilistic coastal risk assessment and mapping that was carried out by OEH for the NSW draft Coastal SEPP and that this probabilistic risk assessment inform Council review of the Shoalhaven LEP, DCP, the NSW Coastal SEPP and development of a Coastal Management Program for the Shoalhaven.

Implications: This option takes into consideration that the majority of submissions received during the public exhibition raised concerns or were not supportive of the Shoalhaven Coastal Hazard Review. This option also proposes a way forward that resolves the many concerns raised being:

- a) the OEH probabilistic mapping does not adopt one particular set of sea level rise projections but rather considers the full range of potential sea level rise and their associated probabilities;
  - b) the OEH probabilistic mapping does not use the Bruun rule; and
  - c) any future potential liability as a consequence of Council adopting the State Government mapping may be transferred to the State Government.
3. Council undertake a peer review of the coastal hazard review.

Implications: This option won't solve the concerns raised by community members related to sea level rise, is likely to be very costly, may result in a similar outcome as the OEH probabilistic mapping and is unfunded.

4. Alternative recommendation.

Implications: Unkown.

## Background

At its meeting on 13 December 2016, Council resolved to place on public exhibition the draft Shoalhaven Coastal Hazard review and to receive a report after the public exhibition period. Attachments 2 to 11 contain the draft report and maps placed on public exhibition.

At the same meeting Council resolved to readopt its sea level rise policy thereby reindorsing the following sea level rise projections on which the Coastal Hazard Review is based on:

- 100mm for 2030;
- 230 mm for 2050; and
- 350mm for 2100.

The review also incorporated additional data that has become available since the 2009 coastal hazard assessment was completed, including:

- Photogrammetry data
- LiDAR ground level information
- Bathymetric surveys
- Field survey transects

- Post storm survey information
- Coastal compartments information

The review also uses advances in analysis techniques developed by consultant Advisian. Advisian Principal Coastal Engineer presented the methodology and findings at a Councillor briefing on 29<sup>th</sup> November 2016. A copy of the presentation is contained in attachment 12.

At the 15 November 2016 Strategy & Assets Committee meeting, in accordance with the Committee's delegated authority from Council the Committee resolved to:

1. *Adopt and submit Council's draft 2012 Coastal Zone Management Plan and adopted estuary management plans to the Minister for Planning, The Hon Rob Stokes MP, for certification, to ensure Council is eligible to apply for future grant funding for works under the NSW Government's coast and estuary program, while Council prepares a new Coastal Management Program.*
2. *The Minister be advised that Council is aware that the hazard lines within the revised hazard study do not reflect Council's adopted sea level lines and is urgently reviewing those lines.*
3. **Council commits to *amending the certified Coastal Zone Management Plan (CZMP) as soon as the revised coastal hazard study has been adopted and by 30 June 2017.***

In 2015, Council resolved to update its 2009 coastal hazard study with its adopted sea level rise projects (D15/39660).

## Community Engagement

The draft Shoalhaven Coastal Hazard review was placed on public exhibition from 4 January 2017 to 3 February 2017. To help with the understanding of this very technical document, the presentation given by Advisian to Councillors was also included in the exhibition. The documents were available at the City Administrative Centre, Bridge Road, Nowra, at the Ulladulla Civic Centre, Princes Highway Ulladulla and the Bay and Basin Leisure Centre, The Wool Road, Vincentia. In order to advise the community of the exhibition, formal advertisement, notification to CCBs and a media release were issued.

The Collingwood Beach Preservation group requested a presentation by staff of the review and this occurred on Friday 13<sup>th</sup> January at the Vincentia Community Hall. Approximately 30 people attended the meeting. The Collingwood Beach Preservation Group also requested that Council engage consultants to review and respond to the public submissions. Council engaged Advisian to review and provide comment on those submissions that raised technical matters. Advisian's responses are contained within **attachment 1**.

### Outcome of public exhibition

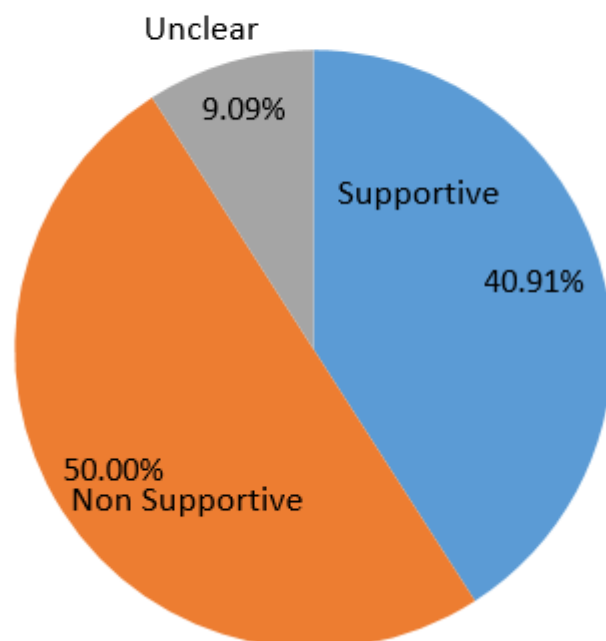
A total of 44 submissions were received. 35 submissions were received during the formal exhibition period. 9 submissions were received a few hours after the close of formal exhibition (extension was granted by Director Planning and Development).

22 submissions (50%) were not supportive of the review. 18 (40%) were supportive of the review (noting some were still raising a number of concerns). 4 submissions raised concerns about the review and requested some amendments, but were unclear as to whether they were generally supportive of the review or not. A copy of all submissions received has been provided in the Councillors room.

Of the 44 submissions received, 4 were from community representatives group, being the Collingwood Beach Preservation Group, Lake Wollumboola Protection Association, Save Collingwood Beach and Shoalhaven Heads Community Forum. Only the submission from

the Shoalhaven Heads Forum was generally supportive of the review (despite concerns that the analysis did not extend inside the Shoalhaven river estuary). The main concerns raised by the 3 non-supportive community groups were the number of technical flaws in the report and the inaccuracy of sea level rise projections considered in the report.

### Shoalhaven Coastal Hazard Review 44 submissions received



SA17.167

#### Main concerns raised in submissions:

- 1) The sea level rise projections adopted in the report are flawed, Council will be financially and legally liable for future damages to public and private assets, the risks into the future won't be reduced and ratepayers will have to pay the bill.

*Response:* The report is based on sea level rise projections adopted by Councillors. Councillors are fully aware that, based on the best available competent scientific information, the sea level projection adopted for 2100 has an 85% chance of being exceeded. Council also resolved to periodically review these projections.

- 2) The report does not consider all locations and fails to address all coastal hazard risks such as coastal inundation by east coast lows or coastal risk erosion within estuaries.

*Response:* the report is an update of Council's previous coastal hazard assessment as resolved, which focused on areas where development could be at risk. It would be very expensive to model the entire coastline of the Shoalhaven and only priority areas have been assessed in detail at this stage. Where Council receives a development application and through the assessment process it is identified that a coastal hazard is likely to exist, Council can require assessment of this risk under Shoalhaven Development Control Plan (SDCP) Chapter G6 Coastal Management Areas.

The report does take into consideration coastal inundation at the modelled locations. Coastal inundation impacts along waterways and estuaries are assessed as part of the floodplain risk management program. The erosion risk within estuaries are generally assessed as part of the development of estuary management plans. A coastal hazard assessment for estuaries

may be required as part of the future development of a coastal management program under the new Coastal Management Act when it comes into force. At time of writing this report, it is unknown when the coastal reforms will be completed and therefore when this Act will come into effect.

- 3) The report is not based on robust engineering assessment and has the same technical flaws the 2009 report had. SCC must engage an expert coastal engineer to undertake a peer review of the Advisian report.

*Response:* the report has been developed by Chris Adamantidis and reviewed by Lex Nielsen, both highly qualified coastal engineers and with a combined 58 years experience in this specific field. Lex Nielsen was not an author nor reviewer of the 2009 report by SMEC and his review of the 2016 draft report by Advisian constitutes in itself a peer review.

The submissions that raised technical issues was reviewed by Advisian, **see attachment 1**.

<p><b>Lex Nielsen BE(Civil) MEngSc FIEAust CPEng</b> <i>Principal Consultant</i></p> 	<p>Lex Nielsen is a Fellow of the Institution of Engineers Australia and a Chartered Professional Engineer with over 40 years of professional experience. Lex's key areas of expertise include hydraulic analyses of river, coastal and estuary processes including numerical and physical modelling of wave transformation, tidal discharges and sediment transport, structural design and shoreline impacts of groynes and breakwaters, erosion hazard assessments and coastal zone management, wave climate, storm surge and coastal inundation assessments, investigation and design of beach nourishment projects and foreshore protection works, and environmental impact assessments of coastal engineering projects.</p> <p>Lex has been involved in numerous coastal zone management projects in New South Wales, Victoria, Western Australia and in the Middle East. Locally, Lex has undertaken coastal hazard assessments for the Shoalhaven City Council, Pittwater Shire Council, Wyong Shire Council and Gosford City Council.</p> <p>Lex makes regular contributions to journals, conferences and technical meetings of Engineers Australia.</p>
<p><b>Chris Adamantidis BE(Hons) MEngSc MIEAust</b> <i>Principal Coastal Engineer</i></p> 	<p>Chris Adamantidis is a Principal Coastal Engineer with Advisian with over 18 years' experience. Chris has completed a Master of Engineering Science, majoring in Water and Coastal Engineering, in 2000. He is a Member of Engineers Australia.</p> <p>Chris has experience in coastal design studies and coastal hazard definition, such as estimation of extreme water level and wave climates, prediction of shoreline erosion (including use of numerical models), calculation of the effects of sea-level rise, determination of long-term recession rates, and delineation of hazard zones. Chris has undertaken numerous coastal hazard and design studies both in Australia and abroad, including for many private and Council clients throughout NSW.</p>

- 4) The report uses the Bruun rule which is not considered by the engineering community as best practice.

*Response:* the only known alternative to the Bruun rule that is endorsed by the State Government is the probabilistic method. This method was used by the Department of Planning to map the coastal hazard risk in the initial NSW draft Coastal Management State Environmental Planning Policy (SEPP). The guidance documents produced by the NSW

Government detailing the probabilistic methodology as part of the NSW Coastal Reforms, of which the draft SEPP is part, have not been finalised and are still in draft form.

### **Policy Implications**

Once adopted the Shoalhaven Coastal Hazard review was to inform the review of the Shoalhaven LEP and DCP, NSW Coastal SEPP and the development of a Coastal Management Program for the Shoalhaven.

### **Financial Implications**

The cost of Shoalhaven Coastal Hazard review was approximately \$24,000 plus \$4,000 for review of technical submissions. A peer review including a new assessment of sea level rise with a different methodology to the Bruun rule could cost approximately \$80,000 to \$120,000.

It is expected that adopting OEH probabilistic assessment would have a minimal cost to Council (transfer of data), but may have a financial impact on applicants for development approval as they are likely to be required to engage coastal engineers to do specific reports on their development to deal with the coastal risks. Council has previously decided to adopt a position that will avoid this necessity and hence cost to future applicants.

## **SA17.168 Installation of Barriers to Regulate Traffic - Captain St - Blenheim Beach Reserve - Vincentia**

**HPERM Ref:** D17/93251

**Group:** Planning Environment & Development Group  
**Section:** Environmental Services

**Attachments:** 1. Captain St Closure On-site Meeting [↓](#)  
2. Captain St Gate and Vehicle Barrier Map April 2017 [↓](#)

### **Purpose / Summary**

To report to Council on the proposal to install a gate and barriers at Captain St across the road reserve (see attached map), Lot 0 DP R15040 160 and the crown reserve at Blenheim Beach. For the purposes of regulating traffic to prevent illegal activities and reduce the risk to users of the reserve as per section 116 of the NSW Roads Act 1993.

### **Recommendation**

Council seek approval from the NSW Roads and Maritime Services to erect a gate and barriers at Captain St for the purpose of regulating traffic to prevent illegal activities, such as camping and rubbish dumping and the risk to the public from dangerous driving following community consultation undertaken by Council.

### **Options**

1. Adopt the recommendation

Implications: Reduction in illegal dumping of rubbish and camping at Blenheim Beach Crown Reserve and reduced public risk from reckless/negligent driving. Supporting the on-going work of the Vincentia Bushcare Group.

2. Not approve the recommendation.

Implications: Continual use of Councils resources to clean up dumped rubbish and undertake compliance actions for illegal camping. On-going public risk of reckless/negligent driving as Captain St is used by drivers to do burn outs due to its isolation. There is strong community support for the installation of barriers to regulate traffic, as has been evident during community consultation (Community Engagement).

### **Background**

In January 2016 the Vincentia Bushcare Group reviewed their Action Plan for the Barfleur Beach, Plantation Point and Stuart King Reserve. The plans review, identified the gravel road known as Captain St, which is partly located on a road reserve (Lot 0 DPR150040 160) and also Crown Land Reserve Trust Managed by Council (Lot 1 DP608937) reserve number



BVI615. For the installation of a gate and barrier to regulate traffic entering the reserve. The Bushcare Group Action Review identified this action as follows in it the adopted plan:

2. Work with Council Asset and Works Division to close vehicle access to Captain St road to prevent on-going dumping of rubbish and illegal camping (see map 4b and appendix 1 of this plan)	2. H	2. Work with Council to have a lockable steel gate installed at the entrance to Captains	2. 2016/17
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The action was to install a gate and vehicle barriers (large rocks) at the intersection of Elizabeth Drive and Captain St to regulate traffic (see attached map). The reasons for this are that the reserve has a long history of illegal camping, dumping of rubbish and complaints of dangerous driving from hoons using the road to do burn outs, which increases the risk to the public. The dumping of garden refuse also causes a risk of spreading new and existing weeds.

Council Rangers have reported that the Captain St road is a hot spot for on-going complaints of illegal camping and rubbish dumping and Huskisson Police have received complaints regarding dangerous driving.

### Community Engagement

Planning, Environment and Development Services have undergone extensive community consultation regarding the erection of a gate and barrier at Captain St as follows:

1. 348 letters were sent to surrounding residents and ratepayer and the CCB seeking feedback on the Barfleur Beach, Planation Point and Stuart King Reserves Bushcare Group Action Plan. Only one submission received by Council was opposed to the installation of gate and barriers at Captain St, Vincentia.

At the Council Ordinary Meeting on 20/12/2016 Council resolved as per MIN16.1020 to:

*Council Officers further investigate the implementation and effect of the closure of the road for Options 1 & 2 as detailed in the report and to meet with the people who objected to the closure of the road and consult with the community*

*Following this resolution Council undertook the following:*

2. On 24<sup>th</sup> February 2017 Council held an on-site meeting with 15 local residents and representatives from the Vincentia Residents and Ratepayers Association and Vincentia Matters Inc. This was advertised via a letter, mailed out to 105 residents/ratepayers surrounding the reserve. At the on-site meeting with staff there were no objections to installation gates and barriers at Captain St and all those in attendance were in favour (see D17/62765).

### Policy Implications

As per section 116 of the NSW Roads Act 1993, the first section of Captain St is located on a road reserve and the installation of barriers to regulate vehicle traffic requires NSW RMS authorisation through the Shoalhaven Traffic Committee. The section of Captain St located on the Crown Land Reserve requires permission from NSW Crown Lands and is consistent with the Crown Lands Act 1989.

**Financial Implications**

The initial financial cost of the installation of the gate and barriers will be \$7,500. This will offset by the long-term saving to Council for on-going resources required to undertake compliance on the illegal camping and retrieval of dumped rubbish.

**Risk Implications**

The northern end of Blenheim Beach Reserve will still be accessible via a gate for emergency purposes. The closure of the road will reduce the public risk to users of the reserve from dangerous driving and possible collision with drivers and pedestrians using the reserve.

## Planning & Development Services Group



File: 26280E  
Document No. D17/62765  
Date 28/02/2017  
Subject Captain Street Closure – Vincentia – Onsite meeting outcome

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### FILE NOTE

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**Date of Meeting:** 24 February 2017

**Location:** Captain Street Vincentia

**Attendees:** Al Stratton, 15 x residents

**Nature of Meeting:** Closure of Captain Street road reserve

**Key Issues:**

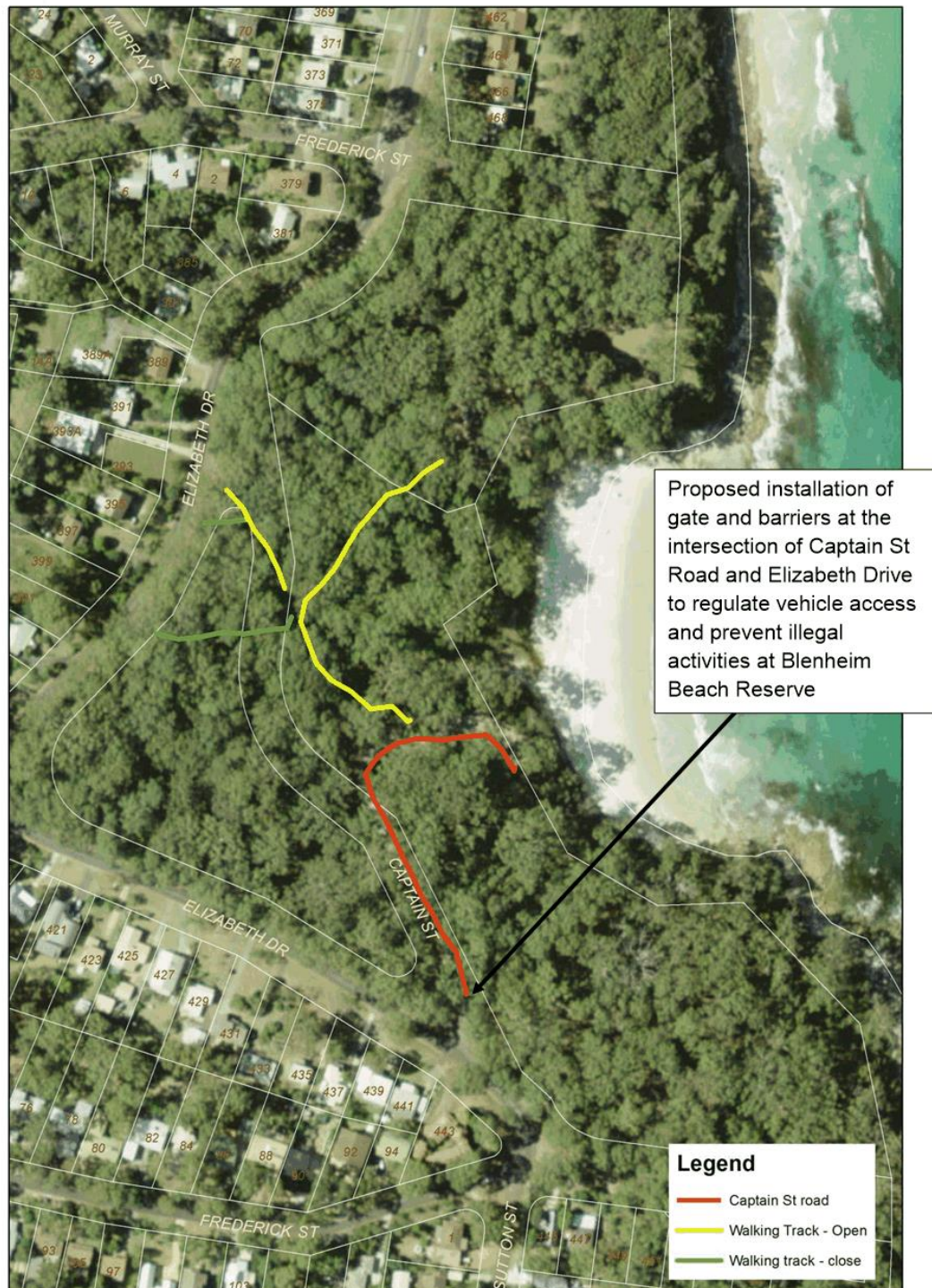
**Decisions & Outcomes:** I met with 15 x resident's onsite, which included 1 x representative from the Vincentia Matters Inc and the Vincentia Residents and Ratepayers Association, at the Captain St road reserve at 3pm following the resolution of Council MIN16.1020 which was:

*'Council Officers further investigate the implementation and effect of the closure of the road for Options 1 & 2 as detailed in the report and to meet with the people who objected to the closure of the road and consult with the community.'*

All residents and the CCB were notified of the onsite meeting via letter (D17/41976, D17/58739, D17/58749 and D17/58756). All 15 residents present at the meeting agreed with closing off Captain Street via installation of gates and rocks at the intersection of Elizabeth Drive, and all those at the meeting preferred option 1.

Alasdair Stratton  
Acting Manager Natural Resources & Floodplain

Captain St, Vincentia Road Closure Map – April 2017



## SA17.169 Review of Biodiversity Conservation Legislation in NSW and proposed Vegetation SEPP - Council Submission

**HPERM Ref:** D17/157645

**Group:** Planning Environment & Development Group  
**Section:** Environmental Services

**Attachments:** 1. Submission - Review of Biodiversity Conservation Legislation in NSW & Proposed SEPP Vegetation [↓](#)  
2. Previous Council submission - Biodiversity Legislation Review 2016 - Biodiversity Reforms [↓](#)

### Purpose / Summary

To outline the proposed changes to the biodiversity conservation legislation in NSW and to endorse a proposed Council submission (**Attachment 1**).

### Recommendation (Item to be determined under delegated authority)

That Council make a submission based on the contents of this report (including Attachment 1) to the NSW Government on the exhibited Land Management and Biodiversity Conservation Legislation Reforms and the proposed *State Environmental Planning Policy (Vegetation) 2017*.

### Options

1. Adopt the recommendation and endorse **Attachment 1** as Council's submission to the NSW Government on the exhibited Land Management and Biodiversity Conservation Legislation Reforms and the proposed Vegetation SEPP.

This is the preferred option as it ensures that Council comments on the proposals by the closing date of 21 June 2017. It is essential that Council comment on the proposed reforms given the likely impact on Council and Shoalhaven generally.

2. Change the draft submission (**Attachment 1**) as necessary and submit to the NSW Government.

It is important that the issues identified in Council's submission are considered and addressed by the NSW Government in finalising the legislation. If items are removed or adjusted, they will potentially not be able to be addressed and there would not be sufficient time to report to Council with an amended submission.

3. Not make a submission.

This is not preferred, the exhibited Land legislation reforms will have an impact on Council, including operational resourcing requirements.



## Background

In June 2014, an independent panel of experts was appointed to conduct a comprehensive review of biodiversity conservation legislation in NSW. The panel released its final report, with 43 recommendations, in December 2014.

The subsequent draft reform package went on exhibition in June 2016 and a copy of the Council endorsed submission is included as **Attachment 2**.

In November 2016, the NSW Parliament passed the NSW Biodiversity Conservation Bill and the NSW Local Land Services Amendment Bill.

Most recently on 10 May 2017, the NSW Government released the draft Regulations for the *Biodiversity Conservation Act 2016* (BC Act 2016) and the *Local Land Services Amendment Act 2016* (LLS Act 2016). The Government also released the Explanation of Intended Effect for a proposed State Environmental Planning Policy on Vegetation (the Vegetation SEPP) as well as a suite of supporting advice.

The exhibition period for the current package of supporting reforms closes on 21 June 2017. It is in Councils interest to provide a submission on these changes, noting that it has already been flagged that the reforms are scheduled to commence on 25 August 2017.

The exhibition documents and factsheets are available for viewing on the reforms website at: <https://www.landmanagement.nsw.gov.au/>

Councillors and Council Staff participated in a specific local government ‘webinar’ on the 31<sup>st</sup> May 2017 regarding the proposed reforms.

As noted in the draft submission, an extension of time was sought to make a submission. This would have allowed adequate time to digest the large package of information and compile comments, however at the time of writing no response has been received. Thus, the following information provides a brief overview of the proposals and Council’s draft submission is included as **Attachment 1**.

## Key Aims of the Reform Proposal

The NSW Government has indicated that it is adopting a ‘risk-based approach’ in this regard. This approach includes reducing the responsibility on them for compliance and transferring some of the burden across to Local Government.

The key aims of the reform proposals are:

- Establish a single set of rules for land clearing and simplify the task for farmers of managing their land,
- Protect biodiversity at a bioregional level and state scale,
- Improve biodiversity assessment in the early planning stages,
- Improve agricultural productivity, and
- Providing incentive to landowners to conserve biodiversity.

The proposed reforms to achieve these aims, include:

- Introducing a system of self-regulation for some clearing of agricultural land, creating increased flexibility for farmers,
- Expanding the system for biodiversity offsetting and certification, using a modified Biodiversity Assessment Method (BAM) – a scientifically robust method to assess biodiversity impacts.
- Introducing a tiered system of private landowner agreements aimed at encouraging biodiversity conservation.



- Implementing a conservation program for threatened plants and animals (with a commitment to provide an additional \$100 million in funding over 5 years).
- Creating a new trust to invest in private land conservation and manage private land conservation agreements.
- Expanding the definition of ‘ecologically sustainable development’ to require the effective integration of social, as well economic and environmental considerations in decision-making.
- Developing an accreditation scheme for assessors to ensure the BAM is applied correctly and consistently.
- Improving the existing biodiversity certification scheme to encourage assessment and protection of biodiversity values at the early stages of planning for land use change. The changes proposed include: giving biodiversity certification access to individuals as well as planning authorities; improving consistency of biodiversity outcomes by aligning biodiversity and development assessment process; and, providing incentives for Councils to consider the biodiversity impacts of future land use changes.
- Recognising “serious and irreversible impacts” – biodiversity impacts that increase the risk of species extinction must be avoided for non-major proposals.

## **The Biodiversity Conservation Regulation**

### Bio-certification

The reforms remove the requirement for individuals to seek approval for biodiversity certification via a sponsoring Council. Both individuals and planning authorities can now apply for biodiversity certification. Non-planning authorities will incur an application fee of \$5000. There is no fee for planning authorities making an application. However, now that applicants do not require Council to be a ‘sponsor’ to their proposal this could have resourcing implications. Currently proponents fund Council staff time spent on their application. Under the new process, Council’s role will be limited to reviewing the finished proposal (with no ability to charge a fee for service). This has the potential to have an effect on the funding available to employ qualified staff to assess these projects.

There are loose criteria for the Minister to use when deciding whether to declare an area for ‘Strategic Biodiversity Certification’. The criteria are broad and unspecific in nature and include, for example, consideration of economic outcomes and the size of the land.

In the situation where an individual applies for biodiversity certification, they have to give the local Council notice of the intention in writing. This includes a copy of the application for certification. The Council has 42 calendar days to make a submission on the application to the applicant who will then give the Council submission and their response to the NSW Minister for the Environment.

There appears to be no level of community consultation during the biodiversity certification process, which would be a point of concern for the community and appears to be at odds with the NSW Planning & Environment reforms proposing increased community participation early in the strategic planning process.

Once biodiversity certification is granted, there is a provision allowing the proponent to apply to modify the certification by extending the area of land that is certified. This can include areas that were originally set aside to avoid or minimise impacts on biodiversity values. Any changes to the original approval require the Ministers agreement and may involve additional conservation measures where required. While this will potentially benefit developers, this process could erode community confidence, as they may have the assumption that areas certified for conservation purposes will stay that way in perpetuity.

Council has resolved to pursue a biodiversity certification application for the Halloran Trust Planning Proposal at Culburra Beach/Callala Bay/Kinghorn. It will be important to ensure that this application is 'saved' under the proposed transitional arrangements in this regard.

### Changes to Offsetting Rules

Offsets must be within 100 km of the impact site. Rather than anywhere in the state. This is a welcome change and will assure the community that local impacts are locally offset. Therefore, the conservation funding will generally stay in Shoalhaven.

The new reforms will also enable offsetting for the loss of hollow bearing trees and ancillary rules will be published for the purposes of the interpretation and application of the offset rules and variation rules.

An important change is the ability for developers to pay into the trust fund for an offset upfront rather than try to find one. This will provide certainty for the developer and allow them to move forward without the delay of finding an offset. However, there is no guarantee that the money paid into the fund will be spent locally. There is also no time-frame specified for when the trust must find the offset.

### Increased costs for local developments due to offsetting of impacts

Projects above a regulated threshold and all major projects will need to complete an assessment using the BAM to determine the offset liability. This involves the preparation of a Biodiversity Assessment Report (BAR) that will outline the consent conditions to avoid impact where possible and any offset requirements for the development.

There is likely to be pressure from the development industry for Council to find ways to avoid the need to provide a BAM assessment once the clearing threshold is exceeded. This is due to the added expense to developers, as clearing over the threshold will require an assessment and possibly an offset.

Council has the discretion to 'discount' the number of required credits for a proposed development. However, they will need to clearly state the reasons for the reduction in credits and gain concurrence from the NSW Office of Environment and Heritage (OEH).

The NSW Government estimates that 6.5% of local developments will exceed the BAM threshold and require an assessment. In Shoalhaven, the percentage may be much higher due to the amount of native vegetation compared to more urbanised environments. The 6.5% is based on a 'sample' of local governments (6811 development applications reviewed). The table below demonstrates the Biodiversity Offset Scheme (BOS) clearing thresholds that will apply. Once they are triggered, the proponent will be required to do a BAM assessment and offset the impact.

The thresholds for triggering a BAM assessment are:

- Clearing of land included on the Sensitive Biodiversity Values Land Map
- Clearing which exceeds the declared thresholds (see table below)

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 Ha	0.25 ha or more
Greater than 1 ha, less than 40ha	0.5 ha or more
Greater than 40ha, less than 1000ha	1 ha or more
Greater than 1000 ha	2 ha or more

An analysis of previous Part 4 development assessments could provide guidance on the potential impact in Shoalhaven. Generally, we have very few Part 4 developments that have triggered 'a significant impact' under the current system. However, it is unclear how many developments would trigger the clearing threshold.

### **The Sensitive Biodiversity Values Land Map**

A draft map has been released for comment, but it is unfortunately not at a scale that can be interrogated at a local level and there is no legend to identify the layers. It is unclear whether the map will remain 'locked' at this scale or whether the final maps will provide the ability to drill down to a finer detail. Local scale detail is essential given that this map is one of the triggers for a BAM assessment. To date, Council has also not received a request for input into this map.

The draft Regulation lists the following types of land, with high biodiversity value, that may be included in the Map:

- Where littoral rainforests and coastal wetlands referred to the Coastal Management Act/SEPP 14 and SEPP 26 are present;
- Land that comprises important koala habitat identified under SEPP 44 (Koala Habitat Protection);
- Ramsar wetlands;
- Land that contains endangered ecological communities and threatened species that are most at risk of extinction from potential development;
- Protected riparian land;
- High conservation value grasslands;
- Site-managed Saving our Species projects;
- Land declared as an Areas of Outstanding Biodiversity Value under the Biodiversity Conservation Act; and
- Land identified by Local Government Authorities (and approved by the NSW Minister for the Environment) that contains connectivity features or threatened species habitat that support the object of the Biodiversity Conservation Act to conserve biodiversity at bioregional and state scales.

However as noted earlier, It is currently unclear which of these layers have been included on the exhibited map due to the scale.

### **Local Land Service Amendment Regulation 2017 and Land Management (Native Vegetation) Code 2017**

This legislation is proposed to cover all 'non-urban' land.

Native vegetation maps are being prepared by the NSW Office of Environment and Heritage (OEH). They will divide land in NSW into "exempt land", "regulated land" and "excluded land". Landowners will be able to self-assess what category their land falls into and whether or not approval is required for clearing activities. This is a significant change from the existing regime where native vegetation across the State can only be cleared in accordance with a consent or a Property Vegetation Plan.

The following is a brief explanation of the three categories of land:

Category 1 – exempt land: Clearing of native vegetation on exempt land will be allowed without approval. This land will generally be cleared and vegetation identified as regrowth (cleared post 1990). Other legislative restrictions will continue to apply, such as any

requirements under other NSW laws or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

Category 2 – regulated land: This is generally land that has not been cleared of vegetation as at 1 January 1990 (or has subsequently been illegally cleared) and in the opinion of OEH has conservation value (as prescribed in the related Act).

Category 2 Regulated land also includes:

- Vulnerable regulated land (riparian land, steep or highly erodible land that will be subject to additional restrictions)
- Sensitive regulated land (land that has SEPP 14 wetlands, Rainforest, Critically Endangered Community or native vegetation that was grown or preserved with the assistance of public funds or land that is subject to remedial action to restore or protect biodiversity values). This can also include grasslands of high conservation value.

Clearing of Category 2 land can occur if the clearing is:

- An “allowable activity” (for example, it is necessary to remove an imminent risk of personal injury or to obtain timber to be used in the construction or operation of rural infrastructure), or
- In accordance with a “The Land Management (Native Vegetation) Code 2017”, that is designed to facilitate clearing to support more efficient farming methods and systems, while balancing environmental risks. However, sensitive Category 2 land cannot be cleared using the Code 2017,

Category 3 – excluded land – this includes land not categorised on the Maps and to which the Act does not apply. This will essentially be land in urban zones, Environment Protection Zones E2, E3 and E4 zones and Large Lot Residential R5 zones under Local Environmental Plans. Clearing on excluded land will continue to be regulated by the *Environmental Planning & Assessment Act 1979* and the *Biodiversity Conservation Act 2016*

### Private Conservation Agreements

While the Regulation is clear in its description of the process for Biodiversity Stewardship Agreements (BOA) – it is less clear about the process for Conservation Agreements. BOA’s will be similar to the current Bio-banking Scheme agreements. These are quite complex agreements that require the use of the Bio-banking Methodology.

It is important to have a simple and low cost legally binding conservation mechanism like the current Property Vegetation Plans (PVP’s). PVP’s were being successfully used to protect residual, environmentally sensitive land in locations such as Verons Estate, Sussex Inlet. The DCP chapter for this Estate currently requires 75% of each 8ha lot to be protected through a legally binding conservation agreement, in conjunction with proposed development. The process for achieving a conservation agreement under the proposed legislation is not clear. If the Bio-banking Methodology has to be used, this will not be a simple low cost option. PVP’s will also be extinguished in exchange for the establishment of remnant set aside areas.

### Overall Issues

- The complexity of all of the pieces of this legislative reform package is a significant concern. The new legislation has the potential to lead to delays in development application turnaround times until the community, developers and consultants become familiar with the new BAM requirements.

- The role of advising the community on the new legislation and its processes is likely to fall to Councils
- The cumulative impacts of increased clearing without assessment (through codes of practice and exempt land) may change the character of our small rural towns and villages. It may also have a negative impact on the ability of native animals to move across the landscape. The ability for landholders to clear endangered ecological communities using a code of practise may also have a negative impact on some of our sensitive areas.
- Council staff will be required to advise on development applications that trigger the BAM threshold.
- Council must ensure a Biodiversity Assessment Report (BAR) has been prepared in accordance with the BAM and must ensure compliance with the offset requirements and mitigation measures via conditions of consent. Council staff undertaking these tasks will be required to be accredited and maintain accreditation under the Act and there will be costs for Council in this regard.
- There are currently no guidelines proposed to deal with potential disputes about the BAM thresholds, (the requirement to prepare a BAR).
- Councils will also be responsible for monitoring and enforcing compliance with BAR requirements, as they will form part of the development consent conditions. This has serious accountability and capacity implications for Councils. The compliance and enforcement burden is unknown.
- There is an allowable increase in clearing permitted without approvals on rural land. There is risk of increased use of these allowable activities to cumulatively clear land potentially for development prior to a development application.
- The perception that clearing is not a 'significant impact' when a BAM is not required is likely to create high expectations for development approval on unregulated -Category 1, and Exempt -Category 3 land.

SA17.169

## **Proposed State Environmental Planning Policy (Vegetation) 2017**

### Overview

Under the proposed Vegetation SEPP clearing of native vegetation in urban areas and environmental conservation and management zones, that does not require development consent will be subject to the BOS.

The draft SEPP proposes two approval pathways:

- Pathway 1 – Clearing above the BOS threshold

Clearing that exceeds the BOS thresholds (discussed above), will require assessment under the BAM and approval by the Native Vegetation Panel. A Native Vegetation Panel will be set up to make decisions on native vegetation clearance applications that do not require a development application but are above a threshold amount. Council will make the decision for clearing below the threshold using a similar system to the current DCP that sets out the rules for clearing in urban areas.

The Panel is required to consider the Local Land Services Act, as well as biodiversity, heritage and amenity considerations set out in an applicable DCP. The panel will determine the approval and the relevant offset the proponent of the clearing must contribute.

The Panel may delegate its approval role for clearing in urban areas and on land zoned environmental conservation to the local Council.

- Pathway 2 – Clearing not exceeding the BOS threshold

Will continue to be regulated by Councils via their DCP and the issuing of permits.

### Implications

Currently Councils can elect to have their Tree Management DCP chapter cover sensitive non-urban land. This includes land of particular amenity value (rural roadsides) and important environmental land (riparian corridors on rural land). The new scheme does not propose to allow this land to be captured by the DCP unless it is zoned urban or environmental conservation. This is a potential concern as it could lead to a significant change in the character of some of our rural towns/villages. Riparian areas will at least be captured as 'regulated land' and require assessment under the Local Land Services Act 2016.

The new Vegetation SEPP intends to repeal Clauses 5.9 and 5.9AA of the Principal Local Environmental Plan (Standard Instrument) which will automatically repeal those clauses in Shoalhaven Local Environmental Plan (LEP) 2014. This will most likely require an amendment of Chapter G4: Tree and Vegetation Management of the Shoalhaven Development Control Plan (DCP) 2014. Clauses 5.9 and 5.9AA currently require development consent from Council for the removal of trees or vegetation that is prescribed for the purposes of the DCP.

There is a significant concern about the legislative basis of the changes in this regard. The clauses in the LEP currently create the basis for the DCP. It is understood that the SEPP will contain provisions to now facilitate the DCP, although the exact wording of the provisions in this regard have not been made available. Additionally DCP's traditionally only play a role where development consent is required and it has been suggested that clearing allowed via the DCP will be via a permit or similar. Previously it was also understood that Tree Preservation Order permits were a form of development consent. As such, it is critical that the legislative basis for the DCP is clarified so there is no confusion in this regard and there is a sound legal basis for the proposed system

The new DCP chapter that will be required will no longer have the discretionary ability to cover any non-urban land or land that is covered by another SEPP (e.g. rainforest or wetlands). Thus, this will involve changing all the associated maps as well. The exhibited Fact Sheets on the proposed Vegetation SEPP explains that savings and transitional provisions will mean that existing DCPs will continue to have effect and for the time being there will be no requirements for Council to change their DCPs; however, existing provisions requiring development consent of non-heritage vegetation will be replaced with a permit.

There is a need for greater clarity about the proposed SEPP and its operation. It is disappointing that the actual SEPP instrument was not released for review and comment, as has been the case with other reforms. It is difficult to fully ascertain, from the "explanation of intended effect" that has been released, what the actual SEPP will contain and thus how it will operate. There is a real concern that, depending on final wording, there could be a range of issues or difficulties with its wording.

### Relevant Land and Environment Court Case

Council successfully brought proceedings in the NSW Land and Environment Court (LEC) against the owner of land at Griffin Street, Callala Bay, in relation to the clearing of vegetation undertaken in 2015. The judgement Council of the City of Shoalhaven v Elachi [2015] NSWLEC 85 is available at the following link:

<https://www.caselaw.nsw.gov.au/decision/5562c139e4b06e6e9f0f5cf0>

Subsequently, the landowner lodged an appeal against the decision and on 18 February 2016, the NSW Court of Appeal delivered judgment by finding in Council's favour and



dismissing the appeal. The Court of Appeal judgement *Elachi v Council of the City of Shoalhaven* [2016] NSWCA 15 is available at the following link:

<https://www.caselaw.nsw.gov.au/decision/56c39a53e4b0e71e17f4f3d8>

In doing so, the NSW Court of Appeal found that development consent was required for the clearing of the vegetation and as a result, there was a breach of section 76A(1) of the *Environmental Planning & Assessment Act 1979* (EPA Act) by the landowner.

While the decision was favourable to Council, both judgements highlighted inconsistencies between Shoalhaven Local Environmental Plan (LEP) 2014 and Shoalhaven Development Control Plan (DCP) 2014. This initiated Council to review Chapter G4 of Shoalhaven DCP 2014.

The Court of Appeal made a number of observations about the role of local environmental plans and development controls plans in the context of the statutory framework of the *Environmental Planning & Assessment Act 1979* and whether the exemptions in the *Native Vegetation Act 2003* for Routine Agricultural Management Activities and exempt development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* negate the need for development consent.

The judgement identified issues with both Clause 5.9 of Shoalhaven LEP 2014 (a 'standard' Clause from the Standard Instrument LEP) and Chapter G4: Tree and Vegetation Management in Shoalhaven DCP 2014. Council addressed the issues related to the DCP through an amendment to the DCP Chapter and is currently preparing a Planning Proposal to map areas mapped by Chapter G4 on the Local Clauses (Clause 5.9) map in Shoalhaven LEP 2014. This Planning Proposal is currently on hold, as the proposed Vegetation SEPP will repeal Clause 5.9 of Shoalhaven LEP 2014. The changes to the DCP clarified that a development application must be submitted where the tree or other vegetation is prescribed for the purposes of Clause 5.9(2) of the LEP and included a note that Council no longer issues tree removal permits. However, the proposed SEPP intends to reintroduce permits that can be conditioned rather than development approvals.

The judgement also included commentary that suggested that a review of Clause 5.9 is warranted. Council wrote to the NSW Department of Planning & Environment to highlight the points raised in the judgement and requested that they consider a review of Clause 5.9 in the overall Standard Instrument LEP.

Council continues to take appropriate action concerning the unauthorised clearing of land if consent is/was required under Clause 5.9 of Shoalhaven LEP 2014. It is important that the integrity of Council's development controls are maintained to protect important vegetation. The local community is supportive of Council's approach to protect trees and vegetation for biodiversity and amenity purposes and it would be disappointing if the changes propose clearing of trees and vegetation with minimal regulation or without a strong statutory framework.

#### Proposed SEPP - Issues and Recommended Changes

There are a number of concerns with the proposed Vegetation SEPP and the following issues should be considered and addressed through the drafting of the actual Vegetation SEPP to ensure it is workable and Council can continue to protect local trees and vegetation for their biodiversity value and amenity:

- There is a concern that other areas currently covered by Clauses 5.9 and 5.9AA in the LEP that are not zoned urban or environment will lose protection. Thus consideration should be given to retaining Clause 5.9 (or its intent) in the Standard Instrument LEP to ensure that Council can continue to protect all trees and vegetation (including rural areas) prescribed by Shoalhaven DCP 2014 Chapter G4: Tree and Vegetation.

- The details on the transitional arrangements following the notification of the Vegetation SEPP and the repeal of Clause 5.9 need to be very clear.
- The SEPP provides a clear and legally robust link to the suggested Council DCP for the purposes of prescribing vegetation to require development consent or a permit from Council.
- The term ‘a risk to human life or property’ is a very broad - Council will need to define what constitutes ‘a risk to human life or property’ unless this is something that will be defined as part of a future template DCP or clarified as the reforms are released.
- Council has resolved to implement urban heat management principles into Council’s DCP, the proposed Vegetation SEPP is likely to impact on this intention and on conditions of consent and approved developments that include deep soil planting and other amenity tree planting.
- Council only issues development consents for the removal of trees and vegetation as per Council’s DCP Chapter G4 and no longer provides tree permits. Council supports the ability of conditioning permit applications, however any fee charged should cover the total cost of Council staff time.
- There is an overall concern that the new approach facilitated by the SEPP may be more difficult or confusing for everyone, particularly given that we have not seen the actual detail of the SEPP. Additionally we may not see this detail until it is published and will then have to respond to its contents, possibly within a limited timeframe.

It appears from the consultation material provided, that Council will be able to maintain the existing exemptions within its current DCP, including the 45 degree rule. However, this will not be known until the SEPP is released.

The new system will essentially mean that many forms of clearing will no longer require consent and will be covered by codes of practise. In urban areas, not much will change but in rural areas the risk based approach gives landholders more control than they previously had. In some zones controls over sensitive areas such as endangered ecological communities have also been reduced.

### **Community Engagement**

The material in this regard was publicly exhibited for review and comment from 10 May and 21 June 2017. Given the amount of material to review an extension of time to comment was sought, however no response was received at the time of writing this report.

All submissions received will be published by the NSW government. It is a significant concern that the released material already notes that the next legislation will commence in August 2017 and as such there is limited confidence that any issues or concerns raised will be given due consideration.

### **Policy Implications**

The commencement of the Biodiversity reforms in August 2017 will most likely result in a number of significant policy implications for Council. This will include the repeal of Clause 5.9 in Shoalhaven LEP 2014 and the need to confirm or adjust the operation of the current Chapter G4: Tree and Vegetation Management in the Shoalhaven DCP 2014.

### **Financial Implications**

These changes appear to result in significant additional requirements being passed down to Councils, including inheriting responsibility for enforcing various provisions of the new

Biodiversity Conservation Act. The NSW Government has indicated that additional resources (8 Officers NSW wide) and capacity building for local government (training program with 400-500 places) will be provided to assist in this regard. However, the adequacy of this support is unknown.

Council's assessment staff will need to be trained in relation to when to require a Biodiversity Assessment Report where development exceeds thresholds for clearing.

It appears that most of the stewardship agreements will be funded by the NSW Biodiversity Conservation Trust. However, the Regulation does not specifically address whether Tier 1 and 2 agreements will receive rates rebates. If so, the cost should not be imposed on local government and should be funded by the Biodiversity Conservation Trust.



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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 (D17/165266)

Draft Vegetation SEPP & Land Management & Biodiversity Conservation Reforms  
Office of Environment and Heritage  
PO Box A290  
SYDNEY SOUTH NSW 1232

Dear Sir/Madam,

**Submission - Review of Biodiversity Conservation Legislation  
& Proposed Vegetation SEPP**

Thank you for the opportunity to make comment on these important reforms. As a planning authority, the impacts of these reforms will be significant and will change the way we undertake assessments in environmentally sensitive areas and carry out a range of functions.

Council considered a detailed report on the reforms and resolved on XXXX to make this submission.

**General Opening Comments**

The new Biodiversity Conservation Legislation, including the proposed Vegetation SEPP are wide ranging and will have various impacts. Considerable documentation was required to be reviewed in order for Council to provide a thorough and appropriate response to the reforms. As you can appreciate this takes time to review and coordinate comments from multiple sections in Council. As has been consistently requested, Councils need to be allowed sufficient time to provide an appropriately detailed submission that is considered by the Council. In this regard, it is disappointing that a relatively short timeframe was provided and that our request for an extension of time to comment was not allowed.

It is also concerning that the exhibition material notes that the legislation will commence on 25 August 2017, thus we hope that our comments will be given due consideration and if appropriate changes or adjustments are made to the legislation.

Generally the introduction of a further SEPP solely covering vegetation raises concerns about the continued increase in the number of new SEPP's, thus increasing the complexity of the planning system at a development assessment level for both Council planners and proponents and for the community generally. Previously the NSW Government had stated a

desire to reduce the number of SEPP's, however this appears to be no longer the case. As such it is assumed that someone has oversight of these changes and is ensuring the legislation aligns, is consistent and the proposed changes are legally defensible.

With the increasing range of exempt and complying development and development without consent along with the expanding Code SEPP, the community is slowly having fewer opportunities to have a say, particularly with regard to the legislative changes. The original intent of the Standard Instrument LEP was to also be a vehicle to implement State Wide policy. However, again in this case, the proposed repeal of Standard Instrument LEP clauses i 5.9 Preservation of trees and vegetation and 5.9AA Trees and vegetation not prescribed by development control plan further complicates and confuses the planning framework at a local level for Councils, landowners and proponents. Perhaps it would have been better to consider implementing the desired changes via the Standard Instrument LEP.

The proposed changes will also have significant resourcing implications for Councils and will affect staff across various Council areas including development assessment, environment, enforcement and strategic planning. However very little detail is provided in the exhibition package regarding this increased workload for Councils and what immediate and ongoing assistance will be provided.

#### **Comments on Exhibition Package**

In addition to the short time frame provided to digest a large package of complex information, the information that was exhibited was not complete in parts and lacked key details to understand the full extent of the reforms. The Review of Vegetation SEPP 2017 Frequently Asked Questions notes that preliminary consultation was undertaken with state agencies, peak industry bodies and environmental groups to develop the Vegetation SEPP. Council staff attended one workshop in Wollongong that provided some limited information on the Vegetation SEPP. Council has not been involved in any other consultation on this key new SEPP, apart from providing input to the Department of Planning & Environment (DP&E) – Southern Region on possible changes required to Clause 5.9 in the Standard Instrument Local Environmental Plan (LEP) arising from relevant court cases that Council has been involved in.

It is disappointing that the actual detail of the draft SEPP has not been released for review and comment. Given the lack of detail it is difficult to fully consider how the SEPP may work and the detail in it, for example the basis for the continuation of Councils DCP's related to trees and vegetation once Clause 5.9 is removed (as planned) from the LEP.

**Council strongly recommends that DP&E release the draft Vegetation SEPP for further consultation to allow Council to see the actual content of the SEPP and how the SEPP will function in place of Clause 5.9 in Shoalhaven LEP 2014 and to consider the relationship with Council's DCP Chapter G4: Tree and Vegetation Management.**

#### **Comments on review of the Biodiversity Conservation Legislation in NSW**

Council welcomes a single consistent methodology for assessing offsets; however, the increased cost on local developments may be unpalatable unsustainable for the industry. Hopefully these changes will have the intended affect and encourage people to develop less constrained land in preference to land with biodiversity values.

Council supports the move proposing offsets within 100 kilometres of the area being impacted.

Critically, Council has identified a number of potential issues that need to be addressed prior to the reforms taking place, these include;

- The new legislation is likely to lead to delays in the development application turn-around until the community, developers and their consultants become familiar with the new Biodiversity Assessment Methodology (BAM) requirements.
- The roll of advising the community on the new process is likely to fall to Councils.
- Cumulative impacts of clearing, not requiring approval in areas, will result in a change in character of our rural towns and villages (e.g. rural road sides).
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- The perception that clearing is not a 'significant impact' when a BAM is not required is likely to create high expectations for development approval on unregulated - Category 1, and Exempt - Category 3 land.

Any clearing above the Biodiversity Offset Scheme threshold will require approval by the Native Vegetation Panel. Alternatively, Council can request to have delegated authority to process the applications. Council will need to consider whether they have the resources to have clearing decisions 'delegated' from the Vegetation Panel. This may have significant resourcing implications for Council. There is no detail yet about resourcing of this decision making process. Even if the decision rests with a Panel, they will need to refer the applications to Council for review and comment. So regardless, Council will end up spending time assessing and commenting on the proposals. Either way, this needs to come with significant resourcing and support.

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The reforms remove the requirement for individuals to seek approval for biodiversity certification via a sponsoring Council. This will have significant implications on staff resources. Currently proponents meet the cost of the staff time spent on their applications; however, under



the new process, Councils role will be limited to reviewing the finished proposal, with no ability to charge a fee for service. Councils will have 42 calendar days to provide a detailed submission and advice on proposed bio-certifications without any resourcing. Applicants are then responsible for providing Councils submission to the NSW Minister for the Environment. This places significant trust and responsibility back on the applicant - what safe guards are in place to ensure that the applicant delivers Council's submission to the Minister? This is potentially at odds with earlier exhibited planning system updates, which recommended early consultation with the community to ensure transparent consultation, generally resulting in positive consultation outcomes.

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Additionally, currently as sponsors, Councils have the opportunity to guide applicants to ensure their proposals align with key strategy documents. This will no longer be the case and may result in many 'variations' from or inconsistencies with agreed strategic documents and direction.

It will also be important to include clear savings provisions for existing applications.

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The proposed Vegetation SEPP will repeal Clauses 5.9 and 5.9AA from the Principal Local Environmental Plan (Standard Instrument) which will automatically repeal those clauses in Shoalhaven Local Environmental Plan (LEP) 2014. This will require Chapter G4: Tree and Vegetation Management of Councils Shoalhaven Development Control Plan (DCP) 2014 to be amended/revised. Clauses 5.9 and 5.9AA require development consent from Council for the removal of trees or vegetation that is prescribed for the purposes of the DCP.

The new DCP chapter will no longer have the discretionary ability to cover any non-urban land or land which is covered by another SEPP (e.g. rainforest or wetlands). This will involve changing all the associated maps as well. The exhibited Fact Sheets on the proposed Vegetation SEPP suggests that savings and transitional provisions will mean that existing DCPs will continue to have effect and for the time being there will be no requirements for Council to change their DCPs; however, existing provisions requiring development consent of non-heritage vegetation will be replaced with a permit.

Greater clarity is needed around the SEPP and the provisions that it will contain, including the legal basis for Councils to continue to have Tree Management DCP's and the related permit process that is proposed. Thus it is essential that we are provided an opportunity to review the actual SEPP before it becomes operational to ensure that it is workable and a local level and does not unduly complicate things.

### **Land and Environment Court Case**

Council successfully brought proceedings in the Land and Environment Court (LEC) against the owner of land at Griffin Street, Callala Bay, in relation to the clearing of vegetation undertaken in 2015.

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Subsequently, the landowner lodged an appeal against the Land & Environment Court decision and on 18 February 2016 the Court of Appeal found in Council's favour and dismissing the appeal.

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The Court of Appeal found that development consent was required for the clearing of the vegetation and as a result, there was a breach of section 76A(1) of the *Environmental Planning & Assessment Act 1979* (EPA Act) by the landowner.

While the decision was favourable to Council, both judgements highlighted inconsistencies between Shoalhaven Local Environmental Plan (LEP) 2014 and Shoalhaven Development Control Plan (DCP) 2014. As a result Council commenced a review of Chapter G4 of Shoalhaven DCP 2014. The Court of Appeal made a number of observations about the role of local environmental plans and development controls plans in the context of the statutory framework of the EPA Act and whether the exemptions in the *Native Vegetation Act 2003* for Routine Agricultural Management Activities and exempt development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* negate the need for development consent.

The judgement identified issues with both Clause 5.9 of Shoalhaven LEP 2014 (a 'standard' Clause from the Standard Instrument LEP) and Chapter G4: Tree and Vegetation Management in Shoalhaven DCP 2014. Council addressed the issues related to the DCP through an amendment to DCP Chapter G4 and is currently preparing a Planning Proposal to map areas mapped by Chapter G4 on the Local Clauses (Clause 5.9) map in Shoalhaven LEP 2014. This Planning Proposal is currently on hold as the proposed Vegetation SEPP will repeal Clause 5.9 of Shoalhaven LEP 2014. The changes to the DCP clarified that a development application must be submitted where the tree or other vegetation is prescribed for the purposes of clause 5.9(2) of the SLEP and included a note that Council no longer issues tree removal permits. However, the proposed SEPP intends to reintroduce permits that can be conditioned rather than development approvals.

The judgement also included commentary that suggested that a review of Clause 5.9 in the LEP is warranted. As a result Council wrote to the Department of Planning & Environment – Southern Region requesting that a review of Clause 5.9 of the Standard Instrument LEP be undertaken.

These Court cases and the commentary in them are relevant to the current reforms and the basis of them should be considered through the finalisation of the reforms.

Council continues to pursue landowners and others for the unauthorised clearing of land if consent is/was required under Clause 5.9 of Shoalhaven LEP 2014. It is important that the integrity of Council's development controls are maintained to protect important vegetation. The Shoalhaven community is supportive of Council's approach to protect trees and vegetation for biodiversity and amenity purposes and it would be disappointing for Council and the local community if the changes enable the clearing of trees and vegetation with minimal regulation or without a strong statutory framework.

Recommended changes to proposed Vegetation SEPP

Council has a number of concerns with the proposed Vegetation SEPP and requests that the following issues are addressed through the drafting of the actual SEPP to ensure Council can continue to protect trees and vegetation for both their biodiversity and amenity values:

- Retain Clause 5.9 in the Standard Instrument LEP to ensure that Council can continue to protect all trees and vegetation (including rural areas) prescribed by Shoalhaven DCP 2014 Chapter G4: Tree and Vegetation. Council is concerned that other areas covered by Clauses 5.9 and 5.9AA that are not zoned urban or environment will have no protection.
- Details on the transitional arrangements following the notification of the Vegetation SEPP and the repeal of Clause 5.9 need to be very clear.
- The SEPP need to provide a clear and legally robust link to Council's DCP for the purposes of prescribing vegetation that requires development consent or a permit from Council.
- The term 'a risk to human life or property' is very broad. Council will need to develop a policy on what constitutes 'a risk to human life or property', preferably however this is something that be defined through the final reforms or as part of a future template DCP.
- Council have resolved to implement urban heat management principles into Council's DCP, the proposed Vegetation SEPP is likely to impact on this intention, as well as on conditions of consent and approved developments that include deep soil planting and other amenity tree planting.
- Council only issues development consents for the removal of trees and vegetation consistent with Council's DCP Chapter G4 and no longer provides tree permits. Council supports the ability of conditioning permit applications, however any fee charged should cover the total cost of Council staff time involved in these.

Thank you for the opportunity to comment on the Biodiversity Conservation Legislation reforms and the proposed Vegetation SEPP. It is hoped that the NSW Government will fully consider the comments raised in this submission and amend the proposals in line with Council's comments. Council is willing to participate in subsequent discussions or consultations to ensure that the proposed legislation is both reasonable and workable a local government level

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 (D17/165266).

Yours faithfully

**Warwick Papworth**  
Acting Director, Planning, Development & Environment



Bridge Rd, Nowra NSW 2541 02 4429 3111  
Deering St, Ulladulla NSW 2539 02 4429 8999

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

Council Reference: 31157E (D17/165266)

Draft Vegetation SEPP & Land Management & Biodiversity Conservation Reforms  
Office of Environment and Heritage  
PO Box A290  
SYDNEY SOUTH NSW 1232

Dear Sir/Madam,

**Submission - Review of Biodiversity Conservation Legislation  
& Proposed Vegetation SEPP**

Thank you for the opportunity to make comment on these important reforms. As a planning authority, the impacts of these reforms will be significant and will change the way we undertake assessments in environmentally sensitive areas and carry out a range of functions.

Council considered a detailed report on the reforms and resolved on XXXX to make this submission.

**General Opening Comments**

The new Biodiversity Conservation Legislation, including the proposed Vegetation SEPP are wide ranging and will have various impacts. Considerable documentation was required to be reviewed in order for Council to provide a thorough and appropriate response to the reforms. As you can appreciate this takes time to review and coordinate comments from multiple sections in Council. As has been consistently requested, Councils need to be allowed sufficient time to provide an appropriately detailed submission that is considered by the Council. In this regard, it is disappointing that a relatively short timeframe was provided and that our request for an extension of time to comment was not allowed.

It is also concerning that the exhibition material notes that the legislation will commence on 25 August 2017, thus we hope that our comments will be given due consideration and if appropriate changes or adjustments are made to the legislation.

Generally the introduction of a further SEPP solely covering vegetation raises concerns about the continued increase in the number of new SEPP's, thus increasing the complexity of the planning system at a development assessment level for both Council planners and proponents and for the community generally. Previously the NSW Government had stated a

desire to reduce the number of SEPP's, however this appears to be no longer the case. As such it is assumed that someone has oversight of these changes and is ensuring the legislation aligns, is consistent and the proposed changes are legally defensible.

With the increasing range of exempt and complying development and development without consent along with the expanding Code SEPP, the community is slowly having fewer opportunities to have a say, particularly with regard to the legislative changes. The original intent of the Standard Instrument LEP was to also be a vehicle to implement State Wide policy. However, again in this case, the proposed repeal of Standard Instrument LEP clauses i 5.9 Preservation of trees and vegetation and 5.9AA Trees and vegetation not prescribed by development control plan further complicates and confuses the planning framework at a local level for Councils, landowners and proponents. Perhaps it would have been better to consider implementing the desired changes via the Standard Instrument LEP.

The proposed changes will also have significant resourcing implications for Councils and will be affecting staff across various Council areas including development assessment, environment, enforcement and strategic planning. However very little detail is provided in the exhibition package regarding this increased workload for Councils and what immediate and ongoing assistance will be provided.

#### **Comments on Exhibition Package**

In addition to the short time frame provided to digest a large package of complex information, the information that was exhibited was not complete in parts and lacked key details to understand the full extent of the reforms. The Review of Vegetation SEPP 2017 Frequently Asked Questions notes that preliminary consultation was undertaken with state agencies, peak industry bodies and environmental groups to develop the Vegetation SEPP. Council staff attended one workshop in Wollongong that provided some limited information on the Vegetation SEPP. Council has not been involved in any other consultation on this key new SEPP, apart from providing input to the Department of Planning & Environment (DP&E) – Southern Region on possible changes required to Clause 5.9 in the Standard Instrument Local Environmental Plan (LEP) arising from relevant court cases that Council has been involved in.

It is disappointing that the actual detail of the draft SEPP has not been released for review and comment. Given the lack of detail it is difficult to fully consider how the SEPP may work and the detail in it, for example the basis for the continuation of Councils DCP's related to trees and vegetation once Clause 5.9 is removed (as planned) from the LEP.

**Council strongly recommends that DP&E release the draft Vegetation SEPP for further consultation to allow Council to see the actual content of the SEPP and how the SEPP will function in place of Clause 5.9 in Shoalhaven LEP 2014 and to consider the relationship with Council's DCP Chapter G4: Tree and Vegetation Management.**

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Yours faithfully

**Warwick Papworth**  
Acting Director, Planning, Development & Environment

## SA17.170 Renew Deed of Agreement - Shoalhaven REMS

**HPERM Ref:** D17/67782

**Group:** Shoalhaven Water Group  
**Section:** Shoalwater Operations & Maintenance

**Attachments:** 1. REMS User Deed of Agreement - Draft (under separate cover) [⇒](#)

### Purpose / Summary

To present options for renewing the Deed of Agreement between Council and reclaimed water end-users participating in the Northern Shoalhaven Reclaimed Water Management Scheme (REMS).

### Recommendation

That Council

1. Authorise the General Manager to sign the new REMS Deeds of Agreement with each participating land manager using reclaimed water
2. Approve the signing and use of the Common Seal of Council on the Deeds if required;
3. Provide reclaimed water at no charge to end users for a further 15 year period

### Options

1. Renew Agreements providing reclaimed water at no charge

Implications: Free supply is a continuation of the current REMS pricing arrangements as well as for the other reuse schemes operated by Council (Berry, Shoalhaven Heads, Kangaroo Valley, Sussex Inlet and Ulladulla). The absence of pricing would result in the greatest volume of water recycled. This position is also consistent with community preference to support recycling over environmental discharge.

2. Renew Agreements and introduce usage charges for reclaimed water where is it used to substitute for potable water consumption (farm yard wash down and stock drinking water).

Implications: This option would allow the direct costs of supplying reclaimed water to farm properties to be recovered. A new metering and meter reading system would need to be implemented as potable substitution would need to be deducted from bulk (irrigation) usage.

3. Renew Agreements and introduce reclaimed water usage charges for both potable substitution and bulk usage (large scale farm, golf course and sporting ground irrigation)

Implications: As with option 2, introduction of usage charges would allow Council to recoup direct costs of reclaimed water supply to end-users. Introduction of usage charges may result in a reduction in bulk reclaimed water usage and a corresponding increase in environmental discharges. A meter reading and billing system would need to be introduced.

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## Background

The Northern Shoalhaven Reclaimed Water Management Scheme (REMS) is one of the largest and more complex reclaimed water management schemes undertaken by an Australian local government authority. REMS has been developed to beneficially re-use up to 80% of the reclaimed water produced by six wastewater treatment plants (Callala, Culburra Beach, Vincentia, St Georges Basin, Nowra and Bomaderry). The REMS has been successfully operating since 2001 and has resulted in over 20,000ML of reclaimed water being recycled onto farm land and sporting grounds, representing nearly 70% of the reclaimed water produced in Stage 1A of the Scheme from 2001-2016.

The REMS was conceived as a result of the preference by the local community and State Government to remove the (then) release of tertiary treated reclaimed water from Jervis Bay. The initial strategy, for an ocean outfall at Governor's Head, did not proceed due to community opposition and the declaration of the Jervis Bay Marine Park in the ACT. Subsequent to extensive investigations, liaison with Government Regulatory, Health and Agricultural Departments, extensive community consultation was undertaken with a resultant majority community support for land based application of reclaimed water on the Nowra flood plain. The community also supported an increase in average sewerage bills of up to \$140 per annum (in 1996) as being acceptable to help fund the implementation and operation of the REMS.

To ensure sufficient demand for the reclaimed water produced through the REMS, an extensive consultation process was undertaken with dairy farms and other potential end-users including golf courses and Council sporting grounds. An expression of interest process resulted in Stage 1A of the REMS being fully subscribed with a waiting list for future allocations. Over 90% of the reclaimed water was allocated to 14 dairy farms for irrigation with small allocations also provided to sporting grounds, a golf course and several dairy farms for yard wash down only.

To provide a long-term management framework for the REMS, User/Supply agreements (Deed of Agreement) were developed in consultation with end-users. These agreements included such matters as:

- Responsibilities for both Council and end-users
- Individual property water allocations and scheme operating procedures
- Standard contractual matters (eg notifications, dispute resolution, provisions for default)
- A 15-year commitment to supply reclaimed water at no cost to all end-users.

Council, in March 2001, authorised the General Manager to affix Council's seal of the completed REMS Deed of Agreements.

The 15 year term and free supply period of the REMS Deed of Agreement has expired in October 2016. Development of a revised and updated REMS Deed of Agreement is required to maintain an operating framework for the REMS.

Shoalhaven Water has undertaken a review of the Deeds of Agreement in consultation with end-users. Legal advice was obtained to review the recently expired Agreement to ensure the Agreement conditions align with current Legislative requirements. In addition the agreements are being aligned with the current National Framework for Water Recycling.

With the construction of REMS 1B works and the transfer pipeline to the existing REMS distribution network an additional 6 properties will be offered reclaimed water allocations and will be required to enter a Deed of Agreement with Council.

*A draft revised REMS Deed of Agreement is attached.*

The majority of the proposed changes to the Deed of Agreement are designed to improve its currency and functionality. Key changes include:

- Updating definitions, legislative and regulatory requirements
- Removal of a number of obsolete provisions and clauses
- Adding stock drinking water to the list of permitted uses for reclaimed water as per National Reclaimed Water Guidelines.

Council is requested to consider the terms of the Deed of Agreement, and in particular the pricing of reclaimed water.

### Community Engagement

There has been extensive community and stakeholder engagement during the development and operational phases of the REMS. As noted above community support for the REMS has been highly positive.

Council has maintained a close working relationship with participating dairy farmers and other end-users. Initially through the formation of a Farm Irrigation Committee to assist development of the Scheme and more recently through the REMS Management Advisory Board which has input into the ongoing operations of the Scheme.

A meeting was held at Council in January 2017 with end-users to discuss possible changes/updates to the Deed of Agreement. Council has also written to all reclaimed water irrigators requesting comments on the draft revised REMS Deed of Agreement.

Comments were received from end-users on a number of provisions, including temporary transfer of reclaimed water, provisions for insolvency, scheme efficiency, and enhanced quality of reclaimed water. These comments have been considered and incorporated into the draft Deed of Agreement following concurrence by the legal advisors.

Irrigators have informally advised that there would be a reduction in bulk irrigation water demand if usage charges are introduced.

### Policy Implications

The previous Council approach has been to provide reclaimed water to end-users free of charge across all reuse schemes in the Shoalhaven, including the REMS. This 'free supply' position has been predicated in recognition of the social and environmental benefits of land application (reuse) of reclaimed water and the relatively small private benefits from irrigation in a high rainfall area.

As the REMS was established to achieve a high rate of water recycling (80%), the capital and operating costs of the scheme were fully incorporated into the financial planning to encourage maximum participation and water utilisation.

Currently there is no consistent established pricing framework for water recycling schemes in NSW or Australia. Recycled water prices in Australia, if any, are set on a case by case basis and are based on a 'beneficiary pays' approach. The primary benefits from water recycling include:

- Use value – the private financial benefit gained from utilising reclaimed water including increased pasture production on farms. Financial studies done as part of the development of REMS found that reclaimed water had increased dairy farm incomes by up to \$450 per mega litre irrigated depending on seasonal conditions and farm gate prices (Aither Economic study – 2015 prices).
- Avoided wastewater costs – the savings from avoided wastewater treatment and disposal costs. For example a decrease in chemical use for removing phosphorous from wastewater before discharge to waterways.
- Avoided potable water costs – Reclaimed water can be used in lieu of potable water such as for farm yard wash down and irrigation of sporting fields. Currently there is

approximately 300ML per year less potable water used in the Shoalhaven as a result of the availability of reclaimed water to farms and sporting grounds. This results in a savings of potable water supply operating costs (chemicals, electricity).

- Community willingness to pay – There has been widespread community support for Council initiated water recycling schemes. Community surveys undertaken as part of the development of the REMS found nearly 80% supported recycling of reclaimed water onto land. The majority of these respondents also indicated that they were willing to pay additional wastewater charges to support such initiatives.
- Other environmental/community benefits – These benefits include :
  - protecting environmental water quality in Jervis Bay by eliminating discharge of reclaimed water (and associated nutrients)
  - minimising discharge of reclaimed water to the ocean outfall at Penguin Head
  - sustainable management of wastewater flows treated by Council wastewater treatment plants including protection of local waterways and groundwater systems.

The above points indicate that while there are clear private (end-user) benefits for farms and sporting field utilising reclaimed water for irrigation in the Shoalhaven, there are substantial community and environmental benefits.

### Financial Implications

The incremental cost to Council of providing reclaimed water for irrigation is relatively low, estimated to be in the order \$200,000 - \$250,000 per annum. These costs relate to the operations and maintenance of the REMS transfer pipelines, distribution storage and bulk storage/chlorination facilities. Such costs distributed over the total customer base represent approximately \$5 per annum (or 0.6%) of the current annual sewer bill.

The majority of costs in the waste water treatment process are to meet environmental and public health requirements and would be incurred by Council even if there was no water recycling and all of the reclaimed water is discharged to the environment.

Council has the option to continue to fully subsidise the supply of reclaimed water to end users based on the environmental, social and demand management benefits that are provide for the Shoalhaven as a whole.

Alternatively fixed or consumption based charges could be introduced to recover these direct supply costs and/or contribute to ongoing Shoalhaven Water major maintenance and capital costs. Some possible methodologies are explored below.

**Broad based charge** – An across the board charge could be placed on reclaimed water used for both irrigation and also for potable water substitution. The amount of water used for potable substitution is relatively constant from year to year in the REMS and is around 300ML. The amount of irrigation water used depends on seasonal conditions and can be as low as 400ML per annum up to 1,800ML in extremely dry years. Based on a long-term average of around 1,400 ML of reclaimed water consumption a purely cost-recovery charge would be approximately \$0.18 per kilolitre.

Year	REMS Reuse ML	Potential Revenue @ \$0.18/kL
2001/02	612	
2002/03	1,652	297,360
2003/04	1,668	300,258
2004/05	1,274	229,302
2005/06	1,926	346,680

2006/07	1,562	281,196
2007/08	1,022	183,984
2008/09	1,433	257,940
2009/10	1,784	321,120
2010/11	810	145,872
2011/12	650	117,000
2012/13	1,643	295,740
2013/14	2,103	378,532
2014/15	1,316	236,796
2015/16	1,225	220,450

Average            1,433            \$258,000

Targeted Charges – Potable water substitution – Usage charges could be introduced to recover costs from farms and Council sports ground that have substituted recycled water for previous potable water usage. Activities include farm yard wash down, stock water and sports ground irrigation. Based on an estimated an estimated potable substitution of 300ML per year a simple cost recovery charge would be for potable substitution water would be in the order \$0.83 per kilolitre. There would also be costs to Council to establish a metering system to separately measure potable usage on farms as currently both irrigation and potable substitution water are measured by the same device on farms.

### **Risk Implications**

The introduction of usage charges is likely to result in a reduction of demand for reclaimed water, particularly for irrigation. A number of participating dairy farms have informally advised that their use of reclaimed water would decrease in order to manage their production costs. This would particularly be the case during non-drought times where the reclaimed water has a smaller overall productivity benefit.

Introduction of cost recovery charges for reclaimed water usage may therefore result in a negative trend to the community objective of maximising recycling and minimising the volume of reclaimed water discharged to the environment.

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## SA17.171 Review of Shoalhaven Water Group Policies

**HPERM Ref:** D17/166686

**Group:** Shoalhaven Water Group  
**Section:** Water Asset Planning & Development

**Attachments:**

1. Connection of Properties to Councils Sewerage System [↓](#)
2. Water & Sewerage Headworks Charges Section 64 Assistance for Developments [↓](#)
3. Provision of Water & Sewerage Infrastructure - Development not included in DSPs [↓](#)

### Purpose / Summary

All Public and Local Approval Policies are to be submitted to Council within 12 months of the election of Council. The three Public Policies proposed for reaffirmation represent “Round 5” of this requirement in respect of the Shoalhaven Water Group responsibilities.

### Recommendation (Item to be determined under delegated authority)

That Council reaffirm the following policies with minor changes:

1. POL16/89 – Connection of Properties to Council’s Sewerage System.
2. POL16/90 – Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments.
3. POL16/91 – Provision of Water and Sewerage Infrastructure – Developments Not Included In Development Servicing Plans.

### Options

1. Adopt the recommendation as written.

Implications: Minor changes will assist for currency and clarity. There are no significant changes.

2. Not adopt the recommendation.

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

### Background

1. The purpose of the “*Connection of Properties to Council’s Sewerage System*” Policy (POL16/89) is to provide direction to Council staff and land owners as to the process and charges applicable when connecting to Council’s sewerage system. Only minor changes are proposed that do not alter the intent of the Policy. These changes are tracked as shown on the attachment.
2. The “*Water and Sewerage Headworks Charges (Section 64 Contributions) – Assistance for Developments*” Policy (POL 16/90) was introduced in its current state

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by Council in 2013. It was introduced as an interim measure to provide assistance to all types of developments while the State Government reviewed its 2002 version of the Developer Charges Guidelines for Water Supply, Sewerage and Stormwater. The policy essentially applies reduction amounts to the current charges in the Development Servicing Plans (DSP's) prepared under the 2002 Guidelines.

The new Guidelines were finally released in late 2016 and Council is now in the process of reviewing its headworks charges in accordance with the new Guidelines. The new Guidelines introduce a revised methodology for calculating headworks charges and require the draft DSP's to be audited by an approved external party prior to placing on public exhibition for minimum 30 business days. Council would then consider all submissions prior to adoption of the new DSP's and registration of the Documents with DPI Water.

Given this process, it is proposed to maintain the current Policy until the new DSPs have been formalised. Council should be aware that this maintains a cross-subsidy environment within the current charging structure.

Only minor changes, tracked in the attachment, are proposed to the current Policy to reflect current year charges and the review period brought forward to 31 March 2018. However, earlier review will be initiated should the DSP process be able to be accelerated.

3. The "*Provision of Water and Sewerage Infrastructure – Developments Not Included in Development Servicing Plans*" Policy provides direction to developers in regard to the provision of water and sewerage infrastructure for proposed developments not included in Council's Development Servicing Plans. The Policy is considered to provide clear direction and as such no changes are proposed.

### **Community Engagement**

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



# Connection of Properties to Council's Sewerage System

For more information contact  
Shoalhaven Water

**City Administration Centre**

Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: (02) 4429 3214  
F: (02) 4429 3170  
[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL16/89

Adopted: 15/08/1989

Reaffirmed: 21/12/2004

Amended: 28/04/2009, 3/09/2013

Minute Number: MIN89.2080, MIN04.1655, MIN09.482, MIN13.858

File: 12039E

Review Date: 1/12/2016

## 1 PURPOSE

- To provide direction to Council Officers for the management of connection to Council's sewerage system
- To provide direction to the land owners as to the process and charges applicable when connecting to Council's sewerage systems.

## 2 STATEMENT

This policy statement is based on Council Minute 89.2080 of 15<sup>th</sup> August 1989. Council reaffirmed the policy in its revised format by Minute 09.482 on 28th April 2009.

## 3 PROVISIONS

- 3.1 Government subsidised Backlog Sewerage Schemes, e.g. the former Country Towns Water Supply & Sewerage Program (CTWS&S).
- Council will generally be required to conform with terms and conditions in order to receive subsidy funding for projects under a subsidy Program. Those terms and conditions override the provisions within this policy where applicable, otherwise the provisions below apply.
- 3.2 Connection to Council Sewerage Systems.
- Council will advise property owners in writing when the sewerage system is available to connect to.
  - Property owners will be advised that they have 12 months to connect their properties, from the time of being advised they can connect.
  - A shorter period than that above may apply in instances where existing on-site systems are assessed as a risk to public health. Relevant property owners will be advised in writing of special requirements.
  - The required period to connect may be extended upon written application to the Director Planning and Development Group. Approval is at the discretion of the Group Director.
- 3.3 Shoalhaven Water, in its response to an application, will outline any conditions and applicable charges to be complied with. Conditions may include (but not limited to):
- Payment of a separate system connection fee.
  - Payment of final pumpout service and tank cleanout.
  - Tradewaste applications and agreements.
  - Backflow surveys and approvals.
- 3.4 Shoalhaven Water will advise applicants as to when the sewerage availability charge will be applied to their property.

#### 4 IMPLEMENTATION

Shoalhaven Water is responsible for the implementation of this policy up to the time the property owner is advised they can connect to the sewer. Planning & Development Group is responsible for the connection process and timing of same.

#### 5 REVIEW

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

#### 6 APPLICATION OF ESD PRINCIPLES

To ensure connection at the earliest practicable time to Council's sewer systems in order to minimise the impact on the environment and public health.



# Water and Sewerage Headworks Charges (Section 64 Contributions) - Assistance for Developments

For more information contact  
Shoalhaven Water

**City Administration Centre**

Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: (02) 4429 3214  
F: (02) 4429 3170  
[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL16/90

Adopted: 28/06/2011

Effective: 1/07/2011

Reaffirmed: 26/02/2013

Amended: 10/06/2014

Minute Number: MIN11.527, MIN13.148, D14/147248

File: 12039E

Review Date: 31 March 2018

## 1 PURPOSE

To assist all types of developments (subject to approval under the Environment Planning & Assessment (EPA) Act within the Shoalhaven Local Government area in relation to granting a concession to the calculated equivalent tenement loading imposed on the water supply and sewerage systems.

## 2 STATEMENT

This policy statement is based on Council Minute 11.116 and Minute 13.864.

It should be noted that Section 64 charges/contributions are also known as Headworks/Developer charges/contributions.

## 3 PROVISIONS

- a. The system loading/demand to determine the applicable Section 64 charges are calculated for all developments based on the provisions contained in Council's Delivery Program and Operational Plan, and
- b. The unit rate for the applicable Section 64 charge is contained in Council's annual fees and charges, and
- c. For any Development Application considered by Council or by a private certifier:
  - Under the Environment Planning & Assessment Act, and
  - In accordance with the current Development Servicing Plans, and
  - Is permissible within the zoning,

the applicable Section 64 charges may be reduced as follows:-

Equivalent Tenements		Reduction Amount
0.0 - ≤ 2.0	-	75%
> 2.0	-	50%

## 4 EXEMPTIONS

This policy does not apply to:

- any development/s that does not have an operational consent under the Environmental Planning & Assessment Act or has received an occupation certificate and/or licence for the development as the case may be,
- Any development where the development consent articulates how the Headworks charges are to be calculated (that is the charges are not specified in Council's Fees & Charges),
- Any development/s which have paid or have signed an agreement/contract/deed with Council prior to 1<sup>st</sup> July 2013 to pay its Section 64 contributions.



Shoalhaven Water – Water and Sewerage Headworks Charges  
(Section 64 Contributions) – Assistance for Developments

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- Any developments which receive S64 assistance under Council Policy POL14/36 (Community Service Obligations – Water Supply, Wastewater, Effluent, Trade Waste Services and Section 64 Contributions).

This policy does not recommence for each stage of a development where the development has been approved in stages.

## 5 IMPLEMENTATION

- a. Shoalhaven Water Group has responsibility for implementing this policy.
- b. An example of the calculations involved in the implementation of this policy is as follows:-

Eligible commercial business with an original determined load of 6.2 ETs for water supply and 6.20 ETs for sewerage services.

2016/17 water supply ET Charge = \$6,578/ET.

2016/17 sewerage services ET charge = \$8,339/ET.

Original determined charge =  $6.2 \times (\$6,578 + \$8,339)$   
= \$92,485.40

Reduction application:-

First 2 ET	$2.0 \times (\$6,578 + \$8,339) \times 0.25$	= \$7,458.50
>2 ETs	$4.2 \times (\$6,578 + \$8,339) \times 0.50$	= \$31,325.70
Reduced Payable Total		= \$38,784.20

**Savings = \$92,485.40 – \$38,784.20 = \$53,701.20 (2016/17)**

## 6 REVIEW

This policy will be reviewed by 31 March 2018.

## 7 APPLICATION OF ESD PRINCIPLES

This policy provides an incentive for economic growth of the City, while ensuring that projected system demands can be met.



## Provision of Water and Sewerage Infrastructure - Developments not included in Development Servicing Plans

For more information contact  
Shoalhaven Water

**City Administration Centre**

Bridge Road (PO Box 42)  
Nowra NSW Australia 2541  
P: (02) 4429 3214  
F: (02) 4429 3170  
[water@shoalhaven.nsw.gov.au](mailto:water@shoalhaven.nsw.gov.au)  
[www.shoalwater.nsw.gov.au](http://www.shoalwater.nsw.gov.au)

Policy Number: POL16/91

Adopted: 1/09/2003

Reaffirmed: 21/12/2004

Amended: 21/09/2009, 24/09/2013

Minute Number: MIN03.1202, MIN04.1655, MIN09.1270, MIN13.974

File: 12039E

Review Date: Thursday, 1 December 2016

## 1 PURPOSE

Provide direction to developers in regard to the provision of water and sewerage infrastructure for proposed developments not included in Council's Development Servicing Plans for Water and Sewerage (DSP's).

## 2 STATEMENT

This policy applies to all development within Shoalhaven proposing to connect to Council's water supply and/or sewerage schemes and have not been included in Council's DSP's.

It is recognised that any spare capacity in Council's existing water supply and sewerage systems has been allocated, in the first instance, to infill development, current zoned land and additional development areas identified in Council's DSP's. Any capacity beyond such allocation may be utilised by other development proposals.

## 3 PROVISIONS

The following principles are to be followed when considering the provision of water and sewerage infrastructure for development proposed under this policy:

- 3.1 A strategy report for provision of water and/or sewerage infrastructure will be required at the applicant's cost. The required content of such a report will be advised by Shoalhaven Water upon request. Note that information from Council's water supply and sewerage strategies, specific to the development proposal, can be provided to assist the developer with their strategy work.
- 3.2 Developments covered by this policy should not propose to utilise any existing spare capacity in the schemes without Council Approval to do so.
- 3.3 Any upgrade works proposed on Council's water supply and/or sewerage systems as a result of the proposal will be at the applicant's full cost.
- 3.4 Standard Section 64 contributions shall apply.
- 3.5 All land acquisition and easements required to facilitate the proposal will be the applicant's responsibility.

## 4 IMPLEMENTATION

Shoalhaven Water is responsible for the implementation of this policy.

## 5 REVIEW

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

Shoalhaven Water – Provision of Water and Sewerage Infrastructure -  
Developments not included in Development Servicing Plans

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## 6 APPLICATION OF ESD PRINCIPLES

ESD issues specific to each proposed rezoning or development will be considered at LEP or DA stage in accordance with Council's guidelines.



## SA17.172 Floodplain Management Conference 2017

**HPERM Ref:** D17/163932

**Submitted by:** Cllr Annette Alldrick

**Attachments:** 1. Report from Cllr Alldrick [↓](#)

### Purpose / Summary

To provide a report from Cllr Annette Alldrick on the Floodplain Management Conference 2017 held in Newcastle 16-19 May 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation (Item to be determined under delegated authority)

That Council receive the report from Cllr Annette Alldrick on the Floodplain Management Conference 2017 for information.

### Options

1. Receive the report for information
2. Request further information on the conference

***Floodplain Management Conference 2017***

Floodplain management is of great importance because of the great human and financial and environmental costs of flooding. For every \$1 spent on flood mitigation \$10-13 is returned. Floods cost more human lives than any other natural disaster.

Mitigation is the key to protecting life, property and the Australian economy. Social costs are often greater than economic costs.

The total economic cost of natural disasters is expected to exceed \$33billion by 2050. Cost benefit analyses don't account for social costs. Improvements in infrastructure are needed to mitigate costs.

The rise in the Warragamba dam wall height is expected to reduce average flood costs by 73% or \$3billion by 2050.

Individual communities need different mitigation. Individual priorities need to be identified. The Roma flood levee in Queensland has reduced insurance costs. Community education re building codes and planning etc. is needed as well. Flood levees alone aren't enough. Access to accurate data saves money and produces better outcomes. Mitigation reduces post disaster recovery costs.

In the ACT flash flooding from high intensity storms causes the most significant loss of life. A community education toll known as Know Your Catchment has been devised, along with peer review and floodplain management.

In NSW local government is responsible for floodplain management. Riverine flood studies are used to help mitigate flood damage. The state government town planning department and flood risk management unit and the SES are also responsible for flood damage mitigation. The federal government attorney generals department, Bureau of Meteorology and Flood Management Australia also play a part.

In the Northern Territory Top End high rainfall during the wet season is increasing, causing increasing flooding.

There has been widespread flooding in Queensland. Local government has carried out flood studies and devised flood management plans. Developments within flood plains are being better managed. Land use management, riparian management and creek management have been identified as being important. Integrated flood risk management is a priority.

In South Australia flooding has been economically damaging. Flash flooding is a major cause of damage and is a state government responsibility. The government are working to improve warning and response to flood events.

In Tasmania, most flooding occurs around Launceston in the Esk Valley from the Derwent River. A \$55 million levee system has been built. A Tasmanian Flood Review Taskforce has been established combining multiple agencies. The Tasmanian SES is developing a flood warning system based on their bushfire warning system. In Victoria the 2010/11 floods are used as a benchmark when developing their floodplain management strategy. Flood mapping is being used to develop flood warning systems in rural communities and townships. Flood emergency plans and field guides are being developed by the SES.

In Western Australia local, state and federal governments have combined to develop floodplain management strategies. These include the Bureau of Meteorology, fire and emergency services departments and town planning department. Rainfall has increased in the northern and central areas resulting in the wettest ever summer with prolonged, extensive flooding. Some Aboriginal communities were cut off for 2 months.

The Queensland Flood Commission Enquiry.

177 recommendations came out of the enquiry and a flood action plan was developed. Councils have spent \$600million towards flood management, including backflow devices. Online flood information is available to residents. A floodsmart future policy has been developed. Structural flood mitigation measures have been built. A hazard based approach to



land use planning has been developed. New flood resistant ferry terminals have been built. 24/7 flood management and reporting systems have been developed.

In the Lockyer Valley floods 30 lives were lost and the financial cost is estimated to be \$30 billion. \$260 million worth of food production is estimated to have been lost. Rainfall and runoff are now used to predict flooding. This includes the movement and speed of water. It was unknown prior to the flood that the downstream channel at Grantham was too small to cope with the volume of water, so the extent of the flood was not predicted. When the Lockyer River reaches its critical threshold it changes its course. It is important to understand river movement to predict flooding. Adding topsoil contains flooding. The higher the river gradient the higher the flooding. Woody dense vegetation in the spillout zone reduces flooding by trapping sediment.

Community engagement and consultation are important in flood mitigation. At risk communities should be included in flood planning. This results in better community understanding and awareness. An improved relationship between the SES and the community, wider appreciation of flood risks and emergency management and improved understanding of roles are desired outcomes of community engagement.

Smart scanner radar is being used to look at rainfall in some areas.

Increased frequency of intense rainfall is being caused by climate change. There have been hundreds of deaths worldwide caused by flash flooding. Structural flood mitigation measures are expensive. Non-structural measures, such as the raising of houses, early warning systems and accurate meteorological systems are important. Dissemination of warnings to authorities and the general public are all important.

Very sophisticated hydrologic and hydraulic rainfall prediction devices are now being used.

In conclusion, mitigation is the key to flood risk management. Community engagement, accurate data collection and recording, cooperation between all agencies and levels of government and climate change management are the key to flood mitigation in the future.

Clr Annette Alldrick

## SA17.173 Australian Coastal Councils Conference

**HPERM Ref:** D17/167695

**Submitted by:** Cllr Patricia White  
Cllr John Wells  
Cllr John Levett

**Attachments:** 1. Conference Report (under separate cover) [↗](#)  
2. Survey of impacts of Airbnb & similar online platforms (under separate cover) [↗](#)

### Purpose / Summary

To provide a report (Attachment 1) from Cllr Patricia White, Cllr John Wells and Cllr John Levett on the Australian Coastal Councils Conference held in Redcliffe Queensland on 3-5 May 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

### Recommendation (Item to be determined under delegated authority)

That Council receive the report from Cllr Patricia White, Cllr John Wells and Cllr John Levett on the Australian Coastal Councils Conference for information.

### Options

1. Receive the report for information
2. Request further information on the conference

## 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.