

## Ordinary Meeting

**Meeting Date:** Tuesday, 26 September, 2017  
**Location:** Council Chambers, City Administrative Building, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 7)  
All Councillors

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

## Agenda

### 1. Acknowledgement of Traditional Custodians

### 2. Opening Prayer

### 3. Australian National Anthem

### 4. Apologies / Leave of Absence

### 5. Confirmation of Minutes

- Ordinary Meeting - 22 August 2017

### 6. Declarations of Interest

### 7. Presentation of Petitions

### 8. Mayoral Minute

### 9. Deputations and Presentations

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## CL17.202 Notice of Motion - Recycling of child safety seats

HPERM Ref: D17/246395

Submitted by: Cllr Andrew Guile

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

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

### Recommendation

That

1. Shoalhaven City Council commends the work of the Shoalhaven Flagstaff Group in trialing the recycling of child safety seats.
2. Council requests the General Manager to report on any assistance that might be provided to enable this service or others to be accessed by Shoalhaven residents.
3. Council requests the General Manager to investigate and report what waste fund funding opportunities through the NSW Government Waste Levy contributions might be available to facilitate and promote such a service.

### Background

There are garages all over the Shoalhaven cluttered with old child safety seats. Some will be handed on to friends and family, although many just end up in a tip run. Some agencies recommend that these seats are not used after ten years due to possible wear and tear as well as design and safety improvements in new products. Unfortunately landfill is the destination of many of them.

Child safety in cars has come a long way in recent years which is laudable, however there is a waste stream that results from our desire to do all we can to protect our children. Flagstaff suggests that over 90% of a child safety seat is recyclable including fabrics, plastics and metal components. Shoalhaven City Council has a comparatively poor record of diverting waste from landfill. Providing recycling options for bulky items like child safety seats is just another initiative to address this challenge.

### Note by the General Manager

Child car safety seats are manufactured in many different styles using many different materials such as hard plastics, foam, steel and fabric. The key to recovery of the recyclables is the dismantling process, which is the subject of the current trial being conducted by Flagstaff.

Waste Services have developed a close working relationship with Flagstaff and are ready to support their recycling efforts. However the recycling of child safety seats is in its infancy and being trialled. Once the results of the trial are published and if it is considered by

CL17.202

Flagstaff to be successful and will continue, then Council will be able to partner with Flagstaff by providing drop off points for the public at all ten recycling and waste facilities and then transport the seats to Flagstaff for recycling.

Recycling (diverting waste from landfill) at the Shoalhaven City Council's facilities is at the forefront in NSW, with recycling of scrap steel, white goods, non-ferrous metals, batteries (both automotive and cell batteries), fluorescent globes, paints, smoke alarms, gas bottles, fire extinguishers, oils, electronic waste, mobile phones, pens, tyres, mattresses, garden green waste and timber pallets as well as the traditional paper and cardboard, glass bottles, plastic containers and cans. We also provide a resale opportunity for goods that are reusable.

Waste Services are available to take any interested Councillors on a tour of one or some of the recycling and waste facilities, to view the efforts made to recycle.

## CL17.204 Notice of Motion - Privacy Screens

HPERM Ref: D17/265863

Submitted by: Cllr Bob Proudfoot

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

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

### Recommendation

That Council staff prepare a report on "privacy screens" regarding how their necessity is determined and the type of screen that is mandated. There appears to be an apparent inconsistency in the application of the current policy, which may well be historical, and should form a part of the report

### Note by the General Manager

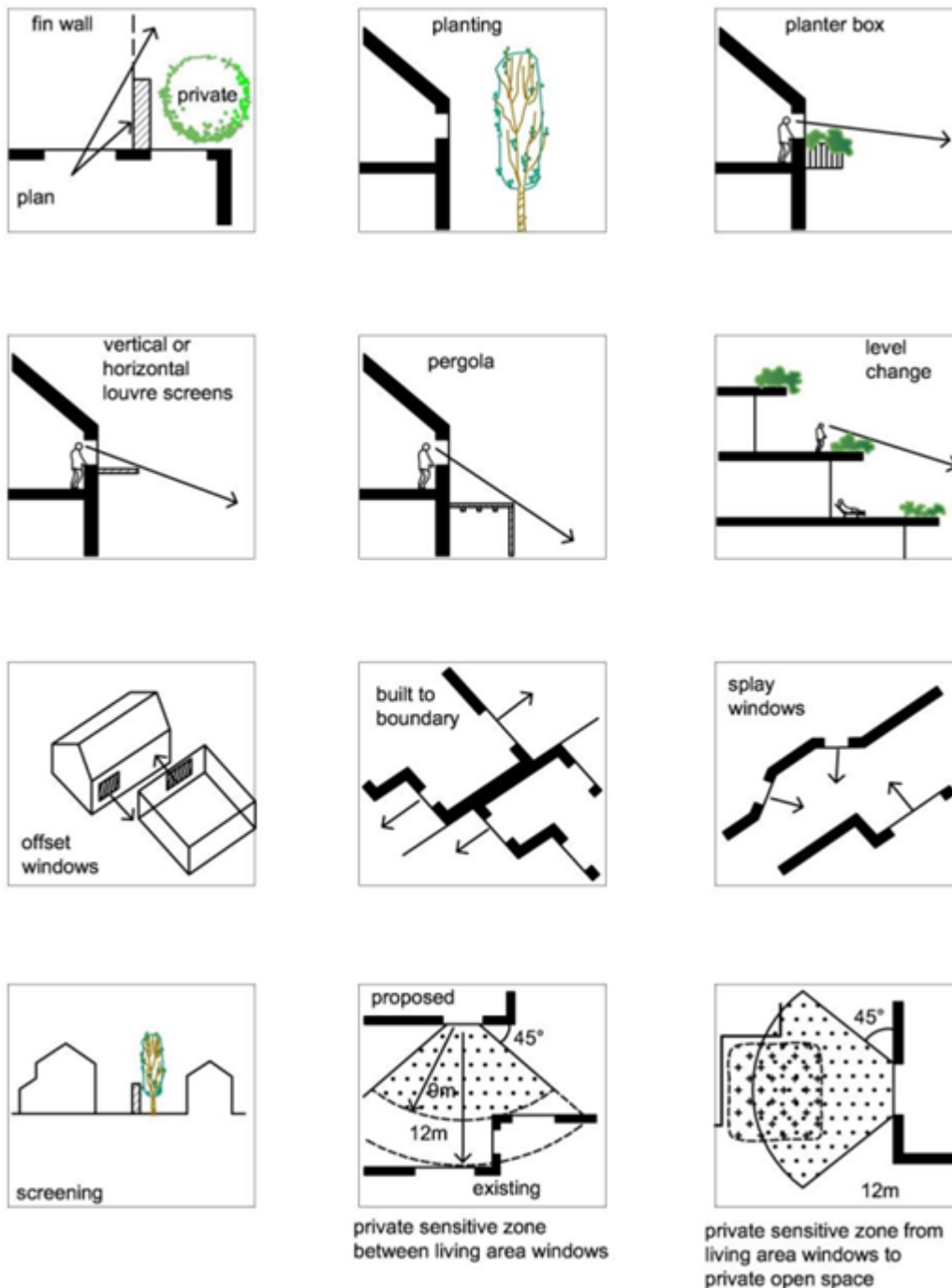
It should be noted that Information on privacy screens is consistent across the residential Chapters in the Shoalhaven DCP 2014.

The impact on privacy is a matter for consideration when undertaking the S79C assessment of the development proposal. This assessment requires consideration of the privacy provisions of Shoalhaven DCP 2014 Chapter G12 and the NSW Planning Principle for Privacy. Where the application for the development proposal does not provide a sufficient level of detail to demonstrate how the development will meet the acceptable solutions for a minimum level of privacy as specified in Chapter G12 of Shoalhaven DCP 2014 rather than hold the approval for further details the consent is provided subject to a condition that requires the provision of privacy screens that meet the specifications of Chapter G12, namely:

*Direct views may be obscured by one of the following measures:*

- *1.8 metre high solid fence or wall between ground floor level windows or between a dwelling and open space.*
- *Screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials; and / or*
- *Screening devices incorporating opaque materials and/or vertical or horizontal fixed louvers or the like that provide an effective screen; and/or*
- *Landscape screening either by existing dense vegetation or new planting that can achieve sufficient screening effectiveness within three (3) years.*

See Figure 7 for examples of minimising privacy issues.



CL17.204

It may be construed that an apparent inconsistency exists due to the adoption of landscaping privacy screens in some circumstances and constructed privacy screens in other circumstances along with the size, height and style that needs to be designed for the particular circumstances. As the zone of visual influence is the area from which a development or other structure is theoretically visible the impact does not immediately cease at 9m or 12m. There is a distinct relationship between the type/intensity of occupancy and the distance from the privacy sensitive area with a gradual diminution of impact based on the distance.

The privacy provision of Councils DCP are consistent with the NSW Land and Environment Court Planning Principle and the Australian Model code for Residential Development (AMCORD). The NSW Planning Principle specifies that where proposed landscaping is the main safeguard against overlooking, it should be given minor weight.

*AMCORD commentary*

*“Attitudes to privacy are, to some extent, affected by cultural factors and personal preferences. However, there are some shared perceptions of a range of privacy boundaries that should be protected. It is recognised that complete protection of privacy in closely developed areas is not always possible. Also, some people are happy to trade-off a high level of privacy for increased opportunities for the social contact associated with higher-density living. Standards of privacy therefore need to balance the need for more intensive housing with the attainment of a reasonable level of privacy. This approach places an onus on adjacent residents to take supplementary action to secure their required level of privacy rather than requiring a new development to provide total protection of a neighbour’s privacy. A greater emphasis is placed on maintaining privacy between and in living areas and private open space than for bedrooms. The hours of occupancy of bedrooms and the ability to screen with curtains offset priority for privacy.*

*Close, intimate views can often be effectively screened although, for above-ground viewpoints, fixed screening can be difficult. Residents are also able to exercise some control over the extent of overlooking when indoors, through their choice of such window screening as curtains or blinds. Where privacy is achieved through remoteness rather than screening, there is no exact distance at which it can be assured. A judgement must be made about issues such as the intimacy and frequency of the activities being overlooked, the likely frequency and ease of overlooking, other distracting views, the obliqueness of the line of view, and cultural expectations. Privacy is particularly important for infill developments, where the protection of privacy of existing residents is critical. Within multi-unit developments privacy levels may be reduced to some extent, given that prospective purchasers will be able to assess whether the development meets their privacy expectations. Careful attention must be given to the combination of design techniques used to protect overlooking from upper-level windows, due to the need to create habitable rooms with reasonable levels of amenity. Consideration also needs to be given to the longevity, maintenance requirements and aesthetic treatment of screens and windows.”*

## CL17.205 Notice of Motion - Development in Flood Prone Areas

HPERM Ref: D17/265865

Submitted by: Cllr Bob Proudfoot

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

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

### Recommendation

That Council staff prepare a report on "development rights" of home-owners in areas that have been deemed to be "flood-prone". Conflict is arising in lower-lying areas where a property owner who desires to add a room or two to the family home, is confronted with complications that make the project too expensive or simply not to their personal liking. With this in mind the report would address the capacity of council staff to be consistently flexible in making their determination.

### Note by the General Manager

The carrying out of alterations and additions to existing dwellings in flood prone areas is currently dealt with specifically by Shoalhaven Development Control Plan Chapter G9 Development on Flood Prone Land that has been developed in accordance with the Floodplain Management Manual and incorporates the specific requirements of Floodplain Management Plans that have been adopted for specific catchments.

Chapter G9 makes specific provisions for minor alteration and additions to existing dwellings where it is not necessary to meet the current requirements for development generally in flood prone land if it meets the following requirements:

#### *Minor Development*

##### *A) Minor additions*

##### *(i) Urban and rural residential dwelling:*

*A cumulative total of habitable additions (since 1988) to an existing dwelling of no more than 50m<sup>2</sup> below the Flood Planning Level. The addition is to be at or above the originally approved habitable floor level.*

*Note: additions are a physical external addition or extension to an existing dwelling*

*Or*

*A cumulative total floor area including all habitable and nonhabitable areas on all storeys of the dwelling of 300m<sup>2</sup> (but with no more than a cumulative total habitable additions (since 1988) of 50m<sup>2</sup> below the Flood Planning Level), whichever is the larger area*

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B) *Minor alteration:*

*Alterations to an existing dwelling comprising modifications to less than 40% of the internal and/or external walls (measured in linear metres) or 30 lineal metres whichever is the greater. Modifications shall include removal of existing walls and the installation of windows, doors or other openings.*

*Note: alterations refer to physical changes to the internal building structure. Alterations do not allow habitable areas to be increased. The percentage change is to be calculated from the original total floor area being altered. See diagrams at the end of this Schedule.*

C) *Change of use:*

*A cumulative total of changes from non-habitable to habitable areas (since 1988) to an existing dwelling of no more than 50m<sup>2</sup> below the Flood Planning Level. Additional habitable areas must be at the originally approved habitable floor level or higher.*

*Note: change of use refers to changing an existing nonhabitable area to a habitable area. No changes to the physical structure would occur. See diagrams at the end of this Schedule.*

*To be eligible to seek approval as minor development, all of the above criteria must be met AND the cumulative total change for A, B and C, must not exceed 50m<sup>2</sup>.*

There are diagrams in the DCP chapter to demonstrate clearly the application of these requirements.

Any alterations and additions beyond these limits need to comply with the general provisions of Chapter G9 relative to the type of development and the flood hazard category of the land. These provisions are prescriptive and any further flexibility in the application of these provisions would potentially not be in accordance with the Floodplain Management Manual and therefore not include protection for assessment staff/Council under the provisions of 733 of the Local Government Act in relation to indemnity

## CL17.206 Notice of Motion - Sanctuary Point Men's Shed - Clifton Street Sanctuary Point

**HPERM Ref:** D17/265873

**Submitted by:** Cllr Mitchell Pakes

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

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

### Recommendation

That

1. Council reduce the amount the Sanctuary Point men's shed are paying on their licence for the remainder of the licence term
2. Council reduce the amount to \$1 p.a (peppercorn rent)
3. This includes the current year 2017

### Note by the General Manager

Rental payments under leases and/or licences for the occupation of Council land and buildings is determined in accordance with Clause 3.17 of POL16/150 – "Council Owned and Managed Land Policy". Under this Policy, Council will consider for Community Groups under exceptional circumstances a rent equivalent to the statutory minimum for Department of Primary Industries (Lands). This was the case for the Sanctuary Point Mens Shed.

The ability to waive rent and other charges has under the above Policy been delegated to the General Manager.

All Council's community tenant's pay rent in accordance with the above Policy, except the following:

- Clifton Park Community Garden – Recommendation Alteration (MIN14.273);
- Culburra Men's Shed (Culburra Progress Association) – Notice of Motion (MIN15.31)
- Greenwell Point Men's Shed – Notice of Motion (MIN16.1007)

The above three community groups receive an annual donation via Council Donations Budget, approved via recommendations moved off the floor at Council meetings, to cover the rent payable under their current licence agreements that results in a rental equivalent of \$1pa.

Council also has before it tonight a request from the Milton Ulladulla Mens Shed, Camden Street Ulladulla for a donation of \$471 to offset their rental obligation under the proposed licence agreement.



## CL17.226 Notice of Motion - Congratulations - Variety Bash 2017 Shoalhaven Teams

HPERM Ref: D17/301478

Submitted by: Cllr Mitchell Pakes

### Purpose / Summary

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

### Recommendation

That Council

1. Congratulate all Shoalhaven teams for their fundraising efforts in the 2017 bash
2. Congratulate Shoalhaven Car 27: (Brian and Joanne Muller, Garry and Joyann Arnold) on being announced "Outright Winners" of the 2017 Variety Bash

### Background

#### *Spirit of the Bash – Outright Winners and the Shoalhaven Team*

Joanne and Brian Muller along with Garry and Joyann Arnold have just returned from their annual NSW Variety, The Children's Charity Bash with some exciting news!! At the final night awards dinner they were announced as the "Outright Winners" of the 2017 Belmore to Buffalo Creek Bash. The prestigious "Spirit of the Bash Award" goes to the team that epitomises the Spirit of the Bash by interacting with the children they visit at numerous schools as well as participating in other events along the way such as fun stops and special stops put on by other Bashers. Brian, Joanne, Garry and Joyann are extremely proud that Car 27 The m&m's has been given this honour as it is voted on by all fellow Bashers that participate in the event. On top of this, they along with Car 1,000 (David and Drew) and Car 350 (Rodney, John and Steven) received Variety trophy's for raising in excess of \$17,000 while Sean, Nathan and Horst from the GJ Gardner Car (GJ01) excelled and received a full cup for raising in excess of \$66,000. That is a brilliant effort from the Shoalhaven team who all up raised in excess of \$150,000. The whole event looks like raising around \$1.85 million!!

The Shoalhaven Team consists of the following cars.

- Car F1-11: John Lawrence, Dianne Wilbraham and Greg Hanson
- Car GJ01: Sean Vickery, Nathan Fay and Horst Lueckl
- Car 27: Brian and Joanne Muller, Garry and Joyann Arnold
- Car 86: Bob Dix, Judy French and Michael Tracey
- Car 99: Ron Pearce, Kevin Carter and Mark Bradley
- Car 350 Rodney Crouch, John Stoel and Steven McCosker
- Car 1,000: David Willshire and Drew McLean

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## CL17.227 Notice of Motion - Development of a Motor Sports Complex at Yerriyong

HPERM Ref: D17/309347

Submitted by: Cllr Greg Watson  
Cllr Joanna Gash

### Purpose / Summary

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

### Recommendation

That

1. In recognition of the strategic importance and economic value of developing a motor sports complex in our area, that Council, after reviewing the previous development application (DA) by Motorcycling NSW, prepares and submits a DA as proponent for this project.
2. Council establish a project working group to oversee the process, comprising relevant Council staff and representatives of the South Coast Motor Sports Club Inc.
3. Council continue to explore and where applicable apply to both Federal and State Government programs to facilitate funding for the project.
4. That any costs associated with the review and DA submission be funded through the Economic Development Budget.

### Background

Council would be aware that a development application (DA) for a motorsports complex at Yerriyong was submitted by Motorcycling NSW in March 2014. This DA included infrastructure works for an on-road motor racing complex and further development of the existing "Nowra Motoplex" off-road motorcycle facility. There was extensive support for this development among motor sports enthusiasts, the general local community and beyond.

The DA was referred to the Joint Regional Planning Panel for determination in June 2016, with an outcome for deferral of the matter with only two matters to be resolved. The matter appeared to be on course for approval pending resolution of these matters.

Motorcycling NSW had prepared an extensive and diverse range of reports in support of their DA. The Federal Government, through its National Stronger Regions Fund, had approved a matched \$9.5 million grant to assist with this project subject to it proceeding to construction. Due to particular ongoing concerns about vulnerable flora Motorcycling NSW withdrew its DA in May 2017.

Many in our community have expressed grave disappointment that this project has once again been curtailed. Our community suffers from high unemployment, particularly with youth unemployment and a very low socio-economic status. This project's economic credentials are very strong and would add much needed Gross Regional Product (\$56 million per annum in the long term) as well as the following identified economic advantages:

- construction (almost 90 direct and indirect jobs);

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- ongoing operations (20 direct and 14 indirect jobs);
- associated tourism and events expenditure (59 direct and 24 indirect jobs); and
- the motor sports industry park (conservatively providing 110 direct jobs by year 10 and 240 by year 20, plus a further 128 indirect jobs).

This project will bring a different type of visitor to our community, one that is involved in a sport that requires significant ongoing investment (i.e. dollars) to participate. It attracts sponsorship and patrons who come from far and wide, exposing the region to a wider range of people and putting the area on the map for many that may not have previously visited. Increased tourism is the result, with greater average returns from this sector with visitors spending on accommodation, nights out, entertainment and so on. The pull is so great that accommodation providers have expressed high interest in this project being a catalyst for further investment.

Additionally this development would significantly assist with other community benefits - such as basic driver training, particularly for young people, as well as advanced driver training. It will add a range of activities for our youth, reducing illegal trail bike riding and will providing an outlet for many young people to be involved in various aspects of motor sports. Further through partnerships with TAFE (an MOU was in place with Motorcycling NSW) and indigenous service providers, it offers scope for both youth and indigenous training and employment.

#### Environmental Concerns

Throughout the course of reviewing Motorcycling NSW's DA great emphasis was placed on environmental concerns with the Yerrilyong site. Many studies were undertaken addressing and in large part accommodating these concerns. However issues relating to orchids in particular remained. It is anticipated that council will be able to bring a resolution to these issues as it progresses its own DA.

#### South Coast Motor Sports Club Inc.

This not for profit group has as its aim the development of a motor sports complex on the South Coast of NSW. It has been working with Motorcycling NSW since it withdrew its DA. It has been ceded access rights to all documents and other materials that are the property of Motorcycling NSW for the purpose of fulfilling its aim. The members of this entity have agreed to work with Council to prepare the DA utilising these documents and other materials as required.

#### Other regions having an interest in developing Motor Sports Complexes.

Bathurst Regional Council recently undertook a tender process for the design of a second motor racing circuit in the Mount Panorama area. The council will assist in financing this project with \$10 million. The State Government has committed a total of \$15 million, with a further \$25+ million being sought from State and Federal Governments to provide full funding for the \$50+ million project.

The Peregrine Group in South Australia has announced it will develop a \$100 million Motor Sports Complex, including accommodation, at a site 100 kilometres from Adelaide. Again the Federal Government has provided substantial support.

Many others are also seeing the value of this sector. With a proposed facility that has been so well progressed, we believe that it is in the interests of Council and the broader community to continue to explore and resolve the issues at hand to see this valuable project progress to fruition.

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

Council needs to appreciate the "risks" and "costs" that are likely to arise if it wishes to proceed with this proposal.

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Although the subject land is zoned RU2 General Rural and SP2 Infrastructure (airfield purposes). It is also identified on the “terrestrial biodiversity” map as “biodiversity-significant vegetation” and Biodiversity-habitat corridor” as part of the LEP, recognising it as a significant vegetation and habitat corridor. This mapping was informed by the mapping associated with the former South Coast Regional Strategy

A new DA would trigger a Biodiversity Development Assessment Report (BDAR). This would push it down a path of needing to find offsets. The BDAR would document the area of impact and calculate the required offsets. The detailed flora and fauna studies are of a similar magnitude to that required for an SIS.

The potential costs involved will be significant.

For example work recently completed for Waste Services related to the AWT development required clearing of 9.87 ha of similar vegetation with an estimated 27 hollow-bearing trees per hectare.

For the 9.87ha Waste Services DA they will need to retire **719** Ecosystem Credits, **217** Squirrel Glider species credits and **197** Eastern Pygmy-possum credits.

The Yerriyong site will have additional credit species (e.g. Cryptostylis H) and will in all likelihood require clearing of between 5-8 times as much vegetation.

Councils credit obligation can be satisfied either by finding its own credits or buying them. Given that council do not have large areas of land with this vegetation community on it, it's likely council will need to buy some if not all credits.

Looking at the price of credits that have been sold in the local area, vegetation similar to what is on site is costing approximately \$2580 per credit. Credits for vegetation alone could cost in the vicinity of \$10M or more. The species specific credits will be additional to this figure.

Costs involved in the DA preparation, studies etc will be significant in the 1<sup>st</sup> instance and at the very least council should set a budget limitation if it adopts the notice of motion, which presently has no budget cap.

The purchase of the land itself from the Crown will be in the vicinity of \$600,000.

## CL17.228 Notice of Motion - National Indigenous Football Games

**HPERM Ref:** D17/309494

**Submitted by:** Cllr Nina Cheyne

**Attachments:** 1. Promotional Flyer [↓](#)

### Purpose / Summary

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

### Recommendation

That Council consider supporting the 2<sup>nd</sup> National Indigenous Football games with in kind resources to promote the Shoalhaven Indigenous games from the 1-4 November 2017. This event is an important community milestone in the spirit of reconciliation and self determination, and recognising the valuable contributions our Indigenous community have to offer.

In Kind resources may include:

- Filling up gas bottles to allow players to shower post game
- Assistance with lawn mowing and ground preparation
- Bins to assist provision of waste management during the event
- Car Park lines to promote safety of vehicle access to the grounds
- Use of Council light signage to highlight and promote the event and guide visitors to where the venue is located.

### Background

The Wreck Bay Football Club is proud to host the National Indigenous Football Championships. The event is scheduled to be held 1-4 November 2017 at the Shoalhaven Sporting Complex, Nowra. This year's theme will be 'Linking Nations, Strong Participation'.

The purpose of the event is to bring together Aboriginal and Torres Strait Islander communities from across Australia and offer a first class football tournament. Our primary focus will be to work towards creating career pathways for Indigenous Football players and coaches, as well as increase participation and promote healthy lifestyles.

The Wreck Bay Football Club is working in partnership with Football Federation Australia, Football NSW other state-wide football associations and relevant community stakeholders for the event in the first instance to be held annually on the South Coast of NSW. The Club will host the event concurrently for the first three years before handing the event to the winners. For this event to be a success it will be important to work closely in partnership with existing NSW Football infrastructures and our partners.

The Football Federation Australia's Indigenous Football Development Strategy 2012-2016 (Football Dreaming) declares that the three key priorities are: to maximise Indigenous Football participation opportunities; identify and develop talented Indigenous footballers; and

use football as a vehicle to positively impact social development issues such as education, employment and health. We believe that this event directly supports these priorities.

This Event brief provides an outline of how we intend to manage, coordinate and work in partnership with the football fraternity and Aboriginal and Torres Strait Islander communities. We are confident that this event will provide a platform for introducing football (the world game) to Australian Indigenous communities across the nation. We plan to build an Indigenous governance network that is sustainable and can be modified when necessary to reflect the ongoing development and needs of the Tournament.

The Wreck Bay Football Club is strongly committed to providing opportunities for Indigenous people through football. Our Club has a strong focus on building the skills of the Aboriginal community to organise community sport and physical recreation activities. We also promote healthy living, drug free and respect for players, officials and spectators.

It is with great pleasure that the Wreck Bay Football Club and the Aboriginal people of the Wreck Bay community (the Yuin & Dharwal Nations) present the National Indigenous Football Championships.

Bernie McLeod

(Chairperson, Wreck Bay Football Club)

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

Lawn mowing is part of routine maintenance and can be scheduled around this event. The request for Waste Management for an event is a service council provides at a cost. Council does not have 'light signage' or provision to fill gas bottles so these would need to be hired, also at a cost.

A donation to the organisers so that they may make these arrangements themselves would be more appropriate if Council wants to support this event.

Council has a balance of \$13,758 In the unallocated donations budget.



**DRUG & ALCOHOL FREE EVENT**

**ENTRY FEE**  
**CELEBRITY MATCH**  
**OPEN TO MEN & WOMEN**

**PRIZE MONEY**  
**STALLS KIDS CLINICS KIDS 5X5 COMP**  
**INDIGENOUS 100M SPRINT**

**NATIONAL INDIGENOUS FOOTBALL CHAMPIONSHIPS**

**2017**

**NOWRA**

**NOVEMBER 1ST - 4TH 2017**

**SOUTH NOWRA SPORTING COMPLEX**  
**MUMBULLA ST SOUTH NOWRA 2541 (BEHIND MCDONALD'S SOUTH NOWRA)**

**CONTACT**  
TOURNAMENT DIRECTOR BERNIE MCLEOD EMAIL: NATIONALINDIGENOUSFOOTBALL@GMAIL.COM  
EVENT REGISTRATION: DAVID WIDDERS EMAIL: NATIONALINDIGENOUSFOOTBALL@GMAIL.COM  
FOR INFORMATION PACKAGES. REGO CLOSING DATE 31/8/2017

**PROUDLY HOSTED BY WRECK BAY SHARKS FC**

**SHARKS**

## CL17.229 Notice of Motion - Legal Liability - Climate Change

HPERM Ref: D17/311184

Submitted by: Cllr John Levett

### Purpose / Summary

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

### Recommendation

That

1. Council notes for information the article in the September 2017 Australian Coastal Councils Association Newsletter warning governments around the World of a 'wave of legal action' over their failure to take effective action to minimise the impact of climate change.
2. The General Manager
  - a. Reports back to Council clarifying the legal liability of Shoalhaven City Council and sitting Councillors as individuals, in the event that a decision is made that could be regarded under the Local Government Act 1993 Section 731 as not in "good faith".
  - b. Outlines any legal precedents that might exist in relation to such liability.
  - c. Explains if Councillors are protected under any professional indemnity type insurance cover, either self funded by Council or underwritten by an insurance company.
  - d. Clarifies if a Councillor who votes against a motion that gives rise to legal action is immune from that legal action.
  - e. Give advice as to whether legal liability could arise from failure to act in a situation.
  - f. In the unlikely event that a Minister offered advice contrary to that of his or her Department on an issue and that advice was taken by Councillors, would Councillors then be absolved of any legal liability that arose.

### Background

Writing in the journal "Natural Geoscience", the authors of the article referred to above, Sophie Marjanac and James Thornton of Client Earth and Lindene Patton of Earth and Water Law, say: " the science of extreme weather attribution is improving rapidly and is making important predictions about future weather events.

"This means the legal duties of those responsible for keeping people, the built environment and the natural world safe are changing too.

"Identifying the human influence in events once only understood as 'acts of God' will reshape the legal landscape, meaning governments and businesses could be sued if they don't take action to protect people from floods, heatwaves and other foreseeable climate change risks."

CL17.229



The concern is that the continuing procrastination around a decision to remediate the degradation at Collingwood Beach could, in the event of a storm event that causes damage to private property, leave Council and/or Councillors liable to legal action. Continuing to ignore the advice of staff, Government Agencies, Manly Hydraulics Laboratory and NGH Environmental might yet come at great cost to Councillors, Council and hence Ratepayers.

CL17.229

## CL17.230 Report of the Strategy & Assets Committee - 19 September 2017

HPERM Ref: D17/312896

### MMS17.8 Mayoral Minute - Integrated Transport Preliminary Investigation

HPERM Ref:  
D17/310816

That Council approve a budget of up to \$8000 to undertake a preliminary desktop analysis of transport availability in the Shoalhaven with the aim to identify the gaps in the transport offering and matching Federal and State funding opportunities.

### SA17.231 Woollamia Industrial Estate - expansion

HPERM Ref:  
D17/264130

That Council:

1. Excise by subdivision the area of IN1 zoned land within Lot 17 DP 857006 to be incorporated into the industrial area.
2. Prepare and submit a subdivision application over this land to compliment the subdivision of Lot 18 DP 1096605 (stage 5) in the adjoining Woollamia Industrial Estate owned by Council.
3. Authorise the General Manager to sign the necessary documents to effect the subdivisions and to execute under the Seal of Council the plan of subdivision.

### SA17.233 Shoalhaven Indoor Sports Centre - Fitout

HPERM Ref:  
D17/284486

That Council:

1. Commit to funding the Shoalhaven Indoor Sports Centre Furniture Fixture Equipment (FFE) Fit-Out Requirements in the amount of \$2,919,895 to be funded in the 2018/19 budget
2. Staff continue to seek grant funding to assist with covering the costs of Fit-Out where possible.

### SA17.240 Traffic Calming - Larmer Avenue Sanctuary Point

HPERM Ref:  
D17/6573

That Council:

1. Receive the report on the possible installation of traffic calming measures on Larmer Avenue, Sanctuary Point, southern side of Cockrow Creek bridge near The Park Drive intersections, for information; and
2. The General Manager (Director Assets & Works) continue to monitor the intersection of Larmer Avenue and Park Drive for future grant funding opportunities for the construction of a local road roundabout to provide effective traffic management and speed control on the eastern approach to Sanctuary Point.

CL17.230

**SA17.241 Australian Government Black Spot Program 2017/18  
- Approved Projects****HPERM Ref:  
D17/243201**

That Council

1. Accepts the grant funding offers under the Australian Government Blackspot Program as follows:
  - a. \$480,000 for the proposed safety improvements on Jervis Bay Road (450m length from 0.2 – 0.65km south of Woollamia Road, Falls Creek), and authorise the expenditure on job number 86666
  - b. \$190,000 for a single lane mountable roundabout at the intersection of Paradise Beach Road & Kingsford Smith Crescent, Sanctuary Point, and authorise the expenditure on job number 86669
  - c. \$295,000 for the proposed safety improvements on The Wool Road (640m length from 0.14 – 0.78km west of Naval College Road, Worrowing Heights), and authorise the expenditure on job number 85829
  - d. \$210,000 for the proposed safety improvements on Wheelbarrow Road (1.2km length from 2.0 – 3.2km east of Woodburn Road, Woodburn), and authorise the expenditure on job number 86671
2. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services (RMS) and the Federal Member for Gilmore, thanking them for their ongoing support of the Shoalhaven Community through the Australian Government Black Spot Program and for the support of the RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

**SA17.242 NSW Government Country Passenger Transport  
Infrastructure Grants Scheme (CPTIGS) 2017/18 -  
2018/19 - Approved Projects****HPERM Ref:  
D17/243020**

That Council:

1. Accepts the grant funding offers under the NSW Government Country Passenger Transport Infrastructure Grants Scheme (CPTIGS) program, "in principle" (\$180,000 for 18 new shelters), noting the advice from Transport for NSW that the locations Council has nominated have only been partially successful (subject to meeting the program conditions) and authorises the expenditure on job number 85406;
2. Receive a further report once the list of sites has been reviewed and more details, including estimate of costs are available; and
3. The General Manager (Director Assets & Works) writes to Transport for NSW, and the Local Members of Parliament (for Kiama and South Coast), thanking them for their support of the Shoalhaven Community through the NSW CPTIGS program, however advising that it is Council's intention to review the approved list, in consultation with the community, and seek approval from Transport for NSW of a revised list of projects following consultation and once full details and costs are known.

CL17.230

**SA17.243 NSW Government Aboriginal Communities Program  
2017/18 - Approved Projects**

**HPERM Ref:  
D17/279844**

That Council:

1. On behalf of the Jerrinja Local Aboriginal Land Council, accept the grant funding offers under the NSW Government Aboriginal Communities Program as follows:
  - a. \$95,000 for footpath and associated kerb ramp works, part of First Street (the western section, west of Fourth Street, as well as the full length of Third and Fourth Streets) at Jerrinja (Orient Point) community, and authorise the expenditure of job number 49038
  - b. \$155,000 for pavement works; part of First Street (the eastern section, east of Fourth Street) and all of Second Street, at Jerrinja (Orient Point) community, and authorise the expenditure on job number 49038
  - c. \$195,000 for pavement works, part of First Street (the western section, west of Fourth Street), as well as all of Third and Fourth Streets) at Jerrinja (Orient Point) community, and authorise the expenditure on job number 49038
2. Authorise the General Manager (Director Assets & Works) to coordinate resources to enable the effective and timely delivery of the works in consultation with Jerrinja Local Aboriginal Land Council.
3. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and the Local Members of Parliament (for Kiama and South Coast), thanking them for their support of the Shoalhaven Aboriginal Community through the new NSW Aboriginal Communities program and for the support of RMS staff in reviewing and supporting the nominations for these important local road safety improvements.

**SA17.244 State Government Active Transport Program  
2017/18 - Approved Projects**

**HPERM Ref:  
D17/243216**

That Council:

1. Accepts the grant funding offers under the NSW State Government Active Transport Program as follows:
  - a. \$1,500,000 for “Round the Bay” shared user path and associated works including a new Moona Moona Creek shared user path bridge, Callala Bay Headland and ‘way finding’ signage generally in accordance with Council’s Restart Illawarra (Environment & Tourism fund) nomination and other key shared user path links and authorise the expenditure on job number 86020;
  - b. \$190,000 for the construction of a shared user path and associated works on Vincent and Twyford Streets, Vincentia, and authorises the expenditure on job number 86147;
  - c. \$150,000 for the construction of Stage 1 of the proposed shared user path and associated works on Deering Street, Ulladulla, and authorises the expenditure on job number 86148;
  - d. \$50,000 for the construction of a pedestrian refuge and associated kerb and pram ramp adjustments on Green Street (at the intersection of the Princes Highway) Ulladulla, and authorises the expenditure on job number 86919; and
  - e. \$10,000 for Bike parking facilities (bike racks) installed at various locations across the city, and authorises the expenditure on job number 85438.
2. As a consequence of this grant, the \$640,000 allocated by Council to the Moona Moona Creek shared user path bridge project (job number 86020) be reallocated to the Chris

CL17.230

Creek shared user path bridge project.

3. The General Manager (Director Assets & Works) writes to the NSW Roads & Maritime Services, and the Local Members of Parliament (for Kiama and South Coast), thanking them for their ongoing support of the Shoalhaven Community through the NSW Active Transport Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local safety and accessibility improvements.

**SA17.245 NSW Government Safer Roads Program - Local Government Roads 2017/18 and 2018/19 - Approved Projects**

**HPERM Ref: D17/279849**

That Council

1. Accepts the grant funding offers under the NSW Government Safer Roads (Local Government Roads) Program as follows:
  - a. \$425,000 for the safety improvements on Bolong Road, from east of Broughton Creek to the northern side of Askeaton Park (\$300,000 in 2017/18 and \$125,000 in 2018/19), and authorise the expenditure on job number 86637
  - b. \$130,000 in 2018/19 for a single lane roundabout at the intersection of Illaroo Road and Page Avenue, North Nowra, and authorise the expenditure on job number 86665
  - c. \$140,000 in 2018/19 for a single lane roundabout at the intersection of Mitchell Parade and Donlan Avenue, Mollymook, and authorise the expenditure on job number 86668
  - d. \$145,000 in 2018/19 for the safety improvements on Jervis Bay Road, Falls Creek (channelised intersection treatment at the intersection of Gardners Road), and authorise the expenditure on job number 86667
  - e. \$640,000 for the safety improvements on Bolong Road, from north of Coolangatta Road to the northern side of Gerroa Road intersection (\$450,000 in 2017/18 and \$190,000 in 2018/19), and authorise the expenditure on job number 86639
  - f. \$1,450,000 for the safety improvements on Currarong Road, from chainage 7.7km to chainage 11.5km (\$1,000,000 in 2017/18 and \$450,000 in 2018/19, and authorise the expenditure on job number 86642
2. The General Manager (Director Assests & Works) writes to the NSW Roads & Maritime Services and the Local Members of Parliament (Kiama and South Coast) thanking them for their ongoing support of the Shoalhaven Community through the NSW Safer Roads Program and for the support of RMS staff in reviewing and supporting Council's nominations for these important local road safety improvements.

**SA17.246 Callala Bay Sailing Club - Erosion Control / Access Improvement / Revegetation Improvements and Funding Sources**

**HPERM Ref: D17/224650**

That Council:

1. Undertake minor access improvement works, including temporary ramps, this financial year in consultation with the Callala Bay Sailing Club, with funding provided from operational budgets.
2. Proceed with design and construction of a suitable permanent beach access for sailing craft in 2018, if Council is successful with its grant application to the NSW Better Boating Now Program for upgrading of boating facilities at Callala Bay.

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**SA17.247 Proposed Lease - 39 Shoalhaven Street, Nowra -  
Shoalhaven Community Preschool Incorporated**

**HPERM Ref:  
D17/257463**

That Council, in its capacity as manager of the Shoalhaven Street (R1003208) Reserve Trust:

1. Enter into a 5 year lease agreement with a 5 year option period with Shoalhaven Community Preschool Incorporated for the use and occupation of 39 Shoalhaven Street, Nowra with incremental increases in rent for the first 3 years as follows:
  - a. Year 1 - \$2,127.54 plus GST;
  - b. Year 2 - \$4,255.09 plus GST; and
  - c. Year 3 - \$7,091.82 plus GST;
 with CPI increases from year 3 to year 5 and a review at the commencement of the option period; and
2. Make adjustments in the FY 17/18 Quarter 1 financial review and make provisions in the FY 18/19 budget for the following sums to job number 13938 to cover the additional subsidised rent in the first 2 years (if required by Department of Primary Industries – Lands & Forestry):-
  - a. Year 1 - \$4,964.28 plus GST (if applicable);
  - b. Year 2 - \$2,836.73 plus GST (if applicable).
3. Authorise the General Manager to finalise any lease terms and to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**SA17.248 Proposed Lease - 101 Jervis Street, Nowra - Lyrebird  
Preschool Kindergarten Incorporated**

**HPERM Ref:  
D17/258659**

That Council:

1. Enter into a 5 year lease agreement with a 5 year option period with Lyrebird Preschool Kindergarten Incorporated for the occupation of 101 Jervis Street, Nowra for the purpose of a community preschool with incremental increases in rent for the first 3 years as follows:
  - a. Year 1 - \$1,695.30 plus GST;
  - b. Year 2 - \$3,390.60 plus GST; and
  - c. Year 3 - \$5,651.00 plus GST;
 with CPI increases for years 4 & 5 and a review to market under the provisions of the rental assessment framework at the commencement of the option period; and
2. Approve the allocation of rent received under the lease agreement into the Property Reserve restricted account; and
3. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CL17.230

**SA17.249 Classification of Land - 125 Moss Vale Road  
Cambewarra****HPERM Ref:  
D17/262081**

That Council resolve to classify the land described as Lot 262 DP794245 known as 125 Moss Vale Road, Cambewarra as Operational Land.

**SA17.255 Acquisition of easement over Crown land at  
Cunjurong Point****HPERM Ref:  
D17/255044**

That:

1. Council resolve to compulsorily acquire an Easement for Electricity Purposes 10 wide & variable over Crown land Lot 482 DP823199, being the area of an existing Easement for Access and Water Supply Pipeline 10 wide & variable shown highlighted green on DP641175 marked 'Attachment 1'.
2. Council pay compensation as determined by the Valuer General and ancillary costs for the acquisition in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Water Fund.
3. The necessary application be made to the Minister for Local Government and the Governor for approval to the acquisition under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**SA17.256 Acquisition of Crown land and Easement for Access  
at Vincentia****HPERM Ref:  
D17/276897**

That:

1. Council resolve to compulsorily acquire from the Crown:
  - a. Part of Crown land Lot 1 DP608937 at Captain Street Vincentia, shown as proposed Lot 1 on the attached draft survey plan.
  - b. An Easement for Right of Access 4.555 wide & variable over Crown land Lot 1 DP608937, marked (E) on the attached draft survey plan.
2. Council pay compensation and costs associated with the acquisition, in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund.
3. The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
4. The land to be acquired be classified as Operational land in accordance with Section 31(2) of the Local Government Act 1993
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CL17.230

## CL17.231 Report of the Shoalhaven Access Advisory Committee - 21 August 2017

HPERM Ref: D17/276496

**SAA17.33 Allocation of an appropriate budget to fund Shoalhaven City Council's Disability Inclusion Action Plan (DIAP)**

**HPERM Ref:  
D17/263046**

### **Recommendation:**

That Council strongly consider funding the Disability Inclusion Action Plan as soon as possible.

### Note by the General Manager:

*This matter was highlighted in the budget briefings for 2017/18 and will continue to be brought to council's attention. It should also be noted that there are projects within the existing budget that are consistent with the DIAP, but not specifically identified as arising from that Plan.*

CL17.231



## CL17.232 Report of the Council Bushcare Representatives Group - 4 September 2017

HPERM Ref: D17/301345

### BR17.1 Resignation - Annie Boutland - Council Bushcare Representative Group

HPERM Ref:  
D17/279211

#### Recommendation

That Council:

1. Accept the resignation of Ms Annie Boutland
2. Acknowledges the great contribution that Annie has made to the CBRG and her local area
3. Call for nominations from Local Bushcare Groups

### BR17.2 Three Bushcare Group Action Plans - Cudmirrah-Berrara , William Mulligan Reserve, Sussex Inlet & Dyball Reserve, Swan Haven - New and Review

HPERM Ref:  
D17/264124

#### Recommendation

That Council adopt the following two (2) new Bushcare Group Action Plans and the one (1) reviewed Bushcare Action Group Plan:

1. Dyball Reserve Bushcare Group Action Plan – Swan Haven
2. William Mulligan Reserve Group Action Plan – Sussex Inlet
3. Berrara – Cudmirrah Bushcare Group Action Plan

Note by the General Manager:

Copies of the Plans can be found at

[http://shoalhaven.infocouncil.biz/Open/2017/09/BR\\_20170904\\_AGN\\_6754\\_AT.PDF](http://shoalhaven.infocouncil.biz/Open/2017/09/BR_20170904_AGN_6754_AT.PDF)

### BR17.3 Additional Item - Expiring Bushcare Grant Funding

#### Recommendation

That the Council Bushcare Representative Group:

1. Wishes to alert Council to the ending of the grant funding for the two positions of Bush Regenerator Ganger and skilled labourers will cease from 22 December 2017 and the group advocates for council to consider further funding.
2. Recognises the superior contribution that Ronald Carberry and Edward Farrell have brought to the Bushcare movement by imparting their indigenous cultural heritage their work ethic and their technical bush regeneration skills over an 8 year period
3. Calls for a further report back to council on the future resources for maintaining these two positions within Council.

CL17.232

**BR17.4 Additional Item - Bushcare Awards****Recommendation**

That Council consider nominating Bushcare Group achievements for appropriate awards including Samuel Dunnett and the Cudmirrah-Berrara Bushcare Group for the 2017 NSW Landcare Awards.

**BR17.5 Additional Item - Inclusion of Biodiversity Overlay in the LEP****Recommendation**

That the Council Bushcare Representative Group support the inclusion in biodiversity overlay for work completed, as part of the Berry Corridor in the LEP.

## **CL17.233 Report of the Shoalhaven Natural Resources & Floodplain Management Committee - 7 September 2017**

**HPERM Ref:** D17/300922

**SN17.18 University of Wollongong - Coastal hazard assessment based on sediment budgeting, Southern NSW - ARC Research Partnership Grant Application**

**HPERM Ref:**  
**D17/260528**

### **Recommendation**

That Council commit to providing \$5,000 per year over three (3) years (2017/18, 2018/19 & 2019/20) from Council's coast and estuaries program (15931) to the University of Wollongong towards the Coastal hazard assessment based on sediment budgeting, southern NSW project, if the grant application is successful.

CL17.233

## CL17.234 Report of the Shoalhaven Arts Board - 7 September 2017

**HPERM Ref:** D17/301194

**Attachments:** 1. Shoalhaven Arts Board Strategic Plan - SmART IDEals - ( 2017 - 2021 )  
[↓](#)

### AB17.18 Draft Arts Board Strategic Plan 2017 - 2021

**HPERM Ref:**  
**D17/261551**

#### Recommendation

That Council adopt the draft Shoalhaven Arts Board – Arts & Cultural Strategic Plan “smART IDEals 2017 – 2021”.

#### Note by the General Manager:

*The draft Shoalhaven Arts Board – Arts & Cultural Strategic Plan “smART IDEals 2017 – 2021” is attached.*

### AB17.19 Council Policy Revision - South Coast Cooperative Libraries Collection Development Policy

**HPERM Ref:**  
**D17/261794**

#### Recommendation

That Council adopt the revision of the South Coast Cooperative Libraries Collection Development Policy.

#### Note by the General Manager:

*The Policy is found at*  
[http://shoalhaven.infocouncil.biz/Open/2017/09/AB\\_20170907\\_ATT\\_3690\\_EXCLUDED.PDF](http://shoalhaven.infocouncil.biz/Open/2017/09/AB_20170907_ATT_3690_EXCLUDED.PDF)

### AB17.21 Shoalhaven Arts Board Grants 2017/18

**HPERM Ref:**  
**D17/269494**

#### Recommendation

That the following Shoalhaven Arts Board Grants be awarded:

1. Developing the Arts - Sense of Place \$5,000  
\$5000 Anna Thompson – ‘Artist in Conversation’ A short film: Artist Ann Glynn  
Digital Story telling touring with show.
2. Developing the Arts - Sense of Place \$5,000  
\$5000 Syd Green – Bird Women/Tree Men – Produce & record musical collaboration  
Jazz and Classical
3. Public Art – Sense of Place \$10,000  
\$10,000 Vanessa Barbay – Bherwerre Wetland Mural Project – Stage 3  
Completion of 12 painted panels installed Larmer Ave Sanctuary Point – documenting  
birds and orchids of the wetlands.

CL17.234









**“Creativity and participation in the arts contributes to innovative and sustainable outcomes that benefit everyone in the community, not just those who participate.”**



## **MESSAGE FROM THE CHAIR OF THE SHOALHAVEN ARTS BOARD**

**The Shoalhaven has a rich history of inspiration and artistic endeavour – from our traditional custodians of the land, the people of the Yuin Nation; to the legacy of the European settlement and development; to artists and craftspeople who have been inspired and captivated by the unique beauty of this region.**

Creativity and cultural expression have always been inherent in our lives. Importantly, the Shoalhaven is a place where arts and culture is recognised as an essential element of our community's vitality and wellbeing. Creativity and participation in the arts contributes to innovative and sustainable outcomes that benefit everyone in the community, not just those who participate.

Shoalhaven City Council has worked with the community to build a strong foundation for Arts & Cultural activity within the region. This relationship, professionally managed by Council staff and guided by the expertise of the Shoalhaven Arts Board, has enabled

Council to actively respond to community needs and successfully develop a series of outstanding initiatives and facilities.

Today the Shoalhaven is generously catered for via its arts places including the Shoalhaven Regional Gallery, Shoalhaven Entertainment Centre, the Milton Theatre, the Ulladulla Civic Centre, four Libraries across the City and a mobile library service which visits towns and villages. In addition there is a range of significant volunteer managed museums, privately run galleries and cultural facilities.

This current 2017-2021 plan will build upon preceding achievements. The framework was developed by Shoalhaven Arts Board members in 2016/17.

I trust that we will continue to realise a growing, rich and mature culture through our strategies and programs that build opportunity and enrichment for arts and culture to flourish throughout the Shoalhaven.

Clr John Wells  
Chair Shoalhaven Arts Board 2017





## CITY VISION & ARTS CONTEXT

**Council's Vision – “ We will work together in the Shoalhaven to foster a safe and attractive community for people to live, work, stay and play; where sustainable growth, development and environmental protection are managed to provide a unique and relaxed lifestyle. ”**

The Shoalhaven City Council is underpinned by a strong set of objectives and strategies, determined by extensive community consultation undertaken in 2017 to formulate the City's 'Community Strategic Plan 2017 – 2027'.

The Shoalhaven Arts Board Arts & Cultural Strategic Plan fits within the context of state and national peak bodies who provide valuable research and measures which guide the activities in the region.

At a State Government level the Arts NSW 'Create in NSW' Vision is:

*“NSW will be known for its bold and exciting arts and culture that engage our community and reflect our rich diversity”.*

At the Australian Government Federal level the Australia Council for the Arts purpose is: *“To champion and invest in Australian arts. We do this by supporting excellence across all art forms and leveraging our investment in the arts to support and build a vibrant arts ecology”.*

**Vision:** Make the Shoalhaven a recognised outstanding arts destination that connects people, fosters sustainable communities and celebrates indigenous and contemporary history



**Mission:** Shoalhaven Arts Board actively connects and engages with artists, audiences, businesses and visitors to develop social, cultural, economic and capital excellence



**Values:** Shoalhaven Arts Board values the role of the Arts in stimulating, inspiring and supporting innovative artistic expression that benefits the community





## VISION FOR ART & CULTURE AND THE ROLE OF THE ARTS BOARD

**Council established ‘The Shoalhaven Arts Board’ in 1998.**

**Council recognises the value and place of creative expression, cultural facilities and innovative arts activities, and embraces a strategic direction to facilitate progressive cultural development across the City.**

To guide this development each member of the Shoalhaven Arts Board will be responsible for maintaining and reporting on a specific portfolio.

The Shoalhaven Arts Board membership is made up of representatives from the local Shoalhaven community, including a Local Aboriginal member, and Councillors. Members of the Board come from a range of backgrounds and bring a rich spectrum of skills and capabilities, expertise and advice. The Board aims to include representatives from health and wellbeing, arts institutions, education, arts practitioners, the corporate/business sector and elected Councillors.

The Shoalhaven Arts Board Terms of Reference identify the purpose of the Board as:

- a. To contribute to and develop strategy and policy both for the Shoalhaven City Council as well as in alignment with the Region.
- b. To develop and implement policy, planning and vision for the broad arts within existing resources and use a co-opted panel of peers for professional advice.

They include:

- **Visual Arts**
  - **Heritage and Museum Sector**
  - **Literature**
  - **Performing Arts**
- c. Advocate and maintain specific arts related portfolios
  - d. Advocate and promote Board recommendations

## REVIEW, EVALUATION & REPORTING

The chair and members of the Shoalhaven Arts Board will undertake an annual review and prepare a report to the Board on the Goals, Strategies and Success Indicators. This will be presented at the end of each financial year.

Shoalhaven Arts Board (SAB) Strategic Plan 2017 - 2021

# smART Deals

**Vision:** Make the Shoalhaven a recognised outstanding arts destination that connects people, fosters sustainable communities and celebrates indigenous and contemporary history

**Mission:** Shoalhaven Arts Board actively connects and engages with artists, audiences, businesses and visitors to develop social, cultural, economic and capital excellence

**Values:** Shoalhaven Arts Board values the role of the Arts in stimulating, inspiring and supporting innovative artistic expression that benefits the community



## PEOPLE

- A city that builds inclusive, safe & connected communities
- Activated communities through arts, culture & events
- Active, healthy liveable communities



## PLACE

- Continually improving our road & transport infrastructure
- Manage & plan sustainable development
- Showcase and protect the natural environment



## ECONOMY

- Attracting, retaining and growing business & partnerships
- Maintaining an innovative robust economy & vibrant towns & villages

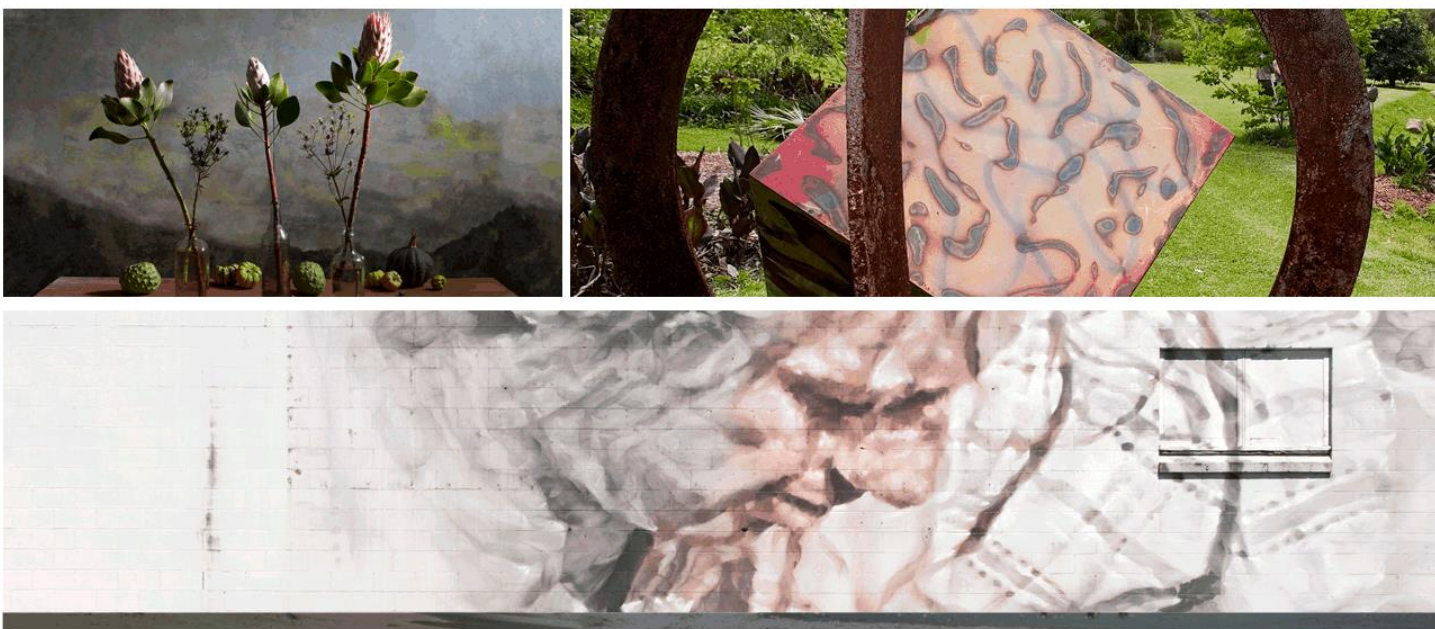


## STEWARDSHIP

- Reliable services that meet daily community needs
- Strong leadership & advocacy through effective government

Key Priorities

GOALS	<b>1. RECOGNITION &amp; ADVOCACY</b>	<b>2. IDENTITY &amp; DESTINATION</b>	<b>3. ENJOYMENT &amp; LEARNING</b>	<b>4. ENRICH &amp; EXPAND THE ARTS</b>	<b>5. ESTABLISHMENT OF AN ARTS FOUNDATION</b>
	<p>The Shoalhaven is a place where participation in arts and culture contributes to innovative and sustainable outcomes that benefit the community</p> <p>This goal seeks to ensure that – together with economic, social and environmental factors - arts and culture is recognised as vital to a healthy, connected and sustainable community</p>	<p>This goal seeks to promote and further develop cultural tourism in the Shoalhaven.</p> <p>The Shoalhaven Arts Board (SAB) will advocate the Shoalhaven as a cultural destination and partner with Shoalhaven Tourism Advisory Group (STAG) to assist in product development</p>	<p>Support opportunities for artistic collaboration in the community</p>	<p>Support stronger ties between the Shoalhaven Regional Gallery (SRG), Libraries and Shoalhaven Entertainment Centre (SEC)</p> <p>Advocate for the development of an Arts &amp; Culture precinct in Nowra</p>	<p>Investigate the feasibility of an Arts Foundation</p> <p>The Foundation would:</p> <ul style="list-style-type: none"> <li>• Support the development &amp; enrichment of broad arts</li> <li>• Fundraise and develop a sustainable principal investment to generate ongoing funds</li> </ul>
	STRATEGIES	STRATEGIES	STRATEGIES	STRATEGIES	STRATEGIES
	<ol style="list-style-type: none"> <li>1. Lobby Council to ensure arts and culture is acknowledged as a vital factor in building sustainable communities.</li> <li>2. Provide advice to Council and stakeholders on how to integrate arts and culture in all elements of planning and policy making</li> <li>3. Advise stakeholders on the development of measurable outcomes for arts projects</li> </ol>	<ol style="list-style-type: none"> <li>1. Support the development of public art projects, including the 'Outdoor Gallery' throughout the Shoalhaven</li> <li>2. Support Arts organisations through grants and donations programs</li> <li>3. Support the development of a curated season of arts and entertainment presented at the Shoalhaven Entertainment Centre</li> <li>4. Support the development of a curated exhibitions calendar at the Shoalhaven Regional Gallery</li> <li>5. Support the expansion of NOW Contemporary Art Exhibition to become a biennial regional prize</li> </ol>	<ol style="list-style-type: none"> <li>1. Encourage audience development across the arts and culture sector</li> <li>2. Promote public programs</li> <li>3. Support the volunteer network across the sector</li> </ol>	<ol style="list-style-type: none"> <li>1. Provide advice on City Art Collection purchases, as per the Collection Policy</li> <li>2. Champion and support the development of a powerful presence for the arts in the Shoalhaven.</li> <li>3. Be active in the promotion of Shoalhaven Arts grants</li> <li>4. Act as ambassadors for arts and culture to inform the community and visitors regarding arts and cultural activities, attractions and projects</li> </ol>	<ol style="list-style-type: none"> <li>1. Review the progress of the business case in support of the creation of a Foundation</li> </ol>
INDICATORS	<ol style="list-style-type: none"> <li>1. Recognise and advocate for Council's support and investment in arts and culture</li> <li>2. Successful recommendations by SAB to Council on behalf of the Community</li> <li>3. Regular attendance at arts and culture events</li> <li>4. Provide moral and written support of grant applications</li> </ol>	<ol style="list-style-type: none"> <li>1. Evidence of quality public arts, festivals &amp; events in the Shoalhaven</li> <li>2. The awarding of SAB Grants annually for projects that support the development of a sense of place</li> </ol>	<ol style="list-style-type: none"> <li>1. Promotion and attendance at annual events in recognition of the contribution of volunteers</li> <li>2. Increase in number of Arts Board website page views</li> </ol>	<ol style="list-style-type: none"> <li>1. Lobby for improved funding and support to expand the Grants &amp; Awards Program</li> <li>2. Support the development of the City Art Collection through acquisitions</li> <li>3. Evaluate acquittals and outcomes from Arts Grants and review arts grants guidelines</li> </ol>	<ol style="list-style-type: none"> <li>1. Continued investigation into the establishment of a financially sustainable foundation</li> </ol>



[shoalhaven.nsw.gov.au/My-Community/Arts/Shoalhaven-Arts-Board](http://shoalhaven.nsw.gov.au/My-Community/Arts/Shoalhaven-Arts-Board)

Disclaimer: Information is up to date, but does not guarantee the accuracy, reliability or currency of the information.



## CL17.235 Report of the Shoalhaven Traffic Committee - 12 September 2017

HPERM Ref: D17/303918

**Attachments:**

- 1. TRAF 2017-69 [↓](#)
- 2. TRAF 2017-70 [↓](#)
- 3. TRAF 2017-71 [↓](#)
- 4. TRAF 2017-72 [↓](#)
- 5. TRAF 2017-73 [↓](#)
- 6. TRAF 2017-74 [↓](#)

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

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

### **IMPORTANT NOTE:**

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

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

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

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

**TC17.67 School Bus Zone and Drop off / Pick up Improvements - Terara Public School, Millbank Road, Terara (PN 3368)**

**HPERM Ref:  
D17/294984**

### **Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange for the installation of the following improvements on Millbank Road, adjacent to Terara Public School, Terara, as detailed in the attached TRAF2017/69:

1. Install double barrier (BB) centre line marking and edge (E1) line marking along Millbank Road from its intersection with South Street, Terara to the southern end of the 40kph school speed zone (370m approx.), delineating the bus zone with continuity (C1) line marking.
2. Amend the existing bus zone time restriction to 8am to 9.30am and 2.30pm to 4pm school days, from 2.45pm to 3.15pm school days.
3. Amend the existing No Parking zone time restriction to 8am to 9.30am and 2.30pm to 4pm school days, from 8am to 9.30am school days.

CL17.235



**TC17.68 Proposed Vehicle Control Measures - Captain Street, Blenheim Beach Reserve, Vincentia (PN 3411)**

**HPERM Ref:  
D17/295002**

**Recommendation**

That the General Manager (Director Assets and Works) be advised that the committee has no objection to the proposed vehicle control measures being installed at the intersection of Elizabeth Drive and Captain Street (Blenheim Beach Reserve), Vincentia as detailed in the attached plan TRAF 2017/70.

1. Subject to sign posting being installed adjacent to the proposed gate and "Road Closed" signage to have the effect of permitting ongoing access for pedestrians and cyclists.

**TC17.69 Regulatory Signage and Line Marking - Ocean Street, Mollymook (PN 3429)**

**HPERM Ref:  
D17/295042**

**Recommendation**

That the General Manager (Director Assets and Works) be advised that the committee has no objection to the proposed signage and line marking to be installed in conjunction with the Mollymook All Abilities Play space in the reserve off Ocean Street, Mollymook, as detailed in the attached plan TRAF2017/71.

**TC17.70 Disabled Parking Space - SEC Car Park, Graham Street, Nowra (PN 3431)**

**HPERM Ref:  
D17/295055**

**Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange for the installation of a dedicated parking space for people with disabilities and associated shared zone adjacent to the rear access ramp to the Shoalhaven Entertainment Centre (SEC) car park, Nowra, as detailed in the attached plan TRAF 2017/72.

**TC17.71 Amendments to Loading Zone - Egans Lane, Nowra (PN 3432)**

**HPERM Ref:  
D17/295065**

**Recommendation**

That the General Manager (Director Assets and Works) be requested to arrange the amendment of 12m (approx.) of the existing loading zone to a No Stopping, on the southern side of Egans Lane, adjacent to 21 Kinghorne Street, Nowra, as detailed in the attached TRAF 2017/73.

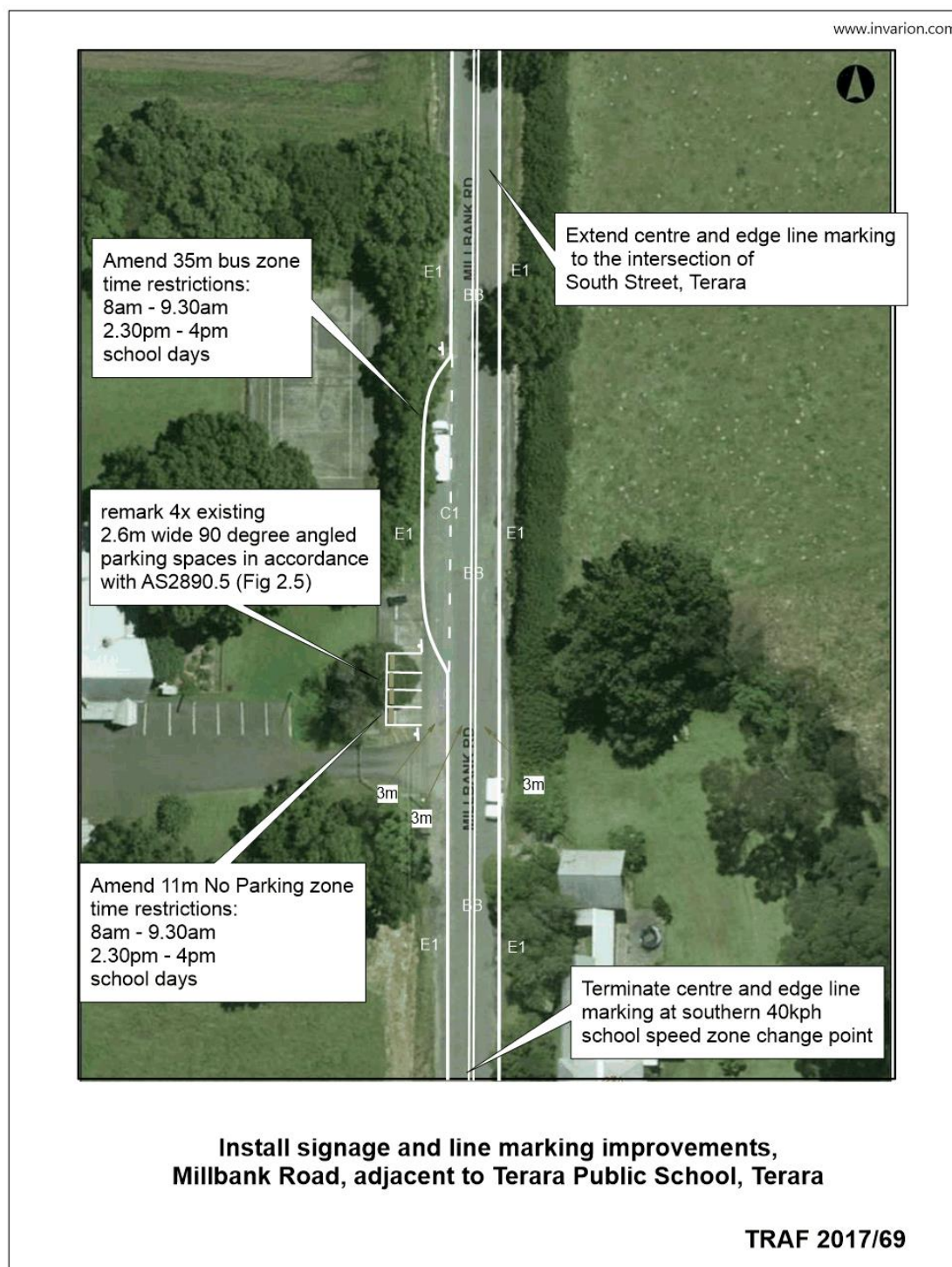
**TC17.72 No Stopping Zone - South Street, Ulladulla (PN 3433)**

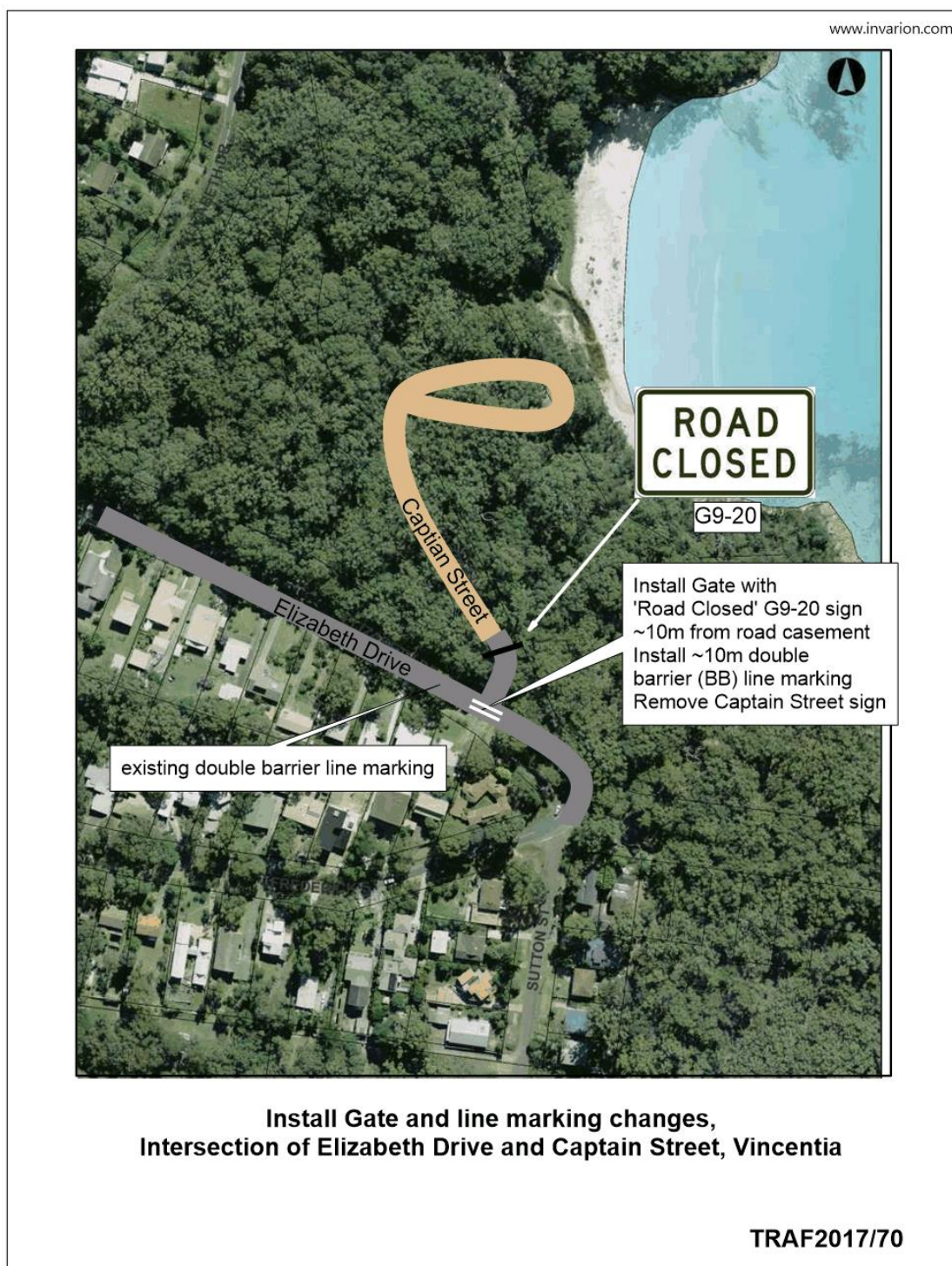
**HPERM Ref:  
D17/295074**

**Recommendation**

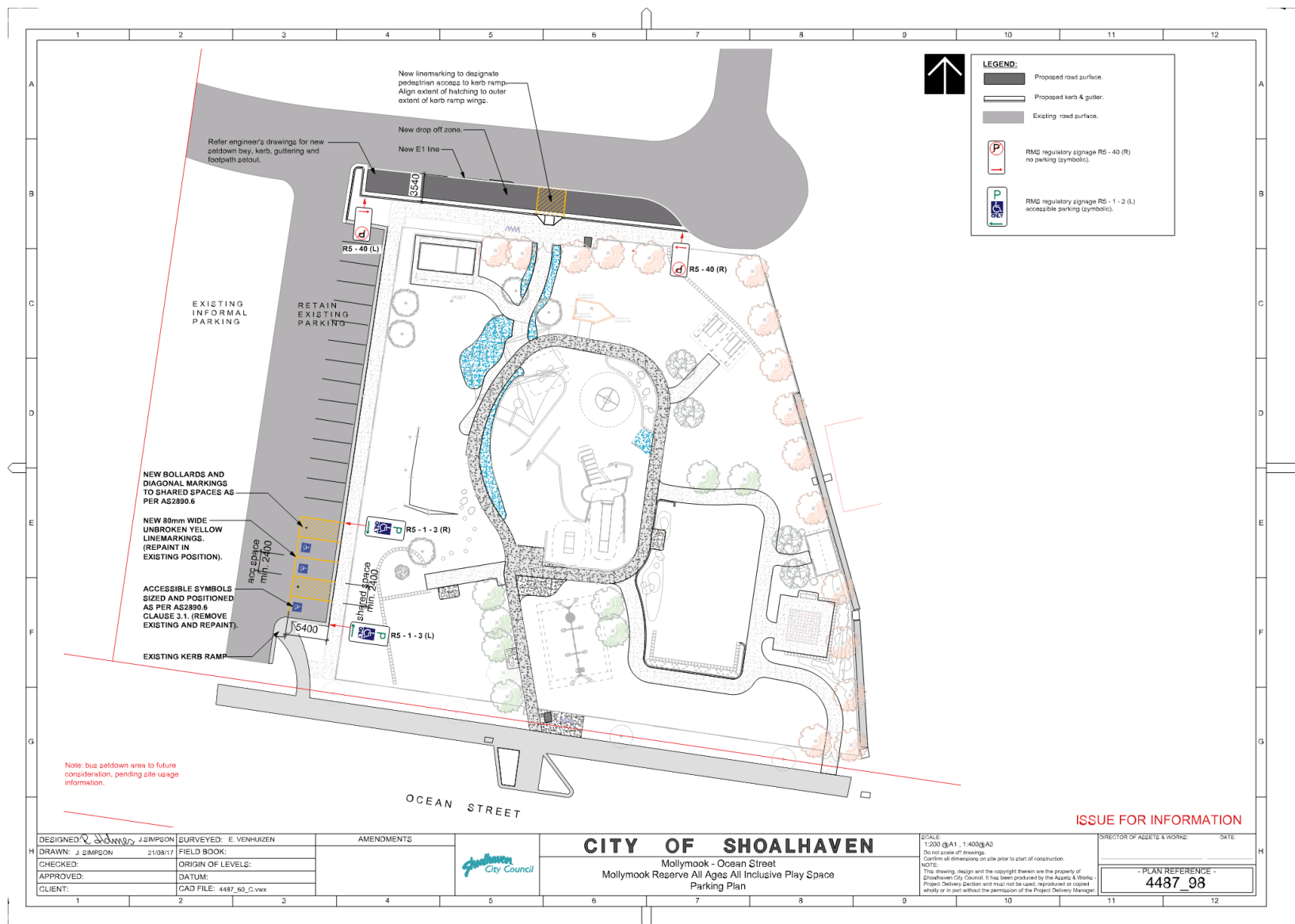
That the General Manager (Director Assets and Works) be requested to arrange for the installation of a 15m (approx.) No Stopping zone on the southern side of South Street, immediately east of Pindari Place, Ulladulla, as detailed in the attached plan TRAF 2017/74.

CL17.235





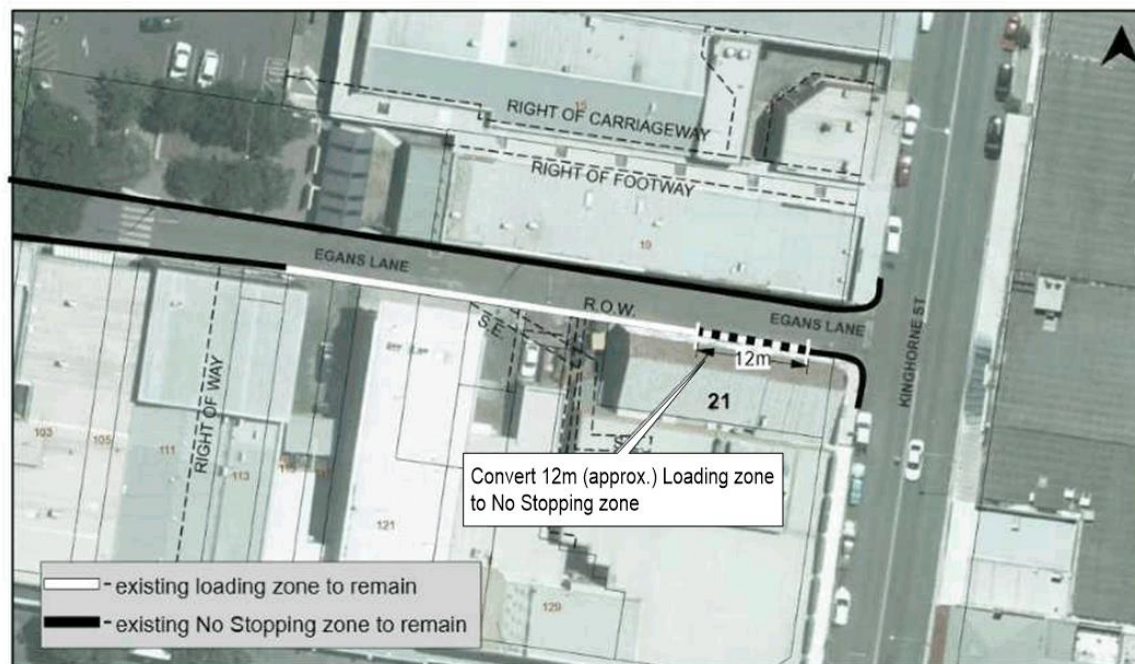






**Install dedicated parking space for people with disabilities  
and associated shared zone**  
**Rear car park access, Shoalhaven Entertainment Centre, Nowra**

TRAF 2017/72



**Amend existing loading zone to No Stopping zone  
Egans Lane, Nowra**

TRAF 2017/73





## CL17.236 Election of Deputy Mayor and Assistant Deputy Mayor

HPERM Ref: D17/305585

Group: General Manager's Group

### Purpose / Summary

To elect a Deputy Mayor and Assistant Deputy Mayor for the period to September 2018.

### Recommendation

That Council determine the method of election and then conduct an election for Deputy Mayor and Assistant Deputy Mayor for the period until September 2018.

### Options

1. Elect and appoint the Deputy Mayor and the Assistant Deputy Mayor. (as recommended)
2. Elect and appoint a Deputy Mayor only.

### Background

Under the provisions of Section 231 of the Local Government Act 1993 (LG Act) the Councillors may elect a person from among their members to be the Deputy Mayor. A Deputy Mayor may be elected for the Mayoral term or a shorter term. The recommendation provides for the position to be filled for one year.

Council has previously appointed an Assistant Deputy Mayor who may exercise the function of Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising the function of the Deputy Mayor. Election to the position of Assistant Deputy Mayor should follow the same procedure as for Deputy Mayor if Council considers the position is required.

Council at its meeting on 4 October 2016 elected Cllr Kitchener as Deputy Mayor and Cllr White as Assistant Deputy Mayor.

The Deputy Mayor or the Assistant Deputy Mayor in his/her absence may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.

The Deputy Mayor also has a specific function under Section 369:

#### *369 Who presides at meetings of the council?*

- (1) The mayor or, at the request of or in the absence of the mayor, the **deputy mayor** (if any) presides at meetings of the council.
- (2) If the mayor and the **deputy mayor** (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

The method of election is as follows:



**i. Returning Officer**

The General Manager (or a person appointed by the General Manager) is the Returning Officer. The General Manager has appointed Director Finance, Corporate and Community Services as the Returning Officer.

**ii. Nominations**

- a) A Councillor may be nominated without notice for election as Deputy Mayor, and that Councillor has indicated consent to the nomination.
- b) The nomination can also be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- c) The nomination is to be delivered or sent to the Returning Officer.
- d) The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is held.

It would be appreciated if nominations could be in the hands of the Returning Officer by 12 Noon on Tuesday 26<sup>th</sup> September 2017 to allow ballot papers to be prepared should there be more than one candidate and Council elects to proceed by preferential or ordinary ballot. However, this does not preclude nominations being lodged under part (a) above.

**iii. Election**

- a) If only one Councillor is nominated, that Councillor is elected.
- b) If more than one Councillor is nominated, the Council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting. (ie. show of hands)
- c) The election is to be held at the Council meeting at which the Council resolves on the method of voting.
- d) In this clause:
  - (1) **Ballot** has its normal meaning of secret ballot;
  - (2) **Open voting** means voting by a show of hands or similar means.
- e) In the event of an equal number of ballots being cast for the position of Deputy Mayor or Assistant Deputy Mayor, the position shall be determined by draw. In the event of a draw the name drawn shall be the Councillor appointed to the position.

CL17.236

## CL17.237 Ordinary Meeting - Order of Business

**HPERM Ref:** D17/305645

**Group:** General Manager's Group

### Purpose / Summary

The Local Government (General) Regulation 2005 states that at a meeting of the Council (other than an Extra Ordinary meeting) the General Order of Business is as fixed by the Council's Code of Meeting Practice or as fixed by resolution of the Council.

### Recommendation

That Council adopt the Order of Business, as follows, for the Ordinary Meetings of Council:

1. Acknowledgement of Traditional Custodians
2. Opening Prayer
3. Australian National Anthem
4. Apologies/Leave of Absence
5. Confirmation of Minutes
6. Declarations of Interest
7. Presentation of Petitions
8. Mayoral Minutes
9. Deputations & Presentations
10. Notices of Motion and Questions on Notice
11. Report of Committees
12. Report of the Shoalhaven Traffic Committee
13. Officers Reports
14. Addendum Reports
15. Confidential Report of the General Manager

\*If any items of business require attendance of specialist staff (eg Legal, Insurance, Property) then Council will generally consider those items following the Deputations

### Options

1. Council adopt the order of business as show in the recommendation.
2. Council change the order of business (eg. no longer having an opening prayer &/or play the Australian National Anthem)

CL17.237

**Background**

Council's Code of Meeting Practice provides that "the Order of Business" on the Agenda for Council and Committee Meetings be as fixed by the Code or by resolution of Council".

Council's Code of Meeting Practice provides a procedure whereby priority can be given to those items of business of particular interest to members of the public present at the meeting if the Council so resolves.

## CL17.238 Determination of Core Committees

**HPERM Ref:** D17/306832

**Group:** General Manager's Group

### Purpose / Summary

In accordance with Clause 260 of the Local Government General Regulation 2005, a Council may appoint or elect such committees as it considers necessary. In regard to such committees Council must specify the functions or delegation, membership and quorum of each Committee.

### Recommendation

That

1. Pursuant to Section 355(b) – Local Government Act ,1993 and Clause 260 of the Local Government (General) Regulation, 2005 Council establish the 'Core' Council Committees as:
  - a. Strategy and Assets Committee
  - b. Development Committee
2. The Delegations of the Strategy and Assets Committee be as follows:

#### Strategy and Assets Committee

THAT 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

- a. Make recommendations to Council and, where permitted under legislation 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;
- b. 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.

CL17.238

- c. 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;
- d. Monitor, review and consider matters relating to the operations and strategic direction of Council's Holiday Haven Tourist Parks Group;
- e. 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;
- f. 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;
- g. 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;
- h. Make recommendations to Council in respect of fees and charges for water and wastewater services provided by Council;
- i. Develop, implement, review and adopt strategic policies for water, sewerage and effluent operations of Council;
- j. Undertake preliminary investigations (feasibility, cost benefit, risk analysis, etc.) into development opportunities for Council's strategic land holdings and make recommendations to Council.
- k. Review and make recommendations to Council in relation to:
  - i. The sale prices of land in connection with residential and industrial Council subdivisions;
  - ii. The sale of Council property or the purchase or resumption of land;
  - iii. The compensation to be offered in respect of land resumed by Council; and
  - iv. 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.
- l. To determine tenders except those tenders required by law to be determined by full Council (MIN17.334).

3. The Delegations of the Development Committee be as follows:

**Development Committee**

THAT pursuant to s377 (1) of the Local Government Act 1993 the Committee is delegated the functions conferred on Council by the Environmental Planning & Assessment Act 1979 (EPA Act), Local Government Act 1993 (LG Act) or any other Act or delegated to Council, as are specified in the attached Schedule, subject to the following limitations:

- i. The Committee cannot make a decision to make a local environmental plan to classify or reclassify public land under Division 1 of Part 2 of Chapter 6 of the LG Act;
- ii. The Committee cannot review a s82A or s96AB EPA Act determination made by the Council or by the Committee itself;
- iii. The Committee cannot exercise any function delegated to the Council which by the terms of that delegation cannot be sub-delegated;

- iv. The Committee cannot exercise any function which s377(1) of the LG Act provides cannot be delegated by Council; and
- v. 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.

#### SCHEDULE

- a. All functions relating to the preparation, making, and review of local environmental plans (LEPs) and development control plans (DCPs) under Part 3 of the EPA Act.
  - b. All functions relating to the preparation, making, and review of contributions plans and the preparation, entry into, and review of voluntary planning agreements under Part 4 of the EPA Act.
  - c. The preparation, adoption, and review of policies and strategies of the Council in respect of town planning and environmental matters and the variation of such policies.
  - d. Determination of variations to development standards related to development applications under the EPA Act where the development application involves a development which seeks to vary a development standard by more than 10% and the application is accompanied by a request to vary the development standard under clause 4.6 of Shoalhaven Local Environmental Plan 2014 or an objection to the application of the development standard under State Environmental Planning Policy No. 1 – Development Standards.
  - e. Determination of variations from the acceptable solutions and/or other numerical standards contained within the DCP or a Council Policy that the General Manager requires to be determined by the Committee
  - f. Determination of development applications that Council requires to be determined by the Committee on a case by case basis.
  - g. Review of determinations of development applications under sections 82A and 96AB of the EP&A Act that the General Manager requires to be determined by the Committee.
  - h. Preparation, review, and adoption of policies and guidelines in respect of the determination of development applications by other delegates of the Council.
4. The membership and quorums be as set as follows:
- a. Strategy and Assets Committee
    - Membership:
      - Mayor
      - All Councillors
      - General Manager (or nominee)
    - Chairperson has casting vote
    - Quorum: Five (5)
  - b. Development Committee
    - Membership:
      - Mayor
      - All Councillors
      - General Manager (or nominee)

- Chairperson has casting vote
  - Quorum: Five (5)
5. That a Chairperson and Deputy Chairperson be appointed for each of the Core Committees:
- a. Development Committee
    - i. Chairperson
    - ii. Deputy Chairperson
  - b. Strategy and Assets Committee
    - i. Chairperson
    - ii. Deputy Chairperson

### Options

1. Establish the proposed Core Council Committees including the functions, delegation, membership and quorum.

Implications: No change of procedure, delegation or meeting practice is required.

2. Establish the proposed Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Should council wish to change the functions of committees, changes to procedures and the Code of Meeting Practice may be required. Should amended delegations be proposed for a Committee, it may be prudent to obtain legal advice on the impact of those changes to ensure decisions are legally valid.

3. Establish different Core Council Committees with changes in functions, delegation, membership or quorum.

Implications: Changes to procedures and the Code of Meeting Practice may be required, and, it would be prudent to obtain legal advice on the the proposed delegations of the Core Committee to ensure decisions are legally valid.

4. Disestablish the core committees and revert to two council meetings per month.

Implications: replacing three meeting (two committee/one council) with two meetings per month may result in longer council meetings. Consideration would have to be given to the options of starting earlier; considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having council consider matters only once rather than becoming a recommendation from a committee. Committees however can be less formal and engender more discussion.

### Background

The delegations proposed in this report reflect legal advice obtained in 2016 with respect to the functions of the Core Committees outlined in this report.

Strategy and Assets Committee

At the Ordinary Meeting 26 April 2017 (MIN17.334) Council resolved to

1. Delegate authority to the Strategy & Assets Committee to determine and accept all tenders with a value of \$1M or more, except those tenders required by law to be determined by full Council;
2. Delegate authority to the General Manager to determine and accept any tenders with a value less than \$1M except those tenders required by law to be determined by full Council; and
3. Delegate authority to the General Manager to determine and accept any tenders initiated by the Illawarra (Pilot) Joint Organisation (IPJO) on behalf of all or a majority of member councils.

Part 1 of this resolution has been included in the delegations for the Strategy & Assets Committee with an amendment to allow the committee to determine tenders of any value. This allows the committee to determine tenders in which the General Manager has declared an interest.

Part 2 & 3 of the resolution have been included in the General Manager's Instrument of Delegation.

Development Committee

The proposed changes to the charter of the development committee (Schedule in recommendation) are proposed to ensure that requests for review of a determination under Section 82A (development application) and 96AB (modification application) of Environmental Planning and Assessment Act for relatively minor development proposals can be reviewed by staff in accordance with the legislative provisions. The intent is that the more significant or contentious proposals would be reported to the development committee for review at the discretion of the general manager as it is considered that this was the original intent. The development committee would retain the ability to pass a resolution to require a specific review application to be reported to the development committee for determination as is the case currently with development applications.

The modification to the charter in relation to variations to development standards is only to correct terminology as an application to vary a development standard is not a breach

A Council must specify the function, purpose and delegation of each of its committees when such a committee is appointed or elected but may amend those functions or purpose and delegation from time to time.

Such a committee is to consist of The Mayor, and such other Councillors as are elected by the Councillors or appointed by Council.

The Chairperson of each committee (i.e. a committee consisting of only Councillors) of Council must be:

- a) The Mayor; or
- b) If the Mayor does not wish to be the Chairperson of the Committee – a member of the Committee elected by the Council; or
- c) If the Council does not elect such a member – a member of the committee elected by the Committee.

As the Council has historically included the General Manager as a member of committees the Local Government Act provision relating to Chairmanship does not apply.

A Council may elect a member of a committee of the Council as Deputy Chairperson of the committee. If the Council does not elect a Deputy Chairperson of such a committee, the committee may elect a Deputy Chairperson.



If neither the Chairperson nor the Deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be the Acting Chairperson of the committee.

The Chairperson is to preside at a meeting of a committee of a Council. If the Chairperson is unable or unwilling to preside, the Deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the Deputy Chairperson is able or willing to preside, the Acting Chairperson is to preside at the meeting.

The quorum for a meeting of such a committee is to be:

- a) Such number of members as the Council decides; or
- b) If the Council has not decided a number – a majority of the members of the committee.

It should be noted that recent amendments to the Local Government Act 1993 which do not yet have a commencement date, will result in a 'Model' Code of Meeting Practice for NSW Councils. This will likely impact on meeting procedure and may impact on the membership, quorum and other features of 'Core' Committees. Reports will be provided to Council when further information comes to hand.

### **Community Engagement**

No community engagement has occurred in relation to the proposed Core Committees.

## CL17.239 Determination of Date and Time of "Core" Council Committee Meetings, Ordinary Meetings and Councillor Briefings

**HPERM Ref:** D17/306869

**Group:** General Manager's Group

**Attachments:** 1. Proposed schedule of Meetings [↓](#)

### Purpose / Summary

To set the time, date and place for the meeting cycle of Ordinary and Committee meetings.

### Recommendation

That Council:

1. Adopt a schedule of meeting dates as per the attached schedule providing:
  - a. a Three (3) week cycle of meeting dates per month, held on a Tuesday as follows:
    - i. Week 2 – Development Committee
    - ii. Week 3 – Strategy and Assets Committee;
    - iii. Week 4 – Ordinary Meeting.
  - b. Meetings and briefings not being held during the following periods:
    - i. Local Government Association Conference - 4 to 6 December 2017
    - ii. Christmas break, including the first Two (2) weeks of January 2018
    - iii. Easter break
    - iv. Australian Local Government Association General Assembly – 17 to 20 June 2018
    - v. The second and third weeks of July 2018 (school holidays).
2. Reaffirm the authorisations to the General Manager as set out in the report; and
3. Determine the start time for Council and Committee meetings to be generally at 5.00pm
4. Determine the start time for Councillor Briefings to be generally at 4:00 pm.

### Options

1. Adopt the recommendation as outlined in the report.

Implications: This is contingent on council maintaining extensive delegations to the Development & Strategy & Assets Committees to avoid too much business on the monthly council meeting agenda.

2. Disestablish the "Core" committees and have two council meetings per month instead.

Implications: replacing three meeting with two meetings per month may result in longer council meetings. Consideration would have to be given to the options of starting earlier;

considering deputations at a different time slot or applying stricter time controls; deleting the anthem and/or prayer. Efficiencies could arise by having council consider matters only once rather than becoming a recommendation from a committee. Committees however can be less formal and engender more discussion.

3. Adopt an amended schedule of meetings (change day/week), authorisations to the General Manager or meeting commencement times.

### **Background**

Council's Code of Meeting Practice states that "The Council shall, by resolution, set the time, date and place for the meeting cycle of ordinary and committee meetings in accordance with Section 365 – Local Government Act (namely at least ten times each year, each time in a different month).

It is recommended that Council adopt the following authorisation to the General Manager:

- a) Calling of Special Committee Meetings and Briefing Sessions: the General Manager be authorised to call Special Meetings or Briefing Sessions for any of the Core or Advisory Committees and Boards.
- b) Commencement Time for Regular Council Committees: the General Manager be authorised to make changes to the commencing time for the Core Council Committees where appropriate.
- c) Advisory Committees – Frequency of Meetings: Advisory Committees to meet as adopted by Council subject to the General Manager, in consultation with the Chairperson, being authorised to call meetings on a more regular basis to consider urgent and/or important business.
- d) To allow the General Manager to consider alternate venues for the Ordinary Meeting of Council in special circumstances, provided that at least one meeting per year is held in both Ulladulla and within the Central Shoalhaven each year.

### **Financial Implications**

The frequency and time dedicated to Committee meetings have a direct correlation with the administrative costs of those meetings.

CL17.239

**Proposed Schedule of Ordinary Meetings and Core Committee Meetings – Nov 2017 to Oct 2018**

<b>November 2017</b>		
Tuesday 14	5:00 pm	Development Committee
Tuesday 21	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
<b>December 2017</b>		
Monday 11	5:00 pm	Development Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 19	5:00 pm	Ordinary Meeting
<b>January 2018</b>		
Monday 22	5:00 pm	Development Committee
Tuesday 23	5:00 pm	Strategy & Assets Committee
Tuesday 30	5:00 pm	Ordinary Meeting
<b>February 2018</b>		
Tuesday 13	5:00 pm	Development Committee
Tuesday 20	5:00 pm	Strategy & Assets Committee
Tuesday 27	5:00 pm	Ordinary Meeting
<b>March 2018</b>		
Tuesday 13	5:00 pm	Development Committee
Tuesday 20	5:00 pm	Strategy & Assets Committee
Tuesday 27	5:00 pm	Ordinary Meeting
<b>April 2018</b>		
Tuesday 10	5:00 pm	Development Committee
Tuesday 17	5:00 pm	Strategy & Assets Committee
Tuesday 24	5:00 pm	Ordinary Meeting
<b>May 2018</b>		
Tuesday 8	5:00 pm	Development Committee
Tuesday 15	5:00 pm	Strategy & Assets Committee
Tuesday 22	5:00 pm	Ordinary Meeting
<b>June 2018</b>		
Tuesday 5	5:00 pm	Development Committee
Tuesday 12	5:00 pm	Strategy & Assets Committee
Tuesday 26	5:00 pm	Ordinary Meeting
<b>July 2018</b>		
Monday 23	5:00 pm	Development Committee
Tuesday 24	5:00 pm	Strategy & Assets Committee
Tuesday 31	5:00 pm	Ordinary Meeting
<b>August 2018</b>		
Tuesday 14	5:00 pm	Development Committee
Tuesday 21	5:00 pm	Strategy & Assets Committee
Tuesday 28	5:00 pm	Ordinary Meeting
<b>September 2018</b>		
Tuesday 11	5:00 pm	Development Committee
Tuesday 18	5:00 pm	Strategy & Assets Committee
Tuesday 25	5:00 pm	Ordinary Meeting
<b>October 2018</b>		
Tuesday 16	5:00 pm	Development Committee
Tuesday 23	5:00 pm	Strategy & Assets Committee
Tuesday 30	5:00 pm	Ordinary Meeting

Christmas Break – Monday 25 December 2017 to Sunday 21 January 2018

Australia Day – Friday 26 January 2018

Easter – Friday 30 March – Monday 2 April 2018

Anzac Day – Wednesday 25 April 2018

Australian Local Government Association National General Assembly – Sunday 17 to Wednesday 20 June 2018

Queen's Birthday – Monday 11 June 2018

Mid Year Break – Monday 9 July to Friday 20 July 2018

Labour Day – Monday 1 October 2018

## CL17.240 Community Consultation & Committee System

**HPERM Ref:** D17/306924

**Group:** General Manager's Group

### Purpose / Summary

To determine the Councillor membership, confirm or disband the purpose/objective, delegated authority and quorum of Council's Committees.

### Recommendation

That Council

1. Establish the Risk and Audit Committee (39763E) pursuant to Section 355 – Local Government Act and pursuant to Section 377 - Local Government Act authorize the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit Committee charter with the objective, membership, sitting fee, and quorum as outlined in the report. – CL17.241
2. Establish the Regional Development Committee (39964E) pursuant to Section 355 and Section 377 of the Local Government Act, with purpose, delegation, membership and quorum as outlined in the report. – CL17.242
3. Establish the Senior Staff Contractual Matters Committee (5001E) pursuant to Section 355 and Section 377 of the Local Government Act, with purpose, delegation, membership and quorum as outlined in the report. – CL17.243
4. Establish the following Boards, Advisory Committees, Working Parties and Reference Groups with the purpose, delegation (if applicable) Pursuant to Section 355 and Section 377 – Local Government Act, membership and quorum detailed in the reports below:
  - a. Aboriginal Advisory Committee – CL17.244
  - b. Business and Employment Development Committee – CL17.245
  - c. Children's Services Reference Group – CL17.246
  - d. Council Bushcare Representative Group – CL17.247
  - e. Homelessness Taskforce Shoalhaven – CL17.248
  - f. Nowra CBD Revitalisation Strategy – CL17.249
  - g. Rural Fire Service Strategic Planning Committee – CL17.250
  - h. Shoalhaven Access Advisory Committee – CL17.251
  - i. Shoalhaven Arts Board – CL17.252
  - j. Shoalhaven City Mayor's Relief Fund – CL17.253
  - k. Shoalhaven Natural Resources & Floodplain Management Committee – CL17.255
  - l. Shoalhaven Sports Board – CL17.256
  - m. Shoalhaven Tourism Advisory Group – CL17.257
  - n. Sustainable Futures Committee – CL17.258
  - o. Youth Advisory Committee – CL17.259
5. Disband the Shoalhaven Heads Estuary Taskforce. – CL17.254

CL17.240

## Options

1. That the current Committees (with the exception of the Shoalhaven Heads Estuary Taskforce), with their existing purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the report be adopted by the Council.

Implications: This will continue current resourcing allocations and community membership.

2. That the current Committees, with their existing purpose, terms of reference, delegations, membership and meeting frequency, as outlined in the report be adopted by the Council.

Implications: This will continue current resourcing allocations and community membership.

3. That the proposed list of committees be altered, and /or those purpose, terms of reference, delegations, membership and meeting frequency, be amended.

Implications: Dependant upon the extent of the amendments, resources for the administration & support of Committees and other resource allocations may be impacted.

## Background

At the commencement of each term, the Council establishes its system of community consultation in terms of the system of advisory and other committees to inform the Council. These Committees are reviewed each year, usually in September, and other amendments are proposed to the Council throughout the term, when identified or required.

Outlined in the items below is the existing Committee system of the Council as at the end of the 2016-2017 term for consideration of the Council for the ensuing 12 month period.

## CL17.241 Risk and Audit Committee

**HPERM Ref:** D17/306936

**Group:** General Manager's Group

### Purpose / Summary

The Risk and Audit Committee is recommended to be continued as previously appointed by the Council and outlined below. It should be noted that subsequent amendments to this Committee may be provided for the consideration of Council within this term to reflect the August 2016 amendments to the Local Government Act 1993, arising from the assent of the Local Government Amendment (Governance and Planning) Bill 2016. Council is awaiting further direction of the Office of Local Government on those changes.

### Recommendation

That Council establish the Risk and Audit Committee (39763E) pursuant to Section 355 – Local Government Act and pursuant to Section 377 - Local Government Act authorize the Committee to carry out the roles and responsibilities in accordance with the Audit Committee guidelines published by the Office of Local Government and Council's Audit Committee charter with the objective, membership, sitting fee, and quorum as follows:

<u>Meetings per year</u> – 5 & others as required <u>Commencement time</u> – 4pm	<u>Quorum</u> – Three (3) – including 1 Councillor & 1 External member
<b>Objective:</b> The objective of the Risk and Audit Committee is to provide independent assurance and assistance to Shoalhaven City Council on risk management, control, governance, and external accountability responsibilities.	
<b>Chairperson</b> - Independent Member appointed by Committee	
<b>2016-2017 Councillor / Staff Membership</b> Clr Levett Clr Guile Clr White (Alternate Member)	<b>2017-2018 Councillor / Staff Membership</b>
<b>Independent Community Representatives</b> Dr Philip Ross – Chairperson – independent person (until 31/12/18) - Ms Diana Price – independent person (until 31/12/19) Mr Peter McLean - independent person (until 31/01/20)	
<b>Sitting Fee for Community Members</b> Monthly payment of \$250 on the proviso 80% of meetings are attended <u>plus</u> a travel per kilometre allowance based on the Councillor rates for external members only.	

CL17.241

## CL17.242 Regional Development Committee

**HPERM Ref:** D17/306951

**Group:** General Manager's Group

### Recommendation

That Council establish the Regional Development Committee (39964E) pursuant to Section 355 and Section 377 of the Local Government Act.

<u>Meetings per year</u> – As Required No set commencement time	<u>Quorum</u> – Three (3)
<b>Objective:</b> To Consider staff reports sent to the Joint Regional Planning Panel	
<b>Delegation:</b> To make determinations in support or otherwise in relation to reports sent to the Joint Regional Planning Panel, including making representations to the Joint Regional Planning Panel	
<b>Chairperson</b> – Appointed by Council	
<b>2016-2017 Membership</b> Clr Findley (Chairperson) All Councillors General Manager or nominee	<b>2017-2018 Membership</b>

CL17.242



## CL17.243 Senior Staff Contractual Matters Committee

HPERM Ref: D17/307053

Group: General Manager's Group

### Recommendation

That Council establish the Senior Staff Contractual Matters Committee pursuant to Section 355 and Section 377 of the Local Government Act.

<u>Meetings per year</u> – As required No set commencement time	<u>Quorum</u> – Five (5)
<b>Purpose and Delegated Authority</b> The Committee be delegated authority under Section 377 of the Local Government Act to: <ol style="list-style-type: none"> <li>1. Review the General Managers performance against the agreement, at least annually.</li> <li>2. Deal with matters relating to requirements of the contract including the annual review of remuneration and to make any determinations where necessary.</li> <li>3. Receive the General Manager's annual reports on other Senior Staff contracts where Council is required to deal with contractual matters.</li> <li>4. Consider and determine :               <ul style="list-style-type: none"> <li>• The organisational structure.</li> <li>• Industrial Relations Policy.</li> </ul> </li> </ol> Other staff matters requiring Council consideration	
<b>Chairperson</b> – Appointed by Council	
<b>2016-2017 Councillor / Staff Membership</b> Mayor Clr Findley (Chairperson) All Councillors General Manager	<b>2017-2018 Councillor / Staff Membership</b> Clr (Chairperson)
<u>Sub- Committee to undertake Delegations 1&amp;2:</u> CHAIRPERSON – Mayor Deputy Mayor (Clr Kitchener) Clr Gartner Clr Guile / Gash	<u>Sub- Committee to undertake Delegations 1&amp;2:</u> - resolved 25 July 2017 until Sept 2018 CHAIRPERSON - Mayor Deputy Mayor Clr Gartner Clr Gash

CL17.243

## CL17.244 Aboriginal Advisory Committee

**HPERM Ref:** D17/307067

**Group:** General Manager's Group

### Recommendation

That Council establish the Aboriginal Advisory Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4)	Quorum – Five (5)
Commencement time – 4pm	Terms of Reference: POL16/172: Amended: 28 February 2017
<b>Purpose</b> To provide appropriate and considered advice to Council on all relevant issues affecting Aboriginal and Torres Strait Islander people within the Shoalhaven LGA, and to influence Council's support & intent in achieving their objectives for the current Statement of Commitment 2010 (SoC) and the Shoalhaven City Council Community Strategic Plan 2023 (SCCSP).	
<b>Role of the Committee</b> All members are encouraged to become actively involved in the business of the AAC and to be an advocate between community and Council. The role of the Committee is: <ul style="list-style-type: none"> <li>• To advise Shoalhaven City Council on necessary issues relating to Aboriginal communities in the LGA.</li> <li>• Promote and increase knowledge &amp; understanding of Aboriginal society, history &amp; culture in the LGA.</li> <li>• Facilitate access and accessibility to services and facilities for Aboriginal people.</li> <li>• Advise on the development and implementation of the Shoalhaven City Council Community Strategic Plan.</li> <li>• Develop strong collaborative partnerships between Aboriginal communities and Shoalhaven City Council.</li> <li>• Maintain strong links between Council and Aboriginal communities throughout the Shoalhaven to accomplish the relationships and outcomes required for genuine reconciliation.</li> <li>• Foster and safeguard a spirit of mutual trust and respect which allows the AAC and Shoalhaven City Council to work together in their commitment towards intelligent, well informed decision making processes that are sensitive to all Aboriginal issues.</li> <li>• Recognise, support &amp; uphold past and present local cultural heritage and its place in future Council directions.</li> <li>• Remain a meaningful 'place' for the communication of messages and information from Aboriginal community voices that identify local needs for services, facilities and activities.</li> <li>• Support and promote significant celebrations and events within the Shoalhaven Aboriginal and Torres Strait Islander community.</li> </ul>	
<b>Delegation – NIL</b>	
<b>Chairperson &amp; Co-Chairperson – Appointed by Committee</b>	
<b>2016-2017 Councillor / Staff Membership</b> Clr Findley (Mayor) Clr White	<b>2017-2018 Councillor / Staff Membership</b>

CL17.244

Cllr Cheyne Cllr Kitchener <b>General Manager or Nominee</b>	
<b>Community Representatives</b> Sue Cutmore (Chairperson); Janet Atkins; Sylvia Timbery; Patricia Lester; Christine Finney; Shane Brown; Leonie Ebzery; Valda Corrigan (NPWS); Leslie Halls; Noel Wellington; Paul McLeod; Janaya Hennessy; Morgan Blakeney; Charlie Ashby; Jerrinja LALC; Nowra LALC; Ulladulla LALC	

## CL17.245 Business & Employment Development Committee

HPERM Ref: D17/307089

Group: General Manager's Group

### Recommendation

That Council establish the Business & Employment Development Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4)	Quorum – Six (6)
Commencement time – 4pm	Terms of Reference: Nil
<b>Purpose</b> <ul style="list-style-type: none"> <li>To assist in the implementation of the Economic Development Strategy and monitor and report on performance.</li> <li>Support the expansion of industry activities within the Shoalhaven, across all sectors.</li> <li>Encourage the location of new industries in the region which will lead to an increase in the number of employment opportunities for the residents of the region</li> <li>Grow the socio economic base of the Shoalhaven.</li> </ul> <p>Examine and review employment development strategies and report on initiatives to carry their strategies forward</p>	
<b>Delegation – NIL</b>	
<b>Chairperson – Appointed by Committee</b>	
<b>2016-2017 Councillor / Staff Membership</b> All Councillors <b>General Manager or Nominee</b>	<b>2016-2017 Councillor / Staff Membership</b> All Councillors General Manager or Nominee
<b>Community / Organisational Representatives</b> John Lamont (Chairperson) – Regional Development Australia; Member for Gilmore – Ann Sudmalis MP or nominee; Member for South Coast – Shelley Hancock MP or nominee; Member for Kiama – Gareth Ward MP or nominee; Representative - Shoalhaven Tourism Advisory Group – Robert Crow; Representative – Shoalhaven Business Chamber – David Goodman; Shoalhaven Arts Board Representative – Alison Chaim University of Wollongong, Shoalhaven Campus – Robbie Collins; NSW Department of Industry – Megan Cleary; Milton Ulladulla Business Chamber – Vacant; Regional Development Australia – Fiona Hatcher; NSW TAFE (Bomaderry Campus – Manager) – Paul Goodwin; Secondary Schools Representative – Nowra High School - Angela Byron; Southern Regional Business Enterprise Centre - Adrian Stam / Graham Baxter, Shoalhaven Professional Business Association- Steven Bayer; Peter Masterson – Department of Industry, Innovation and Science, Representative – Manufacturing – Vacant; Representative- Defence – Vacant; Representative- Construction-Vacant  Three (3) Community Representatives - Lexie Meyer; James Coburn; Peter Dryer.	

CL17.245

## CL17.246 Children's Services Reference Group

**HPERM Ref:** D17/307103

**Group:** General Manager's Group

### Recommendation

That Council establish the Childrens Services Reference Group pursuant to Section 355 and Section 377 of the Local Government Act .

<b>Meetings per year</b> – Four (4) (1 being an Annual Planning Day) <b>Commencement time:</b> 4pm	<b>Quorum</b> – Five (5) <b>Terms of Reference:</b> Nil
<b>Purpose</b> The Children's Services Reference Group (Group) advises Council on issues relating to the education and care of children aged 0 – 12 years. It acts as a channel to advise Council on new issues and developments affecting these children. The Group also shares information on issues affecting children, families and their communities, advocates for inclusive environments and practices for all children and families in the Shoalhaven. The Group develops and implements a collaborative child friendly cities plan for the Shoalhaven.	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by the Committee at the annual planning day	
<b>2016-2017 Councillor/Staff Membership</b> Clr Gartner (Chairperson) Clr Findley (Mayor) Clr Cheyne (alternate Chairperson) All Councillors	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> (An audit of the Community membership is currently taking place as requested by the Committee) Noah's Shoalhaven (Col Waller); Mundamia Early Learning Centre (Leisa King); Family Day Care (Cathy Ryman); The Basin Preschool (The Principal); Culburra Preschool (Carmen Carter); Pelican Point Preschool (Kimberlie Johnson); Shoalhaven Community Preschool (Kim Stouse-Lee); Mobile Preschool (Stacey Plim); Lyrebird Preschool (Belinda Hibbert); Jumbunna Long Day Care (Alison Grills); Cullunghutti Aboriginal Child & Family Centre (Carol Lymbery/Tara Leslie); Nowra Family Services (Pam Arnold); Anglicare Michelle Wozatka); Shouth Coast Medical Services (Tanya McGeachie); Illawarra Area Child Care (Melissa Wicks); OOSH Kids Korner (Clarita Ferreira); Waminda (Amelia Harrison); Nowra Community Health Centre – Health Promotion Officer (TBC); Community Representative (Linda Windley)	

CL17.246

## CL17.247 Council Bushcare Representatives Group

**HPERM Ref:** D17/307120

**Group:** General Manager's Group

### Recommendation

That Council establish the Council Bushcare Representative Group pursuant to Section 355 and Section 377 of the Local Government Act .

<u>Meetings per year</u> – As required Commence time – 4.00pm	Quorum – Five (5) Terms of Reference: Nil
<b>Purpose:</b> To act as an advisory group on all matters relating to the future directions of the Bushcare Policy and program	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by the Council	
<b>2016-2017 Councillor Staff Membership</b> Clr White (Chairperson) All Councillors	<b>2017-2018 Councillor/Staff Membership</b> Clr >> (Chairperson)
<b>Community/ Organisational Representatives</b> 6 Bushcare Group Representatives – Frances Bray; Mike Clear; Tony Jennings; Bryan Lenne; Bill Pigott; Vacant Local Land Services – Jason Carson; Office of Environment & Heritage Representative - Vacant	

CL17.247

## CL17.248 Homelessness Taskforce Shoalhaven

HPERM Ref: D17/307134

Group: General Manager's Group

### Recommendation

That Council establish the Homelessness Taskforce Shoalhaven pursuant to Section 355 and Section 377 of the Local Government Act .

<p><u>Meetings per year</u> – Four (4) Commencement time: 4pm</p>	<p>Quorum – Eight (8)</p> <p>Terms of Reference POL17/77: Amended: 15 August 2017</p>
<p><b>Purpose</b> To provide appropriate and considered strategic advice on homelessness and related issues that can be dealt with at Council level. The Taskforce will work with Council to address issues, develop options and assist with the identification of preferred solutions as part of Council's decision making process.</p>	
<p><b>Role of the Committee</b> The role of the Homelessness Taskforce is:-</p> <ul style="list-style-type: none"> <li>• Provide Council with strategic advice on homelessness and related issues that can be dealt with at a Local Government level.</li> <li>• Work with Council to address issues, develop options and assist with the identification of preferred solutions as part of Council's decision making process</li> <li>• Advise on the development and application of a Homelessness Strategic Plan</li> <li>• Provide comment on relevant Council policies and strategies</li> <li>• Advocate community views on homelessness issues</li> </ul>	
<p><b>Delegation</b> – NIL</p>	
<p><b>Chairperson</b> – Appointed by the Committee</p>	
<p><b>2016-2017 Councillor/Staff Membership</b> Clr Findley (Chairperson) All Councillors</p>	<p><b>2017-2018 Councillor/Staff Membership</b></p>
<p><b>Community Representatives</b> Tamie Harvie (Community member), Lesley Labka (SAHSSI – Shoalhaven Women's Homeless and DV Service), Penni Wildi (Waminda), Wendi Hobbs (Shoalhaven Suicide Prevention and Awareness Network), Rev. Matthew Wilson (Nowra Uniting Church), Patricia David (Unions Shoalhaven), Peter Dover (Salt Ministries), Roslyn Poole-ISLHD (Homelessness Mental Health Program), Ashleigh Hudson (Mobile Response Vehicle coordinator - services for homeless), Max Zalakos (Nowra Baptist Church), Wendy Woodward (Nowra Show Society / community volunteer), Deborah Ferrier (Community volunteer), Julie Bugden (Shoalhaven Homelessness Hub), Donna Brotherson (Illawarra Forum), Bernard Gleeson (St Vincent De Paul Nowra), Sharlene Naismith (Legal Aid), Natalie Beckett (HARP Unit – Sexual Health &amp; Blood Borne Infections; and Aboriginal community member), Adam Collison (Southern Cross Community Housing)</p>	

CL17.248

## CL17.249 Nowra CBD Revitalisation Strategy Committee

HPERM Ref: D17/307150

Group: General Manager's Group

### Recommendation

That Council establish the Nowra CBD Revitalisation Strategy Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4) & others as required	Quorum – Five (5)
Commencement time – 4.00pm	Terms of Reference: POL17/59 Amended: 16 May 2017
<b>Purpose</b> <ul style="list-style-type: none"> <li>To direct the development and implementation of the Revitalisation Strategy for the Nowra CBD and review as appropriate.</li> <li>To determine overall capital works programs established by the Nowra CBD Revitalisation Strategy, as amended from time to time.</li> <li>To agree an annual capital works budget with Council</li> <li>To identify and approve all expenditure of funds identified in the Nowra CBD Revitalisation Strategy, additional funds allocated by Council for capital expenditure in the Nowra CBD including any loans, grants or from funds from any other source.</li> <li>To act as a communication conduit between Council and the CBD stakeholders in respect to the Nowra CBD Revitalisation Strategy with appropriate support from Council as required.</li> <li>Assist Council in advocating the adopted CBD Revitalisation Strategy to the community.</li> <li>Provide a report to Council each year outlining progress towards achieving the goals set out in the CBD Revitalisation Strategy together with any recommendations for updating the Revitalisation Strategy.</li> <li>Consult with relevant stakeholders as needed</li> </ul>	
<b>Delegations:</b> <ul style="list-style-type: none"> <li>To expend funds allocated to the CBD Nowra Revitalisation Strategy Committee by Council within the approved budget.</li> <li>To establish sub Committees as deemed appropriate.</li> <li>To promote the advantages of the CBD inside and outside the area, including making press releases and promoting the Nowra CBD Revitalisation Strategy project.</li> <li>To raise funds other than rates and loans to fund the objectives of the Committee.</li> <li>To expend funds raised outside of Council as the Committee deems appropriate, e.g. promotions, entertainment etc.</li> </ul>	
<b>Chairperson</b> – Appointed by the Committee	
<b>2016-2017 Councillor / Staff Membership</b> All Councillors are non voting members Director of Assets and Works or delegate Director of Planning and Development or delegate	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> Two (2) community members: Sivan Agam, Luke Sikora Two (2) land owners: James Caldwell (Chairperson); Annie Aldous Three (3) Business owner/operators: Scott Baxter, Brendan Goddard, George Parker One (1) Business retailer: Lynnette Kearney	

CL17.249



## CL17.250 Rural Fire Service Strategic Planning Committee

HPERM Ref: D17/307162

Group: General Manager's Group

### Recommendation

That Council establish the Rural Fire Service Strategic Planning Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Two (2) – others as required	Quorum – Five (5)
Commencement time – 5.30 pm	Terms of Reference: Nil
<b>Objectives:</b> To advise Council on issues of a strategic and policy nature relating to the operation of the Rural Fire Services having regard to the following: <ul style="list-style-type: none"> <li>• That the core communication between brigades and Fire Control Officer on operational issues be raised through the Group Officers utilising the committee structure.</li> <li>• All issues be raised through Fire Control so that statutory matters can be resolved immediately.</li> <li>• Policy matters raised can be referred to the Strategy and Assets Committee through the General Manager so that statutory matters can be resolved.</li> <li>• That the Strategic Planning Committee be developed as the body advising Council on Rural Fire Service policy issues</li> </ul>	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by the Council	
<b>2016-2017 Councillor / Staff Membership</b> Clr Gash (Chairperson) Clr Kitchener Clr Pakes General Manager or Nominee	<b>2017-2018 Councillor / Staff Membership</b> Clr (Chairperson) Clr Clr General Manager or Nominee
<b>Community Representatives</b> District Manager RFS – Mark Williams Staff Representative RFS – Paul Gooley Group Officer Primary Representative – Jennifer Lawther (Alternate – TBA) Group 1 Area Representative – Andrew Fielding (Alternate – Bob Johnston) Group 2 Area Representative – Vic Walker (Alternate – Jacqui Cox) Group 3 Area Representative – Martin Gaffey (Alternate – Ron Rollinson) Group 4 Area Representative – Paul Gleeson (Alternate – Geoff Phillips) Group 5 Area Representative – John Ashton (Alternate – TBA) Group 6 Support Brigades Representative – Bill Bean (Alternate – TBA) Operations Manager – Jervis Bay Territory Administration – Chris Baseler or nominee	

CL17.250

## CL17.251 Shoalhaven Access Advisory Committee

HPERM Ref: D17/307172

Group: General Manager's Group

### Recommendation

That Council establish the Shoalhaven Access Advisory Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4) Commencement time – 11.00 am	Quorum – Five (5) Terms of Reference: Nil
<b>Purpose:</b> <ul style="list-style-type: none"> <li>To identify the major needs of the different disability groups in the Local Government area.</li> <li>To make recommendations to Council to resolve the local access problems in priority order.</li> <li>To develop a policy on access which can be used in conjunction with the Building Code of Australia in the consideration of applications for building or development and generally in the preparation of Council's own plan for recreation facilities.</li> <li>To increase public awareness of access barriers and the extent to which they disadvantage people with disabilities, the aged and parents with children etc.</li> </ul>	
<b>Delegation – NIL</b>	
<b>Chairperson – Appointed by Committee and reaffirmed by Council</b>	
<b>2016-2017 Councillor/Staff Membership</b> Cllr Cheyne (Chairperson) Cllr Aldrick (Alternate Chairperson) All other Councillors observers General Manager or Nominee	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> Neville Foord; Jackie Kay AM; Bill Deaves; Andrea Wallace; Theo Bagou; Nola Stephens; Arthur Ball; Brett Tory – non attending member ; Annette Pham ; Stephen Taylor <b>Organisational Representatives:</b> Member for Gilmore – Anne Sudmalis MP or nominee; Illawarra & Shoalhaven Local Area Coordination Uniting NDIS – Donna Dives ; Shoalhaven Community Transport - Leonie Dippel ; Vision Australia – Alex Collins; Vision Impairment Australia- Jodie Hoger; Spinal Cord Injuries Australia - Mel Gorman; Occupational Therapy Department, Shoalhaven Hospital – non attending member	

CL17.251

## CL17.252 Shoalhaven Arts Board

HPERM Ref: D17/307181

Group: General Manager's Group

### Recommendation

That Council establish the Shoalhaven Arts Board pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4) per year Commencement time – 1.00pm	Quorum – Majority of the members Terms of Reference: POL16/267 Amended: 27 June 2017
<b>Purpose:</b> <ol style="list-style-type: none"> <li>To contribute to and develop strategy and policy both for the Shoalhaven City Council as well as in alignment with the Region.</li> <li>To develop and implement policy, planning and vision for the broad arts within existing resources and use a co-opted panel of peers for professional advice. They include: <ul style="list-style-type: none"> <li>Visual Arts</li> <li>Heritage and Museum Sector</li> <li>Literature</li> <li>Performing Arts</li> </ul> </li> <li>Advocate and maintain specific arts related portfolios.</li> <li>Advocate and promote Board recommendations.</li> </ol>	
<b>Delegations:</b> <ul style="list-style-type: none"> <li>Act within adopted budgets aligning with Council's strategic plans and document, and make recommendations on the arts to Council</li> <li>Appoint suitable representatives to fill casual vacancies on a set term basis</li> <li>Inform and recommend policy for arts related funding programs, and where required by Council, vote on related matters</li> <li>Establish a peer panel of professionals, experts and practitioners across art forms, heritage and cultural platforms to be co-opted as needed for input and advice to the Shoalhaven Arts Board</li> <li>Establish a Shoalhaven Arts Foundation: <ul style="list-style-type: none"> <li>To support the development and enrichment of broad arts across the Shoalhaven including visual, heritage, literature &amp; performing arts</li> <li>To ensure that the Foundation in its governance, membership and charter are independent/ and at arms-length from Council yet works in concert with the Shoalhaven Arts Board, Council and the community needs</li> <li>To fundraise and develop a sustainable principal investment to generate ongoing grant funds</li> </ul> </li> </ul> <p>Relevant staff will work collaboratively with the Shoalhaven Arts Board to:</p> <ul style="list-style-type: none"> <li>Develop and implement activities to achieve objectives in line with the Shoalhaven Arts Board recommendations, the Council's policies and corporate plan</li> </ul>	
<b>Chairperson</b> – Appointed by the Board	
<b>2016-2017 Councillor/ Staff Membership</b> (Ward 1) Clr Wells (Chairperson) (Ward 2) Clr Levett (Ward 3) Clr Gartner	<b>2017-2018 Councillor/ Staff Membership</b> (Ward 1) (Ward 2) (Ward 3)
<b>Community Representatives</b> Ian Grant; Alison Chiam; Karen Akehurst; Barbara Dawson; Peter Lavelle	

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## CL17.253 Shoalhaven City Mayor's Relief Fund

HPERM Ref: D17/307186

Group: General Manager's Group

### Recommendation

That Council establish the Shoalhaven City Mayor's Relief Fund pursuant to Section 355 and Section 377 of the Local Government Act .

<p><u>Meetings per year</u> – One (1) &amp; others as required No determined commencement time</p>	<p>Quorum – Three (3) Terms of Reference: Nil</p>
<p><b>Purpose:</b></p> <ul style="list-style-type: none"> <li>• The fund has been established and maintained as a public fund for the relief of persons in Australia who are in necessitous circumstances and it is intended that the public be invited to contribute to the fund.</li> <li>• A person will be in necessitous circumstances where his or her financial resources are insufficient to obtain all that is necessary, not only for a bare existence, but for a modest standard of living in the Australian community.</li> <li>• Necessitous circumstances may result from a disaster caused by flood, fire, drought, tempest or other calamity.</li> </ul>	
<p><b>Delegations:</b> The management of the fund is vested in the Shoalhaven City Mayor's Relief Fund Committee. Rules have been adopted by Council.</p>	
<p><b>Chairperson</b> – Appointed by Council</p>	
<p><b>2016-2017 Councillor/ Staff Membership</b> Mayor – Cllr Findley (Chairperson) All Councillors General Manager or nominee</p>	<p><b>2017-2018 Councillor/ Staff Membership</b> Mayor – Cllr Findley (Chairperson)</p>
<p><b>Organisation Representatives</b> Shoalhaven City Fire Control Officer; Coordinator, Shoalhaven City State Emergency Services; Chairman – Nowra Ministers Association or nominee</p>	

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## CL17.254 Shoalhaven Heads Estuary Taskforce

**HPERM Ref:** D17/307189

**Group:** General Manager's Group

### Recommendation

That Council disband the Shoalhaven Heads Estuary Taskforce.

### Options

1. As recommended
2. Retain the Shoalhaven Heads Estuary Taskforce and nominate Councillor/staff membership.

### Background

It is recommended that the Shoalhaven Heads Estuary Taskforce be disbanded as:

- The purpose and objectives of the Taskforce have been addressed and completed
- The appropriate consultative bodies for Council to further consult or engage with the community on actions relating to Shoalhaven Heads Estuary Management, are the Shoalhaven Natural Resources & Floodplain Management Committee (NRMFC), Council's statutory consultative committee on natural resource and floodplain matters and Council's Shoalhaven Heads consultative body.
- Council has a legislative requirement to report natural resource and floodplain management matters through the NRMFC as part of its community and government agency engagement requirements
- Updates on implementation of Council resolutions will continue to be reported back to Council when required.

A member of SHET has been appointed to the NRMFC as a representative of the Shoalhaven Heads Community Forum. This will facilitate consistency in community engagement moving forward and continue to provide council with direct representation from the Shoalhaven Heads community. Should specific consultation or engagement with the wider Shoalhaven Heads community be required as part of matters considered by the NRMFC, a working group may be established to deal with matters as they arise. Interested members of Council's consultative body and NRMFC could be invited to participate in such a working group.

This recommendation also aligns with Council's previous resolution to reduce the number of NRMFC Committees to one and will further reduce the duplication of Council resources and budget required to administer both the SHET and the NRMFC.

The current membership of the Shoalhaven Heads Estuary Taskforce is outlined in the table below:

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<u>Meetings per year</u> – One (1) & others as required Commencement time – 4.00pm	Quorum – Three (3) – One (1) Councillor and Two (2) Community Members Terms of Reference: Nil
<b>Purpose</b> <ul style="list-style-type: none"> <li>Examine options for pursuing a partial or complete opening of Shoalhaven Heads</li> <li>Review Councils current Entrance and Estuary Management Plans for Shoalhaven Heads</li> <li>Report directly to Council</li> </ul>	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by the Committee	
<b>2016-2017 Councillor/Staff Membership</b> Ward 1 Councillors: Clr Guile (Chairperson) Clr Wells Clr Cheyne Clr Alldrick	
<b>Community Representatives</b> State Member – Gareth Ward MP (Nominee – Paul Ell); Barry/Brian Allen; Gerald Groom; Phil Guy; Mike James; David Lamb; Craig Peters; Graeme Philpott; Stephen Short; Bob Williamson; Jessica Zealand, 1 vacant position	
<b>Organisational Representatives</b> Robyn Flack – Shoalhaven Heads Community Forum	

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## CL17.255 Shoalhaven Natural Resources & Floodplain Management Committee

**HPERM Ref:** D17/307199

**Group:** General Manager's Group

### Recommendation

That Council establish the Shoalhaven Natural Resource & Floodplain Management Committee pursuant to Section 355 and Section 377 of the Local Government Act .

<u>Meetings per year</u> – At least two (2) Commencement time – 4.00pm	Quorum – Three (3) – One (1) Clr & two (2) Community members) Terms of Reference: POL17/6 Adopted: 13 December 2016
<b>Objective:</b> To foster sustainable management of Shoalhaven's natural resources including floodplains, coast and estuaries.	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by the Committee	
<b>2016-2017 Councillor/Staff Membership</b> Clr Findley (Chairperson) All Councillors General Manager or Nominee	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> David McCorkell; Duncan Marshall; David Reynolds; Chris Grounds; Mike Clear; Paul Beckett; Brett Stevenson; Dr Michael Brungs; Ian Stewart; Dirk Treloar, Annie Boutland; Helen Moody; Kaye Milsom; Robyn Flack, Peter Hanson  State Emergency Services - Ashley Sullivan, Ian Borrowdale; Bill McInnes; Jervis Bay Marine Park – Mr Matt Carr; Department Primary Industries – Allan Lugg; Jillian Reynolds; Roads and Maritime Services - Mike Hammond; Brad Dudley; Local Land Services - Jason Carson; Crown Lands – Mark Edwards; National Parks and Wildlife Service - Alex Deura, Neale Watson, Libby Shields; Office of Environment & Heritage – John Murtagh, John Bucinkas, Ullah, Muhammed (Habib), Danny Wiecek; NSW Office of Water – David Zerafa; Jerrinja Local Aboriginal Land Council – Vacant ; Ulladulla Local Aboriginal Land Council – Fred Carriage	

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## CL17.256 Shoalhaven Sports Board

**HPERM Ref:** D17/307205

**Group:** General Manager's Group

### Recommendation

That Council establish the Shoalhaven Sports Board pursuant to Section 355 and Section 377 of the Local Government Act .

<b>Meetings per year</b> – Four( 4) – Quarterly <b>Commencement time</b> – 5.00pm	<b>Quorum</b> – Seven (7) <b>Terms of Reference:</b> POL16/211 <b>Amended:</b> 16 August 2016
<b>Purpose:</b> To provide advocacy for the sporting community on policy, direction and strategic planning related to Council's objectives. To achieve this policy and strategic directive, the Board will be strategic in nature and focus on appointments to achieve this outcome.	
<b>Delegation</b> – NIL	
<b>Chairperson</b> – Appointed by Board	
<b>2016-2017 Councillor/Staff Membership</b> All Councillors General Manager or Nominee	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> – Nine (9) Local Community Members David Goodman (Chairperson); Elaine Caswell; Andrew Johnson; Roger Walker; Syd Weller, Tony Hardman, Elizabeth Tooley, Lisa Kennedy, Phil Newlyn, Keith Wallace <b>Organisational Representatives</b> Keith Wallace – NSW Sport and Recreation	

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## CL17.257 Shoalhaven Tourism Advisory Group

**HPERM Ref:** D17/307216

**Group:** General Manager's Group

### Recommendation

That Council establish the Shoalhaven Tourism Advisory Group pursuant to Section 355 and Section 377 of the Local Government Act .

<p><u>Meetings per year</u> – At least Four (4) Commencement time – 5.00pm</p>	<p>Quorum – Seven (7) Terms of Reference: POL17/62 Amended 16 May 2017</p>
<p><b>Role and Purpose</b></p> <ul style="list-style-type: none"> <li>• Inform the development, implementation and review of council priorities from the Shoalhaven Tourism Master Plan and councils corporate plan</li> <li>• Represent the tourism industry and advise and make recommendations to Council on matters relating to tourism, the development of tourism and the future of tourism in the Shoalhaven.</li> <li>• Promote the direct and in-direct value and benefits of tourism within the Shoalhaven and on a regional, state and national basis.</li> </ul>	
<p><b>Delegations:</b> <b>Tourism Advisory Group</b></p> <ul style="list-style-type: none"> <li>• Make recommendation on the expenditure of the annual Shoalhaven marketing budget as provided by Council.</li> <li>• Appoint suitable representatives to fill casual vacancies</li> <li>• Inform and recommend policy for tourism related funding programs, and where required by Council, vote on related matters.</li> </ul>	
<p><b>Shoalhaven Tourism Manager</b> Separate to the delegation of STAG, the Shoalhaven Tourism Manager, as an employee of Council will:</p> <ul style="list-style-type: none"> <li>• Develop and implement activities to achieve objectives in line with STAG recommendations, the Shoalhaven Tourism Master Plan and Councils corporate plan</li> <li>• Expend budget as authorised under delegated financial authority as defined by Council</li> <li>• Review and allocate or decline funding program applications in line with approved policies and guidelines</li> </ul>	
<p><b>Chairperson</b> – Appointed by the Committee</p>	
<p><b>2016-2017 Councillor/Staff Membership</b> All Councillors – Two (2) with voting Rights Clr Gash – Voting Delegate Clr Alldrick – Voting Delegate Clr Pakes – Alternate Delegate Clr Kitchener – Alternate Delegate</p>	<p><b>2017-2018 Councillor/Staff Membership</b></p>
<p><b>Community/ Organisational Representatives</b> Lynn Locke (Chairperson); Catherine Shields; Annie Cochrane; Shoalhaven Sports Board Chairperson – David Goodman; Matthew Forbes; Jo Thomas; Louise Hallum; Neil Rodgers; Paul McLeod; Robert Crow; NPWS Representative – David Duffy/Mark Lees</p>	

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## CL17.258 Sustainable Futures Committee

**HPERM Ref:** D17/307233

**Group:** General Manager's Group

### Recommendation

That Council establish the Sustainable Futures Committee pursuant to Section 355 and Section 377 of the Local Government Act .

<b>Meetings per year</b> – Six( 6) – Bi-monthly <b>Commencement time</b> – 4.00pm	<b>Quorum</b> – Six (6) voting members <b>Terms of Reference:</b> POL17/49 <b>Adopted:</b> 26 April 2017
<b>Purpose:</b> Make recommendations to Council with respect to the following: <ul style="list-style-type: none"> <li>• Setting emission targets for the Shoalhaven.</li> <li>• Focusing on energy, including energy efficiency, energy security and renewable energy generation as well as other climate change issues</li> <li>• Creating and building community capacity for environmentally sustainable living and business.</li> <li>• Addressing, adapting and building resilience to climate change.</li> <li>• Appropriate ways to protect, connect and integrate ecological values within our urban and regional context.</li> <li>• Supporting and promote Waste reduction and resource recovery.</li> <li>• Building organisational and community capacity to meet the challenges of climate change.</li> <li>• Engage with and learn from our community business and industry leaders on innovative solutions.</li> <li>• Establish and/or support renewable energy generation projects in the community.</li> <li>• Ensure the currency of related strategy, policy and other key Council documents related to the purpose of the Committee.</li> </ul>	
<b>Delegation:</b> To expend funds allocated to the Sustainable Futures Committee by Council within the approved budget.	
<b>Chairperson</b> – Appointed by the Council	
<b>2016-2017 Councillor/Staff Membership</b> Clr White (Chairperson) Clr Gartner (Alternate Chairperson) All Councillors General Manager or Nominee (non voting)	<b>2017-2018 Councillor/Staff Membership</b> Clr (Chairperson) Clr (Alternate Chairperson)
<b>Community Representatives</b> – Five (5) Community Members David Brawn, Oisin Sweeney, Robert Hayward, Peter McVay, Lorraine Larri	

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## CL17.259 Youth Advisory Committee

HPERM Ref: D17/307255

Group: General Manager's Group

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

That Council establish the Youth Advisory Committee pursuant to Section 355 and Section 377 of the Local Government Act .

Meetings per year – Four (4) Commencement time – 10.00am	Quorum – Six (6) Terms of Reference: POL17/79 Amended: 22 August 2017
<b>Purpose:</b> <ul style="list-style-type: none"> <li>To represent the interests and views of young people to Council and the Community in accordance with the delegation set out below</li> </ul>	
<b>Delegation:</b> <ul style="list-style-type: none"> <li>To advise and recommend to Council staff on matters of an operational nature and implement policy relating to the interests and views of young people and/or within adopted budgets;</li> <li>To recommend to Council on policy matters and other matters not able to be delegated by Council;</li> <li>To provide recommendations to Council on Strategic and Financial directions relating to Youth in the Shoalhaven;</li> <li>To commit expenditure up to the limits determined by Council, including grant funding.</li> </ul>	
<b>Chairperson</b> – Appointed by Committee at each meeting	
<b>2016-2017 Councillor/Staff Membership</b> All Councillors General Manager or Nominee	<b>2017-2018 Councillor/Staff Membership</b>
<b>Community Representatives</b> Community Youth Representatives being:- Jonah Allen; Scott Castelnoble; Dean Naylor-Clark; Chris Farley; Shannon Karger; Kimberley Peat Two (2) voting representatives from each local High School Member for Gilmore – Anne Sudmalis MP or nominee (Federal Member of Parliament); Member for Kiama – Gareth Ward MP or nominee; Member for South Coast – Shelley Hancock MP or nominee Jacob Williams Representatives from Shoalhaven Local Area Command NSW Police; Sanctuary Point Youth & Community Centre; Bay & Basin Community Resources; Regional Development Australia; Shoalhaven Business Chamber; 330 Squadron Australian Air Force Cadets	

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## CL17.260 Council Representatives on Other Committees or Organisations Outside of Council

HPERM Ref: D17/306912

Group: General Manager's Group

### Purpose / Summary

To confirm the list of Council representatives on Other Committees or Organisations Outside of Council.

### Recommendation

That Council resolve the representative membership of Councillors and other delegates on other Committees or Organisations Outside of Council for the period to 30 September 2018.

### Options

1. Council confirm membership as per the recommendation.
2. Council change the membership of Councillors and other delegates on other Committees or Organisations Outside of Council.

### Background

Details of the other committees or organisations in which Council has an interest, along with their respective purpose and current membership, are listed below.

a)

Batemans Marine Park – 33451E	
Meetings per year: Four (4)	
<b>Purpose:</b> Advise the Ministers and the Marine Parks Authority (NSW) on the development of the Batemans Marine Park.	
2016-2017 Council Members	2017-2018 Council Members
Clr Kitchener Clr Levett	Clr Clr

b)

Cemeteries and Crematoria Association of NSW – 33451E	
2016-2017 Council Members	2017-2018 Council Members
Pamela Green (Unit Manager - Bereavement Services)	Pamela Green (Unit Manager - Bereavement Services)

c)

Healthy Cities Illawarra Management Committee – 4043E
<b>Purpose:</b> Healthy Cities Illawarra is a community based, non profit organisation that is part of a world wide movement initiated by the World Health Organisation, committed to improvement of health, environment and the quality of life within the

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Illawarra community.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Alldrick General Manager or delegate – Alternative representative	

d)

<b>Illawarra Academy of Sport – 2388E</b>	
<b>Purpose:</b> To develop outstanding young community citizens who utilise their sporting talents and role model status in a positive manner within the Illawarra Region.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Mayor Appointed Representative – Clr Wells	Mayor Appointed Representative –

- e) Note: The amendments proposed in the Local Government Act 1993 will provide that the Role of Mayor includes representing Council on the Joint Organisation and also that General Manager's can no longer be appointed as delegates.

<b>Illawarra Pilot Joint Organisation – 2172E</b>	
<b>Functions:</b> Three core functions and two optional functions for are being piloted by JOs. The functions of the IPJO are:	
<ul style="list-style-type: none"> <li>• <b>regional strategic planning</b>, including high level planning across the quadruple bottom line</li> <li>• <b>inter-governmental collaboration</b>, working closely with the NSW Government as well as the Australian Government and other councils and JOs</li> <li>• <b>regional leadership and advocacy</b>, as the preeminent regional voice for councils and communities</li> <li>• <b>enhancing regional strategic capacity</b>, to support member councils to deliver services to their communities</li> <li>• <b>regional service delivery</b>, to provide services directly to communities within the region.</li> </ul>	
The Illawarra Joint Organisation is comprised of representatives from Shellharbour; Kiama; Wollongong & Shoalhaven Councils.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Findley – Mayor Clr Wells Clr Kitchener (alternate delegate)	Clr Clr Clr (alternate delegate)

f)

<b>Jervis Bay Marine Park Advisory Authority Committee – 1462E</b>	
<b>Purpose:</b> Advise the Ministers and the Marine Parks Authority (NSW) on the management of the Park and:	
<ul style="list-style-type: none"> <li>• The conservation of the marine biological diversity within the Marine Park</li> <li>• The ecologically sustainable use of the Marine Park</li> <li>• The public use and enjoyment of the Marine Park</li> </ul>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Findley Clr Pakes	Clr Clr

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- g) Note: The council appointed members can either be councillors, community members or a combination of both.

<b>Joint Regional Planning Panel – 39782E</b>	
Meetings per year: As required	
<b>Purpose:</b> To determine regionally significant development applications	
<b>2016-2017 Council Member</b>	<b>2017-2018 Council Member</b>
Clr Levett Clr Watson	
<b>2016-2017 Alternate Members</b>	<b>2017-2018 Community Members</b>
Clr White Ernie Royston – Community Member	
<b>Sitting Fees</b> - A sitting fee of \$400.00 is paid to the Council and Community Representatives	

- h) Note: The Mayor & General Manager are members under the constitution. Council may wish to appoint an alternate delegate.

<b>NSW Country Mayors Association – 14214E</b>	
<b>Purpose:</b> The NSW Country Mayors Association is a group that comprises Mayors and General Managers, or their representatives, from country areas of NSW under its constitution.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Findley – Mayor Clr Kitchener – Deputy Mayor (alternate delegate) Russ Pigg – General Manager	Clr Findley Clr (alternate delegate) Russ Pigg – General Manager

i)

<b>Noxious Weeds Advisory Committee – 6735E</b>	
<b>Purpose:</b> <ul style="list-style-type: none"> <li>• Provide a forum for all matters relating to the control of noxious weeds</li> <li>• Provide advice to the Minister on all matters related to noxious weed control</li> <li>• Recommend to the Minister allocations from the Government's Weeds Action Program funding and to ensure public authorities are accountable for those funds.</li> <li>• Recommend to the Minister plant species proposed to be declared as noxious weeds</li> </ul>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr White Clr Levett (Alternate)	Clr

j)

<b>Rural Fire Service Shoalhaven District Liaison Committee – 2122E</b>	
<b>Purpose:</b> In regard to the RFS: <ul style="list-style-type: none"> <li>• Monitor the performance of the Service Level Agreement</li> <li>• Develop a local service delivery model</li> <li>• Prepare an annual budget and business plan for Councils consideration</li> <li>• Provide financial performance reports</li> <li>• Act as the appropriate disciplinary authority for Council.</li> </ul>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Gash Clr Pakes General Manager (or nominee)	Clr Clr General Manager (or nominee)

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k)

<b>Shoalhaven Bush Fire Management Committee – 2820E</b>	
<p><b>Purpose:</b> Under the Rural Fires Regulation 2002 – Part 3, At the request of the Bush Fire Co-ordinating Committee:</p> <ul style="list-style-type: none"> <li>• Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Section 48 of the Act;</li> <li>• Assist the Bush Fire Co-ordinating Committee in the performance of its functions under Sections 60(2) and 63(4) of the Act;</li> <li>• Draw to the attention of the following in regard to any matter it considers relevant to the protection of land, life, property or the environment in that area from the impact of bush fires: <ul style="list-style-type: none"> <li>▪ The Bush fire Co-ordinating Committee; or</li> <li>▪ A public authority exercising it's functions in the Bush Fire Management Committee's area.</li> </ul> </li> </ul> <p><b>Note:</b> The Committee has no power to conduct or take part in fire fighting or fire prevention operations authorised by the Act, this regulation or any other Act or statutory instrument.</p>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Gash Clr Pakes General Manager (or nominee) as an observer	Clr Clr (Alternate) General Manager (or nominee) as an observer

l)

<b>Safer Community Action Team – 3519E</b>	
<p><b>Purpose:</b> To increase community safety in the Shoalhaven and develop an Action Plan containing strategies to address the issues and enlist support for the Plan from the community.</p>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Cheyne Clr Alldrick Clr White Clr Kitchener Clr Proudfoot Clr Pakes	

m)

<b>Shoalhaven Traffic Committee – 1491E</b>	
<p><b>Purpose:</b> The Traffic Authority has delegated certain powers to Councils in respect of the provision of Traffic control facilities and traffic management measures on public streets. The exercise of such powers is conditional upon the Council forming a Local Traffic Committee and seeking its advice /approval before as traffic facility/traffic management measure is implemented or removed.</p> <p><b>NOTE-</b> the Local Traffic Committee is not a Committee appointed by Council under the Local Government Act but a Committee to be formed by Council in the exercise of its delegated powers. Councillor members are considered informal members who may contribute to discussion but may not vote.</p>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Informal – Clr Gash Informal – Clr White Informal – Clr Guile CONVENOR/CHAIRPERSON - Mr Martin Uptis – Assets Manager	Informal – Clr Informal – Clr Informal – Clr CONVENOR/CHAIRPERSON - Mr Tom Dimec – Assets Manager

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n)

<b>South Coast Co-operative Library Services – 3934E</b>	
<b>Purpose:</b> To provide control and manage libraries or library services within the areas of the Member Councils upon the terms and subject to the conditions specified in the agreement	
<b>Note:</b> The member Councils are Shoalhaven City Council and Kiama Municipal Council.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Cllr Findley – Mayor All Councillors General Manager or nominee Director Finance Corporate & Community Services Library Services Manager	

o)

<b>South Coast Correctional Centre Community Consultative Committee – 4043E</b>	
<b>Purpose:</b> <ul style="list-style-type: none"> <li>To assist in the development and maintenance of a positive relationship with the local community</li> <li>To provide a forum for local community consultation and comment on correctional programs and procedures</li> <li>To facilitate the involvement of the local community in correctional centres programs</li> <li>To provide a mechanism to identify appropriate programs in which the correctional centre can participate and assist in the local community</li> <li>To assist in the establishment of worthwhile community partnerships</li> </ul>	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Cllr Cheyne Cllr Watson Mr Ben Stewart – Director Assets & Works	Director Assets & Works

p)

<b>South Coast Regional Tourism Organisation Incorporated – 6853E</b>	
<b>Purpose:</b> To promote Tourism to the South Coast of NSW.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Shoalhaven Tourism Advisory Group Chairperson (or Delegate) Tourism Manager	

q)

<b>South East Australian Transport Strategy Inc – 3678E</b>	
<b>Purpose:</b> To improve the transport network to enhance economic development within the region.	
Note: Council is entitled to one voting delegate but may also nominate alternative delegates (Councillors &/or staff).	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Cllr White (Chairman) Cllr Guile Mr Greg Pullen – Economic Development Manager (Alternate)	

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r)

<b>Southern Tablelands and South Coast Regional Noxious Plants Committee – 3201E</b>	
<b>Purpose:</b> This Committee allows representatives of Councils involved in noxious weed eradication on the Southern Tablelands and South Coast to meet quarterly for the purpose of discussing common problems and objectives. The Committee also makes special purchasing arrangements for noxious weed sprays, in order that the Councils in the area can obtain the most advantageous prices available.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr White Clr Gash	

s)

<b>Southern Water Services Pty Ltd – 4043E</b>	
<b>Purpose:</b> To operate in a commercial way under the Companies Act on a similar basis to any other trading Company.	
<b>Note:</b> Southern Water Services is a Council owned company formed in 1998 with permission from the Minister of the day. Its constitution states that the Company was formed to “ <i>undertake the provision of water, sewerage and related services</i> ”. It currently has no relationship with Shoalhaven Water operations or staff.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
No directors were nominated Ms Vanessa Phelan – Secretary	

t)

<b>Ulladulla User Group – 4043E</b>	
<b>Purpose:</b> To assist Crown Lands to resolve operational matters and identify emerging issues in relation to operation and maintenance of coastal infrastructure including Ulladulla Harbour.	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Michael Strachan – Project Manager	

u)

<b>Ulladulla Working Port Committee – 4043E</b>	
<b>Purpose:</b> To provide input and support to the Department of Lands and it's proposed agent in connection with the operation of the present maritime and associated facilities at Ulladulla Harbour	
<b>2016-2017 Council Members</b>	<b>2017-2018 Council Members</b>
Clr Kitchener Clr Gartner Clr Proudfoot (alternate) Clr White (alternate)	

CL17.260

## CL17.213 Request for Donation - Reduction of Annual Rent - Milton Ulladulla Men's Shed

HPERM Ref: D17/255349

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

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

To consider a request from the Milton Ulladulla Men's Shed to receive a donation to effectively reduce their required annual rental amount payment from \$472 to \$1 per annum.

### Recommendation

That Council decline the request from Milton Ulladulla Men's Shed for a donation of \$471 as a deduction to reduce their rent payment commitments to \$1 per annum, as such a deduction is not in accordance with the Council Owned and Managed Land Policy (POL16/150).

### Options

1. As recommended

Implications: This would result in the licence fee for the Milton Ulladulla Men's Shed being liable for the full fee remaining at the current rental figure of \$472, which the group has previously indicated is within its financial capacity to pay.

2. Provide an annual donation of \$471 to Milton Ulladulla Men's Shed for the purpose of paying their annual rental to Council for the term of the licence.

Implications: The variation in funds donation would be required to be paid from the Unallocated Donations Vote. Council should be aware that this would set precedence for similar requests from the other five men's sheds who have not sought further concession to what is already provided.

### Background

On 10 July 2017, Council provided a draft licence (rental agreement) to the Milton Ulladulla Men's Shed for the use of the building at "Part 188 Camden Street, Ulladulla". The licence document has not yet been executed and returned.

The licence period is for 5 years from 17 July 2017 to 16 July 2022 and the licence fee is set at \$472 plus GST per annum, payable yearly in advance which equates to \$9.07 per week.

Council has since received a request from Mr Tim Jamison, President of the Milton Ulladulla Men's Shed to "*make a donation of all but the annual rental fee of one dollar*".

Mr Jamison states in his request that precedence has been set where other Men's Sheds have seen the amount of rental payable by the occupant reduced to one dollar following

receipt of an annual donation. He also notes that the Milton Ulladulla Men's Shed is a not for profit organisation with limited financial resources and a reduction in the rental amount would constitute financial relief.

In accordance with Section 3.7 of the Policy, prior to the lease being granted, the Ulladulla Men's Shed demonstrated their capacity to meet their commitments under the agreement.

Previous approvals for donations for this purpose via Council's Donations Budget have been moved off the floor at Council meetings.

All Council's community tenants pay rent in accordance with the Policy, except the following:

- Clifton Park Community Garden – Recommendation Alteration (MIN14.273);
- Culburra Men's Shed (Culburra Progress Association) – Notice of Motion ( MIN15.31)
- Greenwell Point Men's Shed – Notice of Motion (MIN16.1007)

The above three community groups receive an annual donation to cover the rent payable under their current licence agreements.

### **Policy Implications**

Council's policy, Occupation of Council Owned and Managed Land (POL16/150), first adopted in 2009, changed the way in which Shoalhaven City Council's properties were managed. This was borne by a need outlined in Council's Community Strategic Plan to enhance the Shoalhaven's community, economy and environment through good governance, public involvement and innovative use of our resources.

The policy helps Council to achieve best value service delivery and efficiency. The previous "peppercorn" rental arrangements were abolished and this has been implemented by most Councils within NSW.

### **Financial Implications**

There is currently \$13,758 available in Council's Uncommitted Donations Budget for the remainder of the 2017/ 2018 financial year.

### **Risk Implications**

Reducing the rental amount from \$472 to \$1 per annum for the Milton Ulladulla Men's Shed confirms the precedence previously set by Council with respect to the Greenwell Point and Culburra Men's sheds.

As Council is aware, there is a limited Donations Budget and there are currently 8 men's sheds in the Shoalhaven which lease premises from Council.

## CL17.214 Shoalhaven Community Transport Request - Utilise 2017-2018 Donation Amount to Purchase an Additional Vehicle

**HPERM Ref:** D17/263467

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

The Ordinary Meeting on 22 August 2017 resolved that the matter be deferred to the meeting to be held on 26 September 2017.

### Purpose / Summary

Council consider approving Shoalhaven Community Transport's request to put its 2017/2018 financial year donation of \$9,985 toward the purchase of another vehicle instead of fuel costs for the Community Bus.

### Recommendation

That Council approve Shoalhaven Community Transport's request to use their 2017-2018 financial year donation amount of \$9,985 for the purchase of another community transport vehicle.

### Options

1. As recommended

Implications: Approving Shoalhaven Community Transport's request will not affect the 2017/2018 Allocated Donations Budget bottom line and will assist them to provide transport to a wider range of clients in the local community.

2. Not approve Shoalhaven Community Transport's request.

Implications: Not approving the request will make it more difficult for Shoalhaven Community Transport to raise funds to purchase a vehicle outside of their Transport for NSW contract.

At its meeting on 26 February 2008, Council resolved as follows (refer MIN08.168):

*That Council's 2008/09 donation be \$8240, and all future donations to the Shoalhaven Community Transport Service Inc. towards fuel costs be increased using the Sydney All Groups Consumer Price Index as an indicator.*

As outlined within the Operational Plan for the 2017-2018 financial year, Council granted a donation of \$9,985 toward the running costs of the Community Bus.

In past years, either Shoalhaven Community Transport's fuel account was either partially paid by Council by an internal funds transfer equal to the annual donation amount, or it issued the payment directly to the organisation, which they put toward their Council fuel invoice/s. The donation does not cover the whole fuel account.

This year, Shoalhaven Community Transport have requested a direct payment of \$9,985 instead of a credit against their fuel account.

Shoalhaven Community Transport advise that:

*"We are trying to gather enough funding so that we can purchase a vehicle outside of the Transport for NSW (our current funding body and regulator) contract.*

*This would allow our service to provide transport to a wider range of clients within the community, win win for everyone. We would not be so hamstrung by Transport for NSW and would secure more sustainable future for Shoalhaven Community Transport.*

*With the looming changes of funding we may not receive any further funding to provide transport so we need to become more self sustaining by 2020."*

### **Financial Implications**

Council issues fuel cards to Shoalhaven Community Transport for use in all their vehicles, which includes the community bus, and this enables the organisation to take advantage of Council's government contract fuel discounted rate.

The liability of the payment to the fuel supplier is Council's responsibility and Council raises a debtor invoice each month to Shoalhaven Community Transport to recover the cost of the fuel.

Shoalhaven Community Transport will still be required to pay Council for the fuel costs for the Community Bus.



## CL17.261 Replacement of Indoor Pool Filtration – Ulladulla Leisure Centre

**HPERM Ref:** D17/279431

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

### Purpose / Summary

To seek funding from Council to replace the pool filtration and associated hydraulics for the existing indoor 25 metre, therapy and spa pools within Ulladulla Leisure Centre, as essential asset renewal works.

### Recommendation

In order to enable replacement and refurbishment of Ulladulla Leisure Centre Indoor Pools Filtration, Pumps and Hydraulics with Australian made Regenerative, Precoat Media Diatomaceous Earth Filters, Council:

1. Commit the sum of \$615,500 (exGST) to this project from Strategic Project Reserve Funds
2. Staff continue to research and source grant funding to recover costs.

### Options

1. Council adopt the recommendation as written above.

Implications: Reduces the risk of medium to long term catastrophic filtration failure of indoor pools at Ulladulla Leisure Centre.

2. Council reject the above recommendation and provide an alternate.

Implications:

- a) High risk of catastrophic filtration failure of indoor pools at Ulladulla Leisure Centre, leading to closure of indoor pools for at least a three (3) month period and significant revenue loss.
- b) Adverse impact on potentially 260,000 patrons per year.

### Background

The Ulladulla Olympic Pool was originally constructed in 1975, consisting of a 50.0 metre outdoor Olympic pool and wading pool, with a dedicated filtration system, amenities and kiosk.

A major refurbishment was undertaken in 1996 / 97, along with the existing olympic pool, a 25 metre short course pool and gymnasium, variable depth pool, spa pool and toddlers pool, indoor amenities, café and crèche to form the present multi faceted Ulladulla Leisure Centre.

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Only the indoor pools' filtration is discussed in this report. Ulladulla Leisure Centre outdoor 50.0 metre pool and wading pool filtration and hydraulics is not considered as part of this report.

### Ulladulla Indoor Pools Filtration

The original indoor pools water treatment plant, which formed part of the 1996 / 97 upgrade, was designed by Camp Scott & Furphy P/L in mid-1996 and will require to be totally replaced - consisting of:

25.0 metre pool	Four (4) filters and associated hydraulic pipework / pumps
Therapy pool	Two (2) filters and associated hydraulic pipework / pumps
Spa pool	One (1) filter and associated hydraulic pipework / pumps

Within the context of Local Government and commercial pool facilities, NSW Health imposes strict regulations on water quality guidelines. There are requirements within these guidelines that specify stringent water turnover and filtration rates, which include continuous, i.e., 24 hour per day, filtration, chemical and microbiological controls.

Under no circumstances can a commercial facility operate without dedicated filtration and chemical / microbiological controls in place at all times. At the time of installation in 1996, the indoor pool plant was compliant with 1996 NSW Pool and Spa Guidelines, which have been superseded in line with NSW Health "*Health Protection 2013*" document for public swimming pool and spa pool operation. Today's regulations are of a higher standard than those previously specified in 1996.

### Current Situation

During a recent routine inspection, it was discovered that the existing fiberglass replacement panel (FRP) pool filters servicing the 25.0 metre pool, therapy pool and spa pool showing signs of weeping and resin leakage, indicating delamination of the filters' internal structures and, in all likelihood, will fail in the immediate, short term.

Where traditional contact moulded, sand filters present early signs of failure (such as poor water quality, i.e., high turbidity, and / or sand returning to the pool), the existing filters have not presented these 'tell tale' early warning signs of failure.

Leakage of a bobbin / filament-wound tank leads to delamination of the internal structural layers, where yield and ultimate strength will fail.

The filters currently in use at Ulladulla Leisure Centre are unique in that they are not used at any other Swim & Fitness facility within the Shoalhaven. By today's construction standards, they would not be considered as appropriate for this level of 'bather load' and facility. 'Bather load' can be defined as the number of bathers using the pool in a 24-hour period, and is limited by the capacity of the associated water treatment, i.e., filters, chemical processing, microbiological control.

The existing FRP filters' construction method is also unusual due to the use of a bobbin / filament wound construction method. The existing pool filters typically last some fifteen (15) years - they are imported European filters which are not manufactured with the same ultra violet inhibitors or construction methodology used by Australian manufacturers. The existing

filters were made in Europe using European resin systems. These overseas resins are not required to include the same ultra violet inhibitors used by Australian manufacturers.

The current systems' longevity is attributed to sound maintenance practices, which have provided Council with the additional years of service.

Where the structural integrity of the existing vessels may appear to be sound, the filter shells are actually breaking down internally, which progressively reduces the integrity of the filter casings. Therefore, failure can occur with little or no forewarning. Following recent external advice, it has been acknowledged that the best forewarning is 'vessel age' and evidence of 'weeping'.

Fulham Engineering Services P/L, independent hydraulic engineering consultants, has been consulted and has identified that the above problem as a result of 'natural aging' ('creep') in combination with the selected manufacturing process (filament winding) and the use of overseas resin systems.

Unlike other methods of manufacture, it is not possible to identify the source of leakage with bobbin / filament wound vessels. External signs of leakage has no correlation to the defect inside the vessel. When leakage from an internal defect penetrates the FRP laminate, it travels around the vessel and through the laminate, seeking the easiest escape route. Water travelling through the wall of the vessel, causes delamination and is responsible for ultimate failure. Due to their construction method, bobbin / filament wound vessels are generally considered non-repairable and will require to be retro-fitted.

It should be noted that the present state of the FRP filters is of highest concern. It is the opinion of staff that these filters have a life expectancy of only three (3) to twelve (12) months before catastrophic failure.

The condition of this asset should not be underestimated as, if these filters do fail, this will necessitate closure of the Leisure Centre's indoor pools in their entirety, leaving swimming only available in the outdoor 50.0 metre pool, which operates, between November to mid April inclusive. This system operates only with solar heating and cannot generate the required heat to enable the outdoor 50.0 metre pool to operate outside these months.

Council's Asset Management Section and Shoalhaven Swim & Fitness Unit have recently undertaken comprehensive Asset Management Plans throughout all Shoalhaven Swim & Fitness assets – the combined value of which is **\$80 million**. A separate report on the Shoalhaven Swim & Fitness Asset Management Plan is currently being prepared for Council's review.

The current indoor pool filtration and hydraulic system at Ulladulla Leisure Centre is identified within the Asset Management Plan for replacement in 2022 as, until now, it has shown no signs of failure. The recent discovery of imminent filter failure will require these works to be urgently brought forward.

### Replacement Options

The two (2) options, which Council may consider for replacement of this hydraulic system, are:

1. Retro-fit with Australian made fibreglass filters using a conventional filtering media in the form of graded silica sand or equal
2. Retro-fit with Australian made stainless steel filters, using Regenerative Precoat Filter technology - for multiple reasons, this is very much the preferred filter option

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### **Option 1 - Australian Made Fibreglass Sand Filters**

Council could consider retro-fitting the exiting filters with Australian made fibreglass sand filters. Whilst this option has, the lowest apparent cost, it also has the highest cost of operation, due to high water usage and high energy costs to re-heat mains / make-up water back to the required pool temperature. Moreover, this comes with various complexities and is not recommended for the key reasons below:

- The original plant room was designed to accommodate filtration systems to a lower standard than is currently required by NSW Health standards (2017) - to comply with today's standards, the new filtration vessels would require to be much larger - based on preliminary investigations, replacement sand filters (of the required type and size) are most unlikely to fit within the existing plant room, without various compromises, extra costs and time-consuming extensions to the existing Plant Room
- Whilst replacement sand filters might be installed outside / external of the existing building, this would increase heat losses and current operating costs
- Option 1 would also require additional engineering which, at time of writing, is difficult to ascertain the additional costs and extra timeframe required for this Option
- Further investigation of this option is not recommended given the urgency of the matter

### **Option 2 - Australian made Stainless Steel Regenerative, Precoat Filter Technology**

This recommended Option replaces the existing bobbin / filament wound sand filters using regenerative 'Precoat' filter technology. The benefits of this technology include:

- Extremely compact form of filtration - able to fit into small plant spaces and can be readily accommodated within existing space
- Provides many public health benefits due to unique ability to physically remove chlorine resistant pathogens – filtration down to two (2) microns, i.e., 0.02 of a millimetre
- Available with stainless steel filter shells – life expectancy approximately fifty (50) years
- Environmentally responsible features include:
  - Reduced reliance on harsh chemicals with longer filter run times and less frequent backwashing
  - Lower water usage and, therefore, reduced operational costs - backwash water consumption of 'precoat' filters is substantially lower than granular sand filters
  - Reduced heat loss, i.e., greater energy efficiency and reduced operational cost
  - Simpler water chemistry

Due to marked cost savings with water, re-heat energy and chemicals, the apparent cost premium of this Option 2, is likely to be recovered within the first ten (10) years of operation.

It is also noteworthy that Bomaderry Aquatic Centre 25.0 metre Indoor Pool was upgraded with Regenerative Media Filters in 2002. This plant has provided valuable service and its operation is well understood by pool operators and staff. More recently, the new Nowra Aquatic Park designed and constructed with this same 'precoat' technology.

### **Programmed Closure for Retro-fitting & Procurement**

Ideally, the works will need to be undertaken throughout January and early February as this will reduce potential impacts on Learn to Swim or Squad programs and will allow the 50.0

metre pool to be open to the public. It is estimated that the indoor pools' closure period could be up to 14 days.

### Financial Implications

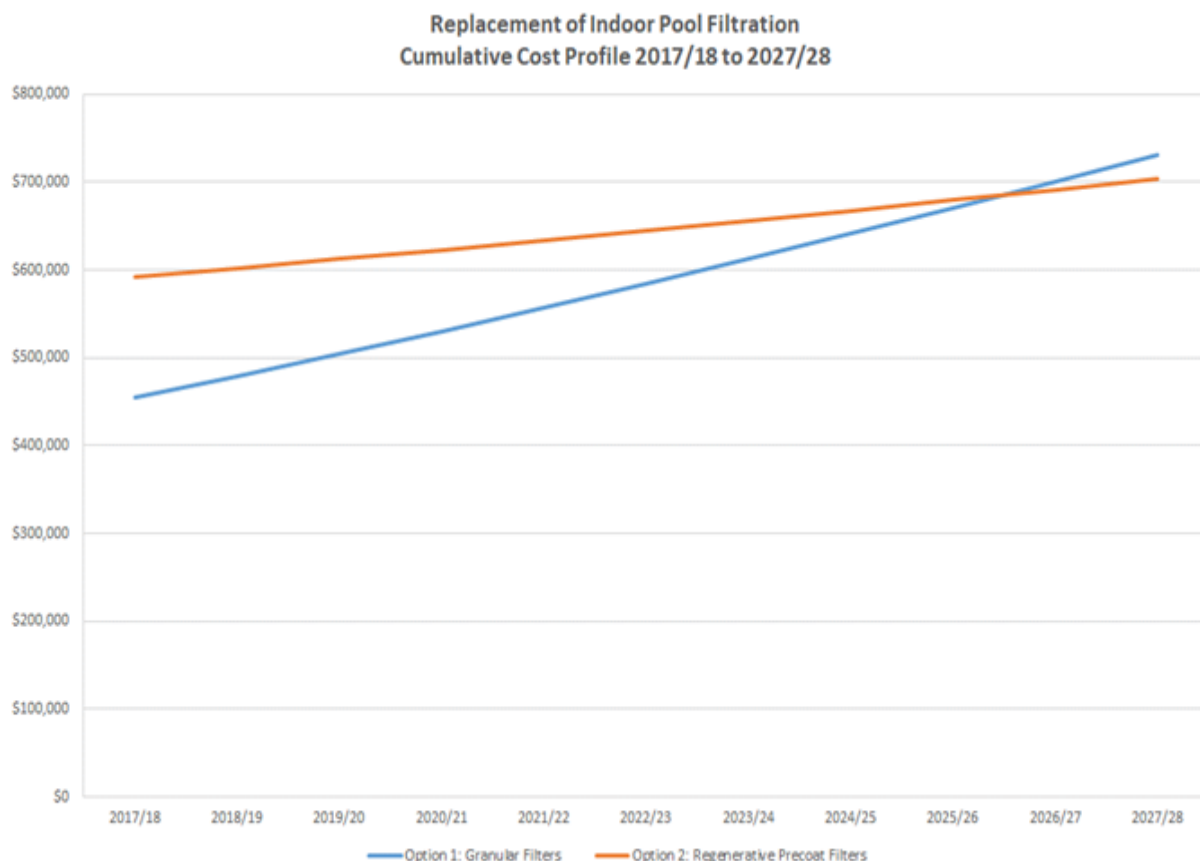
For the purpose of this report, the following costs are estimates based on informal quotations:

<b>\$ ESTIMATES (exGST)</b>	<b>Option 1 Granular Filters</b>	<b>Option 2 Regenerative Precoat Filters</b>
<b>Capital cost</b>		
Acquisition cost	390,000	515,000
Contingency (10%)	39,000	51,500
Project delivery	25,500	25,500
<b>Total</b>	<b>exGST \$454,500</b>	<b>exGST \$592,000</b>
<b>Operating costs (pa)</b>	<b>exGST \$24,698</b>	<b>exGST \$10,006</b>

Savings based on today's engineering and water costs.

Given that the expected useful life of the filter for Option 1 is 25 years and for Option 2 is 50 years, the life cycle cost for each option was analysed. Ignoring the time value of money, Option 2's cumulative cost is below that of Option 1 from 2026 / 27 onwards:

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This is confirmed by calculating the equivalent annual cost of each option (taking into consideration the time value of money):

<b>Option 1 - Granular Filters</b>	44,337
<b>Option 2 - Regenerative Precoat Filters</b>	34,533
<b>Difference</b>	<b>\$10,093</b>

Given the uncertainty in cost estimates, the sensitivity of the result was evaluated as a function of the acquisition cost for each option (up to +/- 20%). Under all scenarios, Option 2 results in a lower annual equivalent cost than Option 1 and is the preferred option.

The likely range for the acquisition cost under Option 2, however, is \$490,000 to \$540,000 (+/- 5%), with the higher amount used to assess capital requirements, as follows:

Acquisition cost	540,000
Contingency	50,000
Project delivery	25,500
<b>Total</b>	<b>\$615,500</b>

At the time of writing, the above cost estimates assume operable condition and 'fit for purpose' of all associated infrastructure:

- Chemical dosing
- Heating plant
- Mains water make-up
- Electrical controls
- Backwash water disposal

Replacement pumping equipment is included on the basis of optimising / increasing plant flow within the confines of existing flow and return piping. The above cost estimates allow for the work being done in a discrete or isolated manner, having minimal impact on the Centre's existing usage.

The above budgets allow for removal and disposal of existing / redundant plant in a manner that minimises any major plant shutdowns. The proposed scope of works includes all associated services related to a plant upgrade including:

- Design and documentation
- Performance guarantees
- Work-as-executed documentation (drawings / manuals)
- Delivery
- Plant commissioning
- Completion check lists
- Commissioning / handover / training
- 12-months defects maintenance

### Current Financial Commitments

The Shoalhaven Swim & Fitness Unit currently has a funding allocation within Capital Works of \$470,000. As stated earlier in this report, the designed componentised value of assets of \$80million. The annual Capital Works funding allocation, therefore, represents 0.58% of the total asset base. The Institute of Public Works Engineering Australasia (IPWEA) recommends annual reinvestment to average 2% over life of asset. This is three (3) times the amount currently allocated to Shoalhaven Swim & Fitness for asset renewals.

Many of these projects have been identified in previous years, into which careful and proactive planning is undertaken. Therefore, the current allocation of \$470,000 is already committed for the 2017 / 18 financial year and cannot be diverted. The table below indicates the potential operational impacts on Ulladulla Leisure Centre operations:

ULLADULLA LEISURE CENTRE OPERATIONAL FINANCIAL IMPACTS	Approximate Funds Generated	
	Income Per Term / Quarter \$	Income Per Annum \$
Learn to Swim and Squad Programs - 923 students currently enrolled	110,000	440,000
Aquatic based programs and casual visits - 270 participants per week in aqua aerobics	70,000	280,000
Retail sales	20,000	80,000
<i>Note - Health &amp; Fitness area not impacted</i>	<b>Per Term / Quarter</b>	<b>Per Annum</b>
<b>Total Potential Loss of Income</b>	<b>\$200,000</b>	<b>\$800,000</b>

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While the table above provides potential financial impacts in the short to medium term, the likely long term impacts could present Council with adverse 'flow on' effects, possibly taking two to three years to restore programs and reputation.

### **Grant Applications**

Staff are currently reviewing the available grants. At time of writing, the Ulladulla Leisure Centre Indoor Pools Filtration Replacement does not meet funding criteria. Staff will continue to investigation grant funding available.

### **Strategic Project Reserve**

Council's Strategic Project Reserve is able to fund Option 2 and it will leave an ending balance of just over \$650,000, based on General Fund receiving the forecast dividend from Shoalhaven Water. The Strategic Project Reserve is designed to fund 'strategic' projects that will benefit the City. Historically, sales of strategic assets also form part of this Reserve and the purchase or construction of other strategic assets is funded (or partially funded) from it.

### **Loan Borrowings**

The alternate scenario is loan borrowings. Assuming an interest rate of 3.50% over a term of ten (10) years, the total repayments would be \$704,356, which includes principal of \$590,000 (acquisition cost and contingency) and unbudgeted interest of \$114,356.

Should the funds be borrowed, the Shoalhaven Swim & Fitness (Aquatics) Budget would need to include interest costs that are not budgeted, which will range from \$20,215 in 2018 / 19 to \$1,810 in 2027 / 28.

It is important to note that, should Council consider loan funding the Filtration Replacement Project at Ulladulla Leisure Centre, a loan would require a resolution of Council. Council would also need to resubmit its return to the NSW Office of Local Government regarding its loan borrowings for the year.

### **Risk Implications**

#### **Closure For Filter Refurbishment – Ulladulla Leisure Centre**

1. It is envisaged that, if the present indoor pool filters fail, Council will be faced with a minimum three (3) month shutdown required in order to plan, design, tender for the works and complete and commission.
2. If, however, the works are planned and carried out before failure occurs, a shutdown of only two (2) to three (3) weeks will be required, which could be programmed to suit low patronage or seasonal times.
3. Ulladulla Leisure Centre currently employs 35 staff which includes casuals:
  - a. Staffing levels would need to be adjusted
  - b. Many casual staff would be without work and, therefore, requiring alternate employment
  - c. This may impact on re-employment, causing higher workloads for HR and low staff morale
4. Aqua-aerobic classes would need to be cancelled resulting in many older adults not being able to exercise for this period of time:



- a. Membership refunds or extensions would have to be awarded
  - b. Potential for some loss of membership
5. Squad swimmers would have their training schedules greatly interrupted:
  - a. Impacting on their results and years of training
6. Disability groups who use the hydrotherapy pool and other patrons rehabilitating from surgery or illness would be greatly impacted:
  - a. Some of these patrons travel from Batemans Bay
7. Visitations at the Centre number around 65,000 per quarter or 260,000 per year

If works could be scheduled, the summer season would provide the most ideal time. The above impact on programs and Centre users generally would be greatly reduced, however, the timing cannot be guaranteed in this case.

### **Community Engagement**

There has been no community engagement pertaining to this report.

### **Policy Implications**

There are no policy implications pertaining to this report.

## CL17.262 Shoalhaven Indoor Sporting Centre - Management Options

**HPERM Ref:** D17/283806

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

### Purpose / Summary

To re-present to Council options for the management and operation of the Shoalhaven Indoor Sports Centre following the Councillor briefing on Thursday 14 September 2017, and seek direction on the way forward for the governance of the facility.

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

That Council

1. Prepare a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a Management Agreement,
2. Publically advertise the Request for Tender for interested parties to prepare a submission,
3. Submit a further report to Council on the outcome of the Request for Tender process

### Options

1. Prepare a Request for Tender (RFT) for the management and operation of the Shoalhaven Indoor Sports Centre through a Management Agreement

Implications: Request for Tender documentation, including Service Specification, Standards, Key Performance Indicators and maintenance and life cycle accountabilities, and draft Contract would be prepared and publicly advertised, offering an open and transparent process to appoint the service provider.

Council staff will be required to prepare the Request for Tender documentation and oversight the Tender process, which will impact and necessitate revisions to existing work programs.

Council is eligible to submit an in-house bid.

2. Council determine to manage and operate the Shoalhaven Indoor Sports Centre in-house

Implications: This would negate the need for a Request for Tender process, Council would have direct control of the centre and ensure equity of access to a broad range of users and offer office space and block booking of space for selected key stakeholder groups such as the Shoalhaven Basketball Association.

Note: other Options including the lease/license of facility or the Section 355 Management committee were not supported at the councillor briefing.

## Background

At the Strategy and Assets Committee on 15 August 2017, MIN17.700 was adopted regarding management options for the Shoalhaven Indoor Sports Centre:

Resolved that:

1. *The matter be deferred pending a Cllr Briefing addressing:*
  - a. *Management options (Contract/Lease/Licence/Section 355 Committees/Council operated)*
  - b. *Relationship if any with other components of the overall complex – opportunity for integrated management*
  - c. *Consultation with Key Users/Stakeholders in the preparation of tender documentation relating to the management of the SISC*
2. *The matter be brought back to the next available Strategy & Assets Committee or Council*

A Councillor Briefing was held on Thursday 14 September 2017. At the Briefing parts (1a), (1b) and (1c) were covered. In response to part (1a), four (4) potential management models were presented:

- Option 1 – Call for Expressions of Interest (EOI) for the management and operation of the Shoalhaven Indoor Sports Centre through a lease or a licence,
- Option 2 – Call a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a management contract agreement,
- Option 3 – Establish a Section 355 Management Committee for the management and operation of the Shoalhaven Indoor Sports Centre,
- Option 4 – Council Operate the Shoalhaven Indoor Sports Centre in-house.

In accordance with Part (2), this matter is now re-submitted to Council to seek direction on the way forward for the governance of the facility. Given the complexity and multi-stage approach of the EOI process in Option 1 this has been removed, and, given the size and scale of volunteer support that would be required to deliver services associated with the management and operation of the facility, management through the establishment of a Section 355 Management Committee Option 3 has been removed.

The existing indoor sports centre, which consists of two (2) indoor courts, was constructed on the site in the early 1960's. This impetus was through the endeavours of the Shoalhaven Sporting Association and the Recreation Reserve Development Committee, and the stadium opened in 1965. The Shoalhaven Basketball Association currently manages the facility.

Given the design, scope and scale of the modern multi-purpose four (4) court facility, which includes a crèche, café and a multi-purpose mezzanine space, this new centre has potential to attract a broad range of new user groups and recreational users, in addition to the existing users, which are primarily basketball focussed. Community expectation regarding public access to the centre and professional management will necessitate considering a change in operating model.

Council will recall the recent visit to Menai Sports Centre in March 2017. This indoor facility, which has a similar mix of facilities and of comparable size to the Shoalhaven centre being constructed. It is owned and operated by Sutherland Shire Council and offers a diverse range of programs throughout the day, along with hosting formal sports competitions, leagues, training sessions and events for a variety of sports organisations who are based at the centre.

Further, Council at its meeting on 27 October 2015 adopted MIN15.651 part (f) pertaining to the Fit-Out of the facility:

- (f) *‘Receive a further report on post construction Fit-Out items (if required) once management and operation of the facility is determined’.*

Hence, direction on the future model for the management and delivery of the Centre is required as this impacts on the facility Fit-Out and transition to soft opening. A report on Fit-Out requirements was presented to the Strategy and Assets Meeting on Tuesday 19 September 2017.

Council has previously received representations from prospective operators of the facility and Councillors have been invited to briefings.

There are a number of options open to Council in determining how this facility could be operated and managed; however, in making a decision, Council should also consider that the indoor sports centre is one of a number of future facilities that will form the Shoalhaven Community and Recreational Precinct.

It is proposed that Council should have responsibility for the overall governance and management of the precinct; however, there are a number of management options and models for individual facilities that form parts of the overall precinct.

For example, where there are single use facilities, such as the croquet courts, it is proposed to manage these through lease arrangements. Bookings for the sports grounds would continue to be managed by Council through seasonal hire agreements, licences and permits. Bomaderry Aquatic Centre and the future Pavilion, which will include a range of aquatic facilities and services, would continue to be managed by Council. Third party agreements for use and / or occupation of aspects of the Pavilion will be managed through either lease, licence or hire agreements/ permits as appropriate.

### **Management Options**

The following Options remain for the management and operation of the Shoalhaven Indoor Sports Centre:

- Option 2 – Call a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a management contract agreement,
- Option 4 – Council Operate the Shoalhaven Indoor Sports Centre in-house.

The new facility is on Community Land – Sportsground and has a Generic Plan of Management – Sportsground and there is also an Artie Smith Master Plan 2013 for the site.

The core objectives for land categorised as sportsground, as prescribed under section 36 of the Local Government Act 1993 are:

*(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*

*(b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.*

Neither the Plan of Management nor the masterplan outlines specific management models but the master plan notes that Council should apply benchmark standards and practices in asset delivery, operation and management.

### **Work Plan and Resource Implications**

Should Council determine to call for either a RFT Council staff will be required to prepare the documentation and manage the respective processes.

Staff from the Recreation, Community and Culture and Business and Property Sections in conjunction with respective industry specialists (where required) and legal advisors will form the Evaluation Team.

Dependant on the way forward a review of current work priorities may need to be undertaken.

### ***Options for the Management and Operation of the Shoalhaven Indoor Sports Centre***

The following models and management framework are presented for consideration

#### ***Option 2 – Call a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre through a management contract agreement,***

This would require the development of a Management Contract and Agreement, including a specification with service standards, key performance indicators and maintenance and life cycle accountabilities. The duration of the contract and any potential extensions, also need to be agreed.

This method would provide an open and transparent process to appointing an operator; it would comply with the Local Government Act 1993 (LGA), Local Government Regulations and Local Government Tendering Guidelines.

Staff in the Recreation, Community and Culture, and Business and Property Sections would be required to develop the documentation and manage these processes. Council would also need to identify a resource to have oversight of the Management Contract to a third party operator for the duration of the agreement. This is to ensure they are meeting the specification, service standards and key performance indicators and be a liaison between Council and the operator in satisfying their contractual responsibilities.

This approach enables interested third parties to submit a tender through a publicly advertised Request for Tender process. This process permits Council to prepare and submit an 'in-house' bid.

This approach may attract both not-for-profit and commercial operators to make submissions. The requirement to deliver services in accordance with a specification with service standards should assist in ensuring equity of access and reducing the likelihood of favouring one sporting code or user group over another having prime use of the venue.

However, with a third party operator, there is the potential to focus on income generating programs and services to the detriment of programs based on social inclusivity, and to save money through reduced customer service and asset maintenance.

Previous experience with external operators managing Council aquatic and recreation facilities has also shown a deterioration in asset condition with these not being maintained to a satisfactory standard. This has resulted in Council injecting substantial funds to rectify building maintenance items at the cessation of management contracts.

If the operator is not a Shoalhaven based entity, monies generated through the operation of the facility may flow out of the region.

#### ***Option 4 – Council Operate the Shoalhaven Indoor Sports Centre in-house.***

Council can determine to operate the facility through the engagement of Council staff who would directly manage this facility in-house. This could become part of the Swim and Fitness portfolio without the need to put out to a public request for tender or expression of interest.

Council has a proven track record and considerable expertise in the management and delivery of services across a broad range of service areas. There is staff expertise and skills within the existing Swim and Fitness Unit to manage and operate the Shoalhaven Indoor Sports Centre and provide Council will both the confidence and assurance that customer

service and asset management will be a high priority to ensure the growth of the facility operations and the longevity of the asset for the community.

This would optimise the use of the facility as a multi-purpose indoor facility. Providing greater equity and access to a wide range of user groups. It would provide for the development of a range of public programs to build casual and regular usage, and offer targeted programs to vulnerable, at risk and marginalised groups under Councils community service obligations that may not otherwise be offered.

This option also provides Council with greater control and oversight, with flexibility to accommodate requests that may benefit the broader community interest such as events, supporting emerging sports or offering services to targeted groups or organisations.

Council is well placed to continue working collaboratively with the existing stakeholder groups. The design of the facility would allow office space to be provided to key stakeholder groups such as the Shoalhaven Basketball Association. In-house management would also be supportive of establishing partnerships with a range of other potential user groups and service organisations to enable them to have access to the facility as well as developing a range of public programs to build casual use.

The Tamworth Dome Sports Centre is managed by Tamworth Regional Council, they have entered into agreements with both the Basketball Association and Netball Association for them to have office space in the facility, and to block book courts for use by their association.

This Option would also enable a seamless transition to a management structure covering the whole of the proposed Shoalhaven community and Recreational Precinct in the future.

The option also ensures a smooth transition from construction, Practical Completion, issuing of Construction Certificate through to Commissioning Hand Over Training & Operation (CHOTO) Fit-Out and soft opening.

### **Community Engagement**

Should Council determine to proceed with a Request for Tender for the management and operation of the Shoalhaven Indoor Sports Centre, this will be publicly advertised with submissions being made via Tenderlink.

A RFT will offer opportunities for commercial entities, not for profit organisations and an in-house team to submit a tender and enable these to be assessed and evaluated against the criteria articulated in the RFT in an open, objective and transparent process.

Should Council determine to proceed with an RFT, a stakeholder workshop could be held prior to the development of the tender documentation to enable the stakeholder group to contribute. Council would need to ensure that any potential for conflicts of interest were managed in accordance with its Procurement framework and Probity Plans.

As part of the RFT a pre-tender meeting could be scheduled – this has occurred in previous RFT and provides an opportunity for prospective tenderers to ask questions and seek clarification on the RFT prior to committing and submitting a tender.

### **Financial Implications**

Costs associated with development of any RFT process, advertising and review of submissions will be funded from within existing budgets.

Staff resources and work plans within the Recreation, Community and Culture, and Business and Property Units would be reviewed and re-prioritised. This would allow staff time to be

dedicated to the development of the required documentation and management of the process in accordance with Council's procurement policy and procedures.

Any funding requirements for the management and operation of the Shoalhaven indoor Sports Centre arising from the outcome of these processes would be reported to Council along with recommendations arising from and RFT process.

Council staff have undertaken some benchmarking with comparable indoor sports facilities in regional areas. Centre financial performance is linked to a number of variables, which include:

- Size of facility,
- Complexity of facility such as specialist flooring, heating, ventilation and air conditioning systems
- Facility mix – number of courts, crèche, café, meeting & multi-use spaces etc., whether the facilities form part of a larger complex – e.g. with outdoor courts and sports fields or linked with an indoor leisure centre including pools and gyms,
- Number of days of operations, and length of opening hours,
- Visitation,
- Pricing methodology for fees and charges, appetite to apply user pays principles and consideration for community service obligations,
- Overheads – such as electricity, water, insurance, maintenance, security, telephone charges etc.,

Some aspects of the centre will be under a 12-month defect liability period or a 12-month warranty period, some of servicing costs may be covered, hence it will be difficult to establish some maintenance and operating costs in the initial period of operation. Similarly, electricity charges will be based on usage and will be difficult to forecast in the initial start-up period. Staff costs will be dependent on the number of days of operation, the length of opening hours and the types of bookings, events and programs offered.

Review of available information indicates a subsidy of between \$40,000 and \$60,000 per court per annum is required for an established / mature operation. This assumes that all four (4) would be available for use, however at the Shoalhaven Indoor Sports Centre the show court would not be routinely available for casual bookings and may therefore impact on this estimate.

Until the centre has been fully operational for a period of 2 – 3 years it is difficult to forecast the level of subsidy with some certainty, hence a potential subsidy of between \$200,000 - \$300,000 should be anticipated. Once a pattern of use and operation is established this information can be used to develop the business potential further and forecast budget performance more accurately.

## **Risk Implications**

### ***Transition Period – Practical Completion – Commissioning Hand Over Training & Operation (CHOTO) – Opening***

Option 2 may lead to an extended transition period from building Practical Completion to operation. This transition will need to be carefully managed to ensure there are no undue delays in opening the venue.

### ***Defect Liability Period, Warranties and Fit-Out Timeline***

Once Practical Completion is achieved, a 12-month Defect Liability period commences. It is essential that the Project Manager and building contractor are kept formally informed of defects and performance issues with the building. There is the risk that with an external operator these will not be communicated expediently enabling them to be rectified which may have a longer-term effect on the building.

Similar a number of plant and equipment items will be under a 12-month warranty and servicing period and it is essential that an external operator has in place a scheduled planned and preventive maintenance program to ensure warranties on plant and equipment are not compromised.

***Compliance***

The Council may not achieve Practical Completion status in terms of compliance. For example, the Food Premises Policy in relation to kitchen fit-out may not be issued until this area is complete. This may be subject to the operator funding the fit-out of these areas prior to operations; however, this will not be aligned to Practical Completion and may delay the issuing of an Occupation Certificate.

***Accessibility***

With such a substantial investment from Council into the project, the community will be expecting a shared use of the facility and equal access to the benefits it will provide. An external operations model may result in disappointment among community members where access is either not attainable and / or affordable as access will be at the discretion of the external operator. This will need to be considered in any Management Agreement. The requirement to ensure higher levels of community access will result in higher operational costs.

***Management Experience***

Appointing an appropriately experienced operator with the capability and proven track record in managing facilities will maximise the potential of the centre and minimise Council's financial risks, comply with legislative requirements, particularly related to WHS, Award provisions and Industrial requirements.

***Financial Risk***

By putting the management and operation of the centre out to the market, Council is able to evaluate submissions, and any management fee implications for Council.



## CL17.263 Section 355 Management Committees

HPERM Ref: D17/286229

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

### Purpose / Summary

To confirm Council's Section 355 Management Committee's delegated responsibility and their authority to expend up to an amount of \$5,000.

To inform Council of the proposal to transition to occupancy agreements for the Former Pyree School, and Milton Pony Club, and Council management for the Cudmirrah Berrara Community Hall and Tennis Courts.

### Recommendation

That:

1. The Section 355 Management Committees listed in this report, retain their delegated responsibility pursuant to Section 377 – LG Act for the care control and management of their facilities with authority to expend up to an amount of \$5,000 consistent with the delegation; and
2. The authorisation to the General Manager to appoint members as required be confirmed.
3. The following Section 355 Management Committee be renewed, however discussions commence to transition this Committee to an occupancy agreement within 2 years:
  - a. Former Pyree School (Family History Society & pottery shed),
  - b. The management and operation of the facility transition to an occupancy agreement.
4. The following Section 355 Management Committee be acknowledged to have dissolved:
  - a. Milton Pony Club grounds,
  - b. The management and operation of the facility transition to an occupancy agreement.
5. The following Section 355 Management Committee be acknowledged to have dissolved and management of the facility has reverted to Council.
  - a. Cudmirrah Berrara Community Hall & Tennis Courts.

### Options

1. As recommended.

Implications: Will result in improved management of Council's community facilities as the more appropriate model of management is applied to the different types of facility.

2. Council change the delegated responsibility for the care control and management of its facilities with authority to expend up to a different amount consistent with the delegation.

Implications: Increasing the amount will increase the risk of inappropriate expenditure of funds by the Management Committee. Decreasing the amount will restrict the ability of

the Management Committee to manage the finances without ongoing input from Council's officers.

3. Council determine to not accept the recommendation and provide alternative direction

Implications: This could affect the efficient running of Council's public facilities.

### Background

Council has previously delegated responsibility for the care, control and management of the facilities operated by Management Committees on behalf of Council, with authority to expend up to an amount of \$5,000, to the Management Committees listed below. The delegation allows community groups to take greater ownership and value add to Council facilities while at the same time reducing resource requirements from Council. This delegation is overseen by Council's [Management Committee Guidelines](#).

Council also previously confirmed the authorisation to the General Manager to appoint members as required. The authorisation reduces the operational workload for both Councillors and staff.

It is proposed that the following Section 355 Management Committees be retained.

### Social & Infrastructure Planning Unit:

- Berry Showgrounds (Hazel & David Berry Parks)
- Bill Andriske Mollymook Oval
- Bomaderry Community Centre
- Burrill Lake Community Hall
- Callala Bay Community Centre
- Callala Bay Progress Hall
- Callala Beach Community Centre
- Culburra Beach Community Centre
- Culburra Tennis Courts
- Currarong Tennis Courts
- Frogs Holla Sporting Complex
- Greenwell Point Memorial Community Hall
- Huskisson Community Centre
- Huskisson Tennis Courts
- Kangaroo Valley Showground (Osborne Park)
- Kioloa-Bawley Point Community Centre
- Milton Showground
- North Nowra Community Centre
- Shoalhaven Heads Community Centre
- Shoalhaven Heads Tennis Courts
- Shoalhaven Rugby Park
- St Georges Basin Community Centre
- Sussex Inlet Thompson Street Community Facilities
- Vic Zealand Oval
- Wandandian Recreation Reserve
- Worrigee Equestrian Common
- Yulunga Reserve

**Shoalhaven Libraries Unit:**

- Friends of Milton Library

**Assets Unit:**

- Huskisson Wharves
- Ulladulla Slipway

It is proposed that the following existing Management Committees are not to be renewed in the future. These facilities operate primarily as a single use and the occupying organisations do not function as 355 Management Committees, or report in accordance with the Management Committee Guidelines. Instead, they operate as independent organisations, not open for general community use. These facilities should be managed consistently by Council with lease agreements across the Shoalhaven.

It is therefore proposed to transition them to an occupancy agreement within 2 years for the following reasons:

Management Committee	Reason
Former Pyree School (Family History Society & pottery shed)	<p>This facility is comprised of two old schoolhouses in the block of land adjacent to the Pyree Hall (which is privately owned). Each building is occupied by a single user group: Pyree Pottery Group and Family History Society. The groups both have a large amount of specialised equipment stored in the buildings, which constitute a WHS hazard for unsupervised members of the public, and prohibit use of the facilities for anything other than the resident user-groups' current use. For these reasons both buildings should be transitioned to an occupancy agreement, legitimising exclusive use of the facilities and addressing WHS concerns.</p> <p>The Committee has identified that all current members intend to resign at the AGM on 12/09/2017. No expressions of interest have so far been received in assuming the Executive Positions on the committee. Hence, little resistance is anticipated in moving to a building occupancy agreement for the use of the site.</p> <p>It is recommended that the site be transitioned to two occupancy agreements with Council.</p>

**Transitional arrangements for the above committee**

Subject to Council adopting the above resolution, Council staff will commence more formal discussions with the above Committee. The transitional period of 2 years recognises that available Council staffing resources are limited and this is an achievable time frame to undertake this.

Should the Former Pyree School Hall Management Committee disband, Council staff will proceed to transition to occupancy agreements by direct liaison with user groups.

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## Disbanded Management Committees

All members of these 355 Management Committees have resigned and there is no interest from user groups in taking up executive positions. Recommendations are explained below:

Management Committee	Reason
Milton Pony Club	<p>All members of the Milton Pony Club Management Committee have resigned their positions and there is no interest from user groups in taking up executive positions.</p> <p>The site previously provided for 2 user groups: The Milton Pony Club and the Mollymook Pony Club. The Mollymook Pony Club has not used the site for five months, having only one member, and uses private property for recreation. The Club has not been active on the Management Committee for a few years. The chairperson of the club has indicated to the Milton Pony Club that he would direct any future interested parties to them.</p> <p>This facility now being used by only one community group who are happy to maintain and manage the site, as they have been doing for two/three years now. It is recommended that the site be transitioned to an occupancy agreement with Council.</p>
Cudmirrah Berrara Community Hall & Tennis Courts	<p>All members of the Cudmirrah Berrara Community Hall &amp; Tennis Courts Management Committee have resigned their positions and there is no interest from user groups in taking up executive positions.</p> <p>The hall currently has only two regular user groups. 1. The Rural Fire Service uses the hall once/month - the outgoing committee has advised this group is likely to disband at their next meeting. 2. A craft group meets for 2 hours/fortnight. The keys for the hall are being kept at the SCC Tourist Park in Cudmirrah, and bookings can currently be made through the Social &amp; Infrastructure Planning Unit.</p> <p>The tennis court has an unsafe, uneven playing surface. Due to low usage, resurfacing is not recommended, and the court has been closed for approximately 6 months, pending feedback from the community. No feedback has been received.</p>

## Community Engagement

Council supports the Management Committee volunteers with advice, in kind assistance and budget provisions where appropriate.

Volunteerism is a delivery method encouraged and supported by Council.

Though providing the above information, Council staff have been in ongoing discussions with the above Committees.

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Subject to Council adopting the above resolution, further discussion will occur with the Committees identified for transition to an occupancy agreement.

Should an occupancy agreement be the agreed outcome, this will involve a further process of entering into leases / licences, which will likely require public advertising and / or community engagement.

### **Financial Implications**

Having community based Management Committees take responsibility for the care, control and management of local facilities is an extremely cost effective delivery method.

Currently user groups at the two sites recommended to transition to occupancy agreements pay hire fees relative to each facility. Should a lease / licence be determined as the most appropriate occupancy agreement from the above discussion, this will involve implementing appropriate fees as per Council's adopted Fees & Charges for the issuing of a lease or licence.

## CL17.264 Social Housing Community Improvement Fund - Parramatta Park - Funding Success

**HPERM Ref:** D17/311033

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

### Purpose / Summary

To request that Council accept funding grants totalling \$50,000, being put towards the construction of a Learn To Ride Bike Path in Parramatta Park, Nowra East from Family and Community Services Social Housing Community Improvement Fund.

### Recommendation

That Council

1. Accept the grant amount of \$50,000 towards the construction of a learn to ride path in Parramatta Park Nowra East.
2. Write and thank Family and Community Services

### Options

1. Council accept the funding grant of \$50,000 to put towards the construction of a learn to ride path in Parramatta Park. (recommended)

Implications: This will ensure delivery of a project that will contribute to wellbeing, community connectedness, safety and enhancement of the community.

2. Council decline to accept the above funding grants

Implications: Funds are not accepted and projects will not be delivered

### Background

The project aims to provide a Learn to Ride (LTR) facility in Parramatta Park, Nowra East for the toddlers, pre-schoolers and school aged children and their families of the East Nowra Community.

The LTR provides opportunities for safe, healthy, active and fun recreation as well as teaching children lifelong skills. At completion, Nowra Family Support and Cullunghutti Aboriginal Child and Family Services will host Bike Safety programs to activate the new facility.

The LTR facility will complement the playground equipment, basketball court and totem poles cultural project that already exist in the park providing community members with a place to meet and participate in healthy, active activities. It will mean that children and families have an added reason to visit the park and socialise with their neighbours. It is anticipated that families from the surrounding community would visit this park, being the only LTR in Nowra,

presenting an opportunity for better integration between local social housing tenants and the surrounding community.

The Project has been informed by consultation with service providers working closely with the Nowra East Community and Nowra East Community Pride Group. Sustainability for the project will be created by involving the community in consultation and activation activities to create a sense of community pride and ownership.

The project is expected to be completed by November 2018.

### **Community Engagement**

The Project has been informed by consultation with service providers working closely with the Nowra East Community and Nowra East Community Pride Group.

### **Financial Implications**

The proffered grant amount will fund:

- New grey concrete pavement \$35,000.00
- Bituminous paint over existing concrete path \$5,000.00
- Thermoplastic line marking \$3,000.00
- Bike stands \$2,000.00
- Landscaping \$3,000.00
- Fixed seating \$2,000.00

Shoalhaven City Council will contribute \$25,000 to fund:

- Site establishment/disestablishment, construction \$5,000.00
- Excavation, compaction, distributing excess soil \$20,000

## CL17.265 2017 Local Government NSW Annual Conference - Motions

**HPERM Ref:** D17/304815

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

### Purpose / Summary

For the Council to consider the proposed Motions for submission to the 2017 Local Government NSW Annual Conference to be held at the Hyatt Regency Sydney from 4 to 6 December 2017.

### Recommendation

That Council consider the Motions, as printed in the report and, if accepted, the Motions be submitted to Local Government NSW for inclusion in the Conference Agenda.

### Options

1. As per the recommendation.

Implications: none

2. That Council not accept the motions as outlined in the report and propose alternatives.

Implications: The Council is required to approve Motions by resolution, so the complete wording of the motions will need to be provided and agreed prior to the submission date of 9 October 2017.

### Background

Local Government NSW (LG NSW) has called for the submission of Motions, and Councils are encouraged to formulate motions submitted in terms of the current policy statements.

LG NSW has requested that Councils submit motions by Monday 9 October 2017 to allow printing and distribution of the Business Paper before the Conference. In line with the LG NSW rules, the latest date motions can be accepted for inclusion in the Conference Business Paper is 12 midnight on Monday 6 November 2017. All motions must be adopted by Council before submission.

The following motions were proposed at the Councillor briefing held on 14 September 2017:

#### **MOTION 1 : Water and Sewer Pensioner Rebates**

**That the State Government review the difference between pensioner rebates for water and sewer services in regional NSW compared to Sydney Water to ensure greater fairness across the state.**

CL17.265



**Background:**

There has been a long history of inequities of pensioner rebates for water and sewer between customers of Sydney Water and those of other service providers in regional NSW.

The Council Rebate for water and sewer is a fixed concession for eligible pensioners jointly funded by the NSW State Government and Local Councils. The rebate that a pensioner residing in a regional area not serviced by Sydney Water or Hunter Water is based on the following as contained within the Local Government Act:

- 50% of a water charge up to a maximum \$87.50 concession
- 50% of a sewerage charge up to a maximum \$87.50 concession

Therefore, an eligible pensioner in these areas can receive a maximum of \$175 off their total water and sewer charges. These maximum available concessions have been in place for many years, without any adjustments. Therefore, as water and sewerage bills have increased in real terms over time, pensioner rebates decline in value relative to the total water and sewerage bills.

Councils contribute 45% of these concession costs, through lost income to the water and sewer funds. The pensioner rebates for eligible Sydney Water customers are calculated in a different way, and are far greater. Those rebates are 100% of the water access charge and 80% of the sewer access charge. This equates to \$568.74 for the 2017/18 financial year (i.e. \$393.74 more per annum than equivalent pensioners in regional areas do). These pensioner rebates for Sydney Water are fully funded by the State government - they are fully recovered from NSW Treasury as a Community Service Obligation.

**MOTION 2: Sustainability of buildings**

**That the State Government be called upon to strengthen the implementation of the requirements of BASIX with regards to the application of the Thermal Comfort Index to sustainable buildings . In addition to addressing these issues in private development, the government should focus on ensuring that retrofitting and maintenance of NSW Housing stock is to BASIX standards.**

**Background:**

Increasing reliance on air-conditioning to improve summertime comfort in dwellings results in higher energy bills, peak electricity demand and environmental issues. In pursuit of social equity, society needs to develop ways of improving cooling that are less reliant on air-conditioning. Designing homes to emphasise adaptive thermal comfort can reduce this reliance, particularly when combined with improved dwelling thermal performance. The current targets are in line with national sustainable building standards and recognise current industry best practice. Proposed targets will encourage building professionals to adopt more sustainable technologies and improve design. The targets may also increase demand for business that offer sustainable building products and services. The difficulty in applying BASIX is that it applies to new works. There needs to be consideration given to updating older housing stock that did not benefit from the application of BASIX.

**MOTION 3: Definition of Physical Commencement - Environmental Planning and Assessment Act, 1979**

**That the Minister reconsider the definition of Physical Commencement; with a view to ensuring that development consents are secured by substantial physical commencement of development.**

**Background:**

*"A development consent is a valuable asset. It is a statutory permission that authorises the carrying out of development on land, mostly for economic gain... It adds value to the land. Hence the prospect of a consent lapsing is apt to engender dismay in the holder of the consent."* CJ Preston in para 1 *Kinder Investments Pty Ltd v Sydney City Council* [2005] NSWLEC 737

A leading case involving "physical commencement" is: *Richard & Ors v Shoalhaven City Council* [2002] NSW LEC 11, which related to a consent for subdivision of land. The question determined in this case was whether the survey work carried out was an essential part of the engineering work required for the approved subdivision. The Judge found that *"the taking of levels, placing pegs, the removal of vegetation and the establishment of marks, including the centre point of a road"* were *"part of the engineering work required for the establishment and construction of the subdivision"*. As that survey work had taken place before the lapsing date, the consent had not lapsed.

What this means is that consents can be valid in theory, indefinitely. Over the passage of time, circumstances change and it may not be desirable to have some of these older consents acted upon. By way of example, the character of an area may have changed, environmental constraints and considerations altered and so on. With respect to the motion 2, this could also mean that new technologies or energy targets for development cannot be achieved which are commensurate with modern expectations or standards.

**MOTION 4: Waste Levy Boundaries**

**That the State Government review the regulated boundary for the Waste levy, including reassessment of which Local Government Areas are classified as 'regional' or 'metropolitan'. The assessment needs to consider factors such as distance to recycling processors, quantum of waste produced in the LGA and affordability (level of socio economic disadvantage in the community).**

**Background:**

The intent of the levy *"to encourage recycling and divert waste away from landfill"* should be applauded. However, the practical application is inconsistent with some regional Council's regarded as 'metropolitan' and paying the highest rate of the levy. Regional areas are challenged by the relatively higher cost of hauling recyclable materials to the downstream processors, which are typically in Sydney. Communities in many regional areas are at a socio economic disadvantage compared to city areas, having less capacity to pay.

In addition, only a small percentage of the levy is returned to Council's as grants for waste minimisation activities and projects.

**MOTION 5: Ban on single use plastic bags**

**That LGNSW calls upon the NSW Minister for the Environment, Gabrielle Upton MP act on banning the use of single - use plastic bags in NSW. Further, that the ban include all identified 'biodegradable and degradable' bags up to 70 microns.**

**Background:**

Plastic Bag bans already exist in South Australia, Tasmania, the Northern Territory and the Australian Capital Territory.

Plastic bags are one of the more deadly and unsightly rubbish items in our environment.. Single use plastic bags are made from fossil fuels, they are energy intensive to produce, and

one bag is used for an average of 12 minutes but persists in the environment for over 1,000 years. It is lightweight, thus easily blown around or carried around in water, causing a variety of problems for the natural environment. A *Clean Up Australia Day* report estimates that over 10 million single use plastic bags are used in Australia every single day.

Our communities have led the way in their attempts to ban these plastic bags locally, however, without state legislation community efforts are piecemeal. LGNSW should join with Clean Up Australia and a large coalition of environmental and concerned citizens with a view to bringing into place legislative change in NSW banning single use plastic bags.

## CL17.266 Ratepayer Advance - Kerb & Gutter - 14 - 18 Plantation Point Pde Vincentia

**HPERM Ref:** D17/298375

**Group:** Assets & Works Group

**Section:** Works & Services

### Purpose / Summary

The purpose of this report is to gain Council's approval to enter into an agreement with property owners for the construction of kerb and gutter under Council's Ratepayer Advance Scheme (POL16/155).

Under the scheme, ratepayers pay the full cost of the provision of kerb and gutter along a public road adjacent to their land, where the work is not identified in Council's Capital Works program. Council enters into a formal agreement with the ratepayer, for them to advance to Council the full cost of the work and for Council to repay Council's component of costs, after a period of 5 years with interest.

In accordance with Section 217 of the Roads Act 1993, property owners are required to contribute to a portion of the construction. This component is not refunded.

The rates applicable to the works are nominated in Councils adopted Fees and Charges.

### Recommendation

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

1. Colin Robert McDougall of 14 Plantation Point Parade, Vincentia in respect of Kerb and Gutter construction to the value of \$7,172.96 (advance) of which \$2,296.16 (excluding GST) is the contribution, \$4,876.80 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$6,096.00 (additional \$242.00 to be charged for an additional driveway layback).
2. Kerrie Anne Kelly & Paul David Kelly of 16 Plantation Point Parade, Vincentia in respect of Kerb and Gutter construction to the value of \$6,671.70 (advance) of which \$2,135.70 (excluding GST) is the contribution, \$4,536.00 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,670.00.
3. Benita Patrice Hodder & Rene Paul Hodder of 18 Plantation Point Parade, Vincentia NSW 2540 in respect of Kerb and Gutter construction to the value of \$6,025.71 (advance) of which \$1,928.91 (excluding GST) is the contribution, \$4,096.80 is the loan and the amount to be repaid to the Ratepayer in 5 years at 5% interest per annum is \$5,121.00.
4. The Common Seal of Council of the City of Shoalhaven be affixed to any documentation required to be sealed otherwise the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

### Options

1. Council accept the recommendation as presented.

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Implications: Council will be contractually bound to repay contributions plus interest as per the Policy. The ratepayers and Council will benefit from the proactive efforts of ratepayers to improve drainage, appearance and access to properties and it may minimise erosion of the existing road verge.

2. Council not accept the recommendation, giving reasons and propose an alternative resolution.

Implications: Residents will be without kerb & gutter infrastructure and may be disappointed in the outcome.

## CL17.267 Proposed Acquisition of Land for Far North Collector Road - 333 Illaroo Road North Nowra

HPERM Ref: D17/300982

Group: Assets & Works Group  
Section: Business & Property

### Purpose / Summary

To seek Council approval to enter into negotiations with the owners of 333 Illaroo Road North Nowra (David & Shelley Kellett) for the acquisition of their property required for the construction of the Far North Collector Road. This road will link Illaroo Road in North Nowra to Moss Vale Road in Cambewarra.

### Recommendation

That Council authorise the commencement of negotiations for the acquisition of 333 Illaroo Road, North Nowra in accordance with the provisions of the Land Acquisition (Just Terms) Compensation Act 1991 and that a further report on the outcome of the negotiations be considered.

### Options

1. Adopt the recommendation.

Implications: The commencement of negotiations is the first step in the delivery of the required land for the construction of the Far North Collector Road.

2. Defer negotiations until the detailed design of the road is complete.

Implications: Completing the design will provide absolute certainty over the impact of the road on 333 Illaroo Road. However, the affected property owners will continue to face an uncertain future until this complete.

Staff have completed concept assessment of the intersection on Illaroo Road and believe the property will be impacted.

### Background

The NSW Government announced in Budget 2017 an allocation of \$13.8 million dollars for the construction of the Far North Collector Road. This link is critical to the future development of the City in the urban release areas west of Bomaderry. It will provide access to North Nowra and alleviate some of the traffic issues on Illaroo Road by providing an alternative route during future bridge construction (new Shoalhaven River crossing).

In May of this year Council acquired 125 Moss Vale Road, Cambewarra from Stockland Development Pty Limited where the Far North Collector Road will intersect at Moss Vale Road and Bells Lane.

The detailed engineering design of the road has not yet commenced, but based on preliminary assessment of the southern end (intersection with Illaroo Road), 333 Illaroo Road will be heavily impacted. No design option is considered viable to avoid this property.

Commencing negotiations will provide the property owner, D H & S L Kellett, with information that will to some extent alleviate uncertainty and allow them time to commence searching for an alternative property.

Additional land acquisitions are required, but the road is not expected to impact dwellings on these properties, so these will be advanced after the alignment is finalised.

### **Financial Implications**

The funding that has been announced included a component for the acquisition of land needed for the road.

## CL17.268 Proposed Leasing 125 Moss Vale Road Cambewarra

**HPERM Ref:** D17/309784

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

**Attachments:** 1. Site Plan [↓](#)

### Purpose / Summary

To seek Council approval of a Residential Tenancy Agreement for the interim use of the property at 125 Moss Vale Road Cambewarra (Lot 262 DP 794245) prior to and during construction of the Far North Collector Road (refer Attachment 1).

### Recommendation

That Council resolve to lease Council owned property at 125 Moss Vale Road, Cambewarra in accordance with the Residential Tenancy Act 2010 and that the General Manager be delegated authority to determine the detail, terms and conditions of any agreement not yet finalised.

### Options

1. Adopt the recommendation.

Implications. A lease of this property will provide Council with a financial return at least until such time as part of the property is required for construction of the Far North Collector Road.

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

### Background

The subject property was recently acquired to facilitate the construction of the Far North Collector Road (FNC) which will commence at Illaroo Road and connect to Moss Vale Road and Bells Lane. This link is critical to the future development of the City via the recently confirmed urban release areas north-west of Bomaderry and it will provide critical alternative access to Nowra during the construction phase associated with the new bridge across the Shoalhaven River.

There is a 4-5 Bedroom dwelling on this 16 hectare property with a large shed and swimming pool and is thought to have appeal to anyone in the market for rental property.

Council has been requested to consider the leasing of this property whilst awaiting the construction of the FNC to commence. A rental valuation has been commissioned and whilst the recommended rental range is considered reasonable at \$550 per week, an agreement will be negotiated taking into consideration a requirement that the tenant be responsible for maintenance of the swimming pool, lawns and gardens.



Minor renovations and landscaping have been carried out to the property to upgrade it to a suitable condition for leasing.

**Financial Implications**

Council will benefit from the rental return each week.

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## CL17.269 Rezoning Request - Parma Yerriyong Community Association Inc.

**HPERM Ref:** D17/291664

**Group:** Planning Environment & Development Group  
**Section:** Strategic Planning

**Attachments:** 1. Rezoning Request - Parma Yerriyong Community Assoc. Inc. [↓](#)

### Purpose / Summary

To present a request received from the Parma Yerriyong Community Association Inc. that requests the rezoning of land in the Yerriyong area to E2 Environmental Conservation under Shoalhaven Local Environmental Plan (LEP) 2014.

### Recommendation

That Council decide which of the four options outlined in the report they wish to pursue in regard to the request received from the Parma Yerriyong Community Association Inc. to rezone land in the Yerriyong area to E2 Environmental Conservation.

### Options

1. No change - Receive the report for information and retain the existing zoning and planning provisions outlined in Shoalhaven LEP2014

Implications: This would see the existing planning provisions that apply over the land retained. It would also potentially enable a future proposal for a motor sports facility to be considered within the provisions of existing legislation.

2. Pursue a rezoning of the subject land, subject to landowner agreement, to E2 Environmental Conservation and retain the existing Schedule 1 provision that applies over part of the subject land.

Implications: This would see the larger area covered by the request rezoned to E2, but still enable the specific development of a motor sports facility to be considered in the area covered by the current Schedule 1 provision and occupied by the existing motorcycle facility.

3. Pursue a rezoning of the subject land, subject to landowner agreement, to E2 Environmental Conservation and also remove the existing Schedule 1 provision that applies over part of the subject land.

Implications: This would see the requested area rezoned to E2 and also the specific Schedule 1 provision for a motor sports facility that applies over part of the area removed. This would effectively prohibit any future proposal for a motor sports facility under the LEP.

4. Before making any decision commence initial consultation with the NSW Government (as landowners to see whether they support a rezoning), the relevant Aboriginal Land Council (who may have an interest in the land) and the Department of Defence (given the nature of the existing zoning).

Implications: This will establish the views of other key stakeholders before council makes a definitive decision.

## Background

### *Rezoning Submission Overview*

Representatives of the Parma Yerriyong Community Association Inc. met with the Mayor and General Manager in late August 2017. At this meeting, they presented a submission (copy provided as **Attachment 1**) that requests that an area of land at Yerriyong be rezoned to E2 Environmental Conservation under Shoalhaven LEP2014. The area of land in question is shown in a 'blue' outline on the map that is part of their submission.

The request appears to cover all or substantially all of the four (4) parcels of Crown Land that are located off Braidwood Road at Yerriyong.

The parcels and their current zoning under Shoalhaven LEP2014 are noted below:

<u>Property:</u>	<u>Current zoning:</u>
Lot 3 DP1029731	RU2 Rural Landscape
Lots 7308 & 7309 DP1148878	RU2 Rural Landscape & SP2 Infrastructure (airfield proposes)
Lot 7313 DP1148878	RU2 Rural Landscape

The submission comments on the zoning decisions made during the preparation of the Shoalhaven LEP2014, suggests that the biodiversity significance of the land was not given due consideration, quotes from relevant NSW State Government/NSW Office of Environment & Heritage (OEH) documents and highlights the findings of flora and fauna assessments undertaken between 2014 and 2016.

The submission concludes by recommending that given the acknowledged high conservation value of the area that resulted in the proposed motorsports development not proceeding, that the Crown Land in question be rezoned E2 to ensure its ongoing conservation and ensure they are not threatened by future developments.

### *Comments*

The submission questions the appropriateness of the zoning of the broader area and appears to be related to the development application (RA14/1000) for a motor sports facility that was proposed to be located on part of the subject lands. This application was withdrawn by the applicant (Motorcycling NSW) in May 2017.

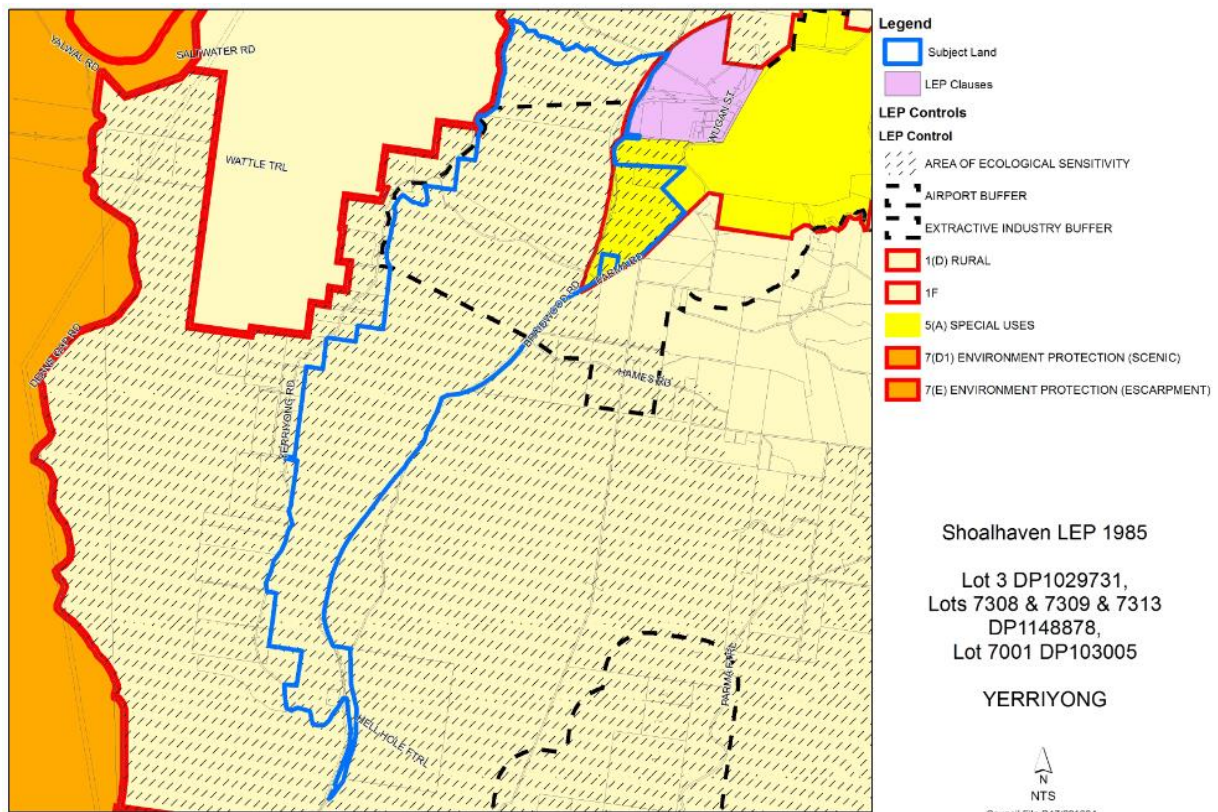
The withdrawal of the application followed its initial consideration by the Joint Regional Planning Panel (JRPP) and issues that required further consideration. This included the presence of a threatened orchid on the site - *Cryptostylis hunteriana*. At the time of the withdrawal this orchid was listed as Vulnerable under both the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and the then NSW Threatened Species Conservation Act 1995 (TSC Act).

It is noted that in regard to the current zoning of the subject land, that it does essentially reflect a "best fit" transfer from the previous Shoalhaven LEP1985.

Under Shoalhaven LEP1985, the subject land was zoned Rural 1(d) and Special Uses 5(a)(public and airfield purposes). It was also identified as "land of ecological sensitivity" and was affected by the "airport buffer" associated with HMAS Albatross. The zoning of the area under the Shoalhaven LEP1985 is shown on the following map:

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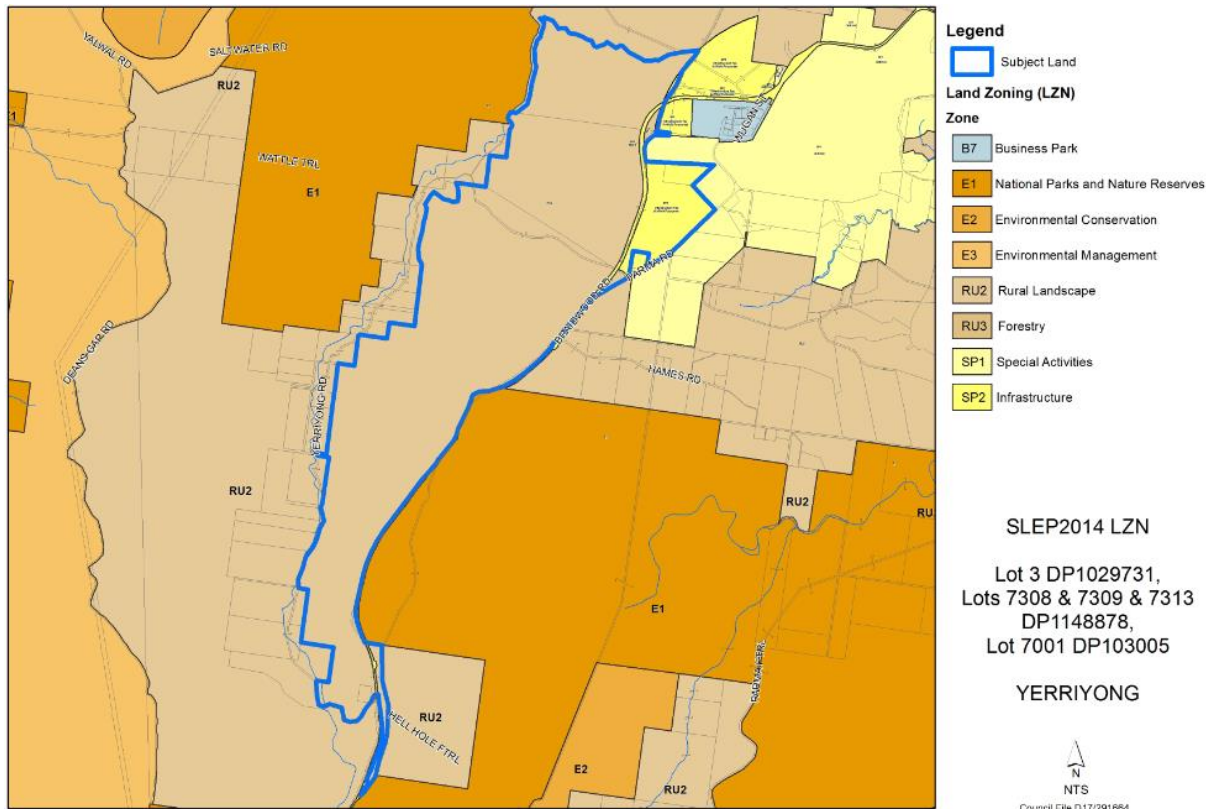




Extract – Shoalhaven LEP1985

Under the current Shoalhaven LEP2014, the subject land is zoned RU2 General Rural and SP2 Infrastructure (airfield purposes). It is also identified on the following maps that form part of the LEP - "terrestrial biodiversity" map as "biodiversity-significant vegetation" and Biodiversity-habitat corridor" and "buffers" map also partially affected by the "HMAS Albatross Buffer" The zoning of the area under the Shoalhaven LEP2014 is shown on the following map:

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Extract – Shoalhaven LEP2014 Zoning Map

Thus, the actual zoning of the subject land is consistent with the “best fit” transfer approach, which was the basis for much of the current LEP. It is also noted that the conservation value of the land was recognised through the current LEP given that it is identified on the “terrestrial biodiversity” map as significant vegetation and habitat corridor. This mapping was informed by the mapping associated with the former South Coast Regional Strategy.

The SP2 zoning in this location provides an opportunity for uses or activities associated with the airfield, acknowledging the attributes of the area – adjacent to a gas pipeline, main road access, within a noise buffer and relatively isolated.

It is acknowledged that during the preparation and finalisation of the current LEP that Council did specifically include a provision in Schedule 1 – Additional Permitted Uses in the LEP that reads as follows:

16 Use of certain land at Braidwood Road and Yerriyong Road, Yerriyong

- (1) This clause applies to the land identified as “Sch 1.16” on the Clauses Map, being Lot 7309, DP 1148878, Braidwood Road, Yerriyong, and Lot 7308, DP 1147573 that is in Zone SP2 Infrastructure at Yerriyong Road, Yerriyong.
- (2) Development for the purpose of recreation facilities (major), being a motor sports facility, is permitted with development consent.

This provision applies to the area of land coloured green (southern one) and notated ‘Sch 1.16’ on the following map:

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*Extract Shoalhaven LEP2014 – Clauses Map*

This provision was included to provide the opportunity for a potential motor sports facility to be considered in this location, with development consent.

It is noted that the NSW Government's new Biodiversity Conservation Act 2016 recently commenced on 25 August 2017. This is relevant in this regard given that this Act replaces the previous NSW TSC Act under which, particularly, the *Cryptostylis hunteriana* orchid, which is known to exist on the site, was listed as vulnerable. This new Act changes the biodiversity conservation framework markedly and as such, its impact on this site and the species that are present still requires detailed consideration.

Outside of the more major reviews of the LEP, the rezoning of land is normally initiated via the submission of a proponent Planning Proposal (PP). These require landowner consent. In this case, if Council wishes to pursue a change to the zoning of this land then contact should be made with the NSW Government to see whether they agree given that subject land is currently in the ownership of the Crown. Most of the land in question is also subject to Aboriginal Land Claims (ALC's). The status of these claims would need to be checked and consultation may also be required with the relevant Aboriginal Land Council if a rezoning is to be considered.

Similarly, consultation would also most likely be required with the Department of Defence, this is common practice where special purpose zones (SP2) exist and there is a proposal to change the zoning. In this case, the specific notation related to the zone is 'airfield purposes'. As such, advice would be sought on whether the identified use was still relevant and whether it was surplus to requirements and as such can be rezoned.

## Conclusion

Council can if it wishes consider a rezoning of the subject land and there are a number of options in this regard. These are detailed earlier in the report.

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However, it is proposed to pursue a rezoning, at a minimum, early consultation should be undertaken with the NSW Government (as landowners to see whether they agree), the relevant Aboriginal Land Council (who may have an interest in the land) and the Department of Defence (given the nature of the existing zoning).

**Community Engagement**

If Council decides to pursue a rezoning of the subject land to E2 consistent with the request then community engagement will be undertaken as required by the PP process and specified in any Gateway determination, which will need to be issued by the NSW Department of Planning & Environment at the commencement of the process.

**Policy Implications**

If Council decides to pursue a rezoning of the subject land the priority that this project is given under the adopted Strategic Planning Works Program should also be considered.

**Financial Implications**

There are no direct financial implications at present.



**Submission requesting rezoning to E2 of Crown Land portions (Lot 7309 DP1148878, Lot 3 DP1029731 and Lot 7313 DP1148869)**

When the Shoalhaven City Council released their draft LEP in 2014 for comment, the document revealed that two blocks of **Crown Land** (Lot 7309 DP1148878 and Lot 7313 DP1148869) in the Yerriyong Area, south of Nowra, were designated for RU2 zoning. These blocks contain pristine bush with significant hollow-bearing trees. At the time the Parma Yerriyong Community Association (PYCA) were aware of records for at least 28 species listed as Threatened under the NSW Threatened Species Conservation Act 1995 occurring in the area. At least 15 of these species were known to occur on these blocks including significant stands of *Eucalyptus lanleyii* which has an extremely limited distribution in NSW and so their presence is highly significant and their protection is imperative.

Due to this significant local biodiversity, the PYCA put in multiple submissions to council suggesting that both blocks be zoned E2 to provide these species with appropriate protection. A number of the activities permitted under RU2 zoning, including the proposed motorsports facility, would have had dire consequences for these threatened species. We pointed out then that the Parma/Yerriyong area is a biodiversity hotspot and it is essential that the threatened species in this area be protected from any development allowed under RU2 classification.

The report for consideration at the Special Development Committee Meeting on the draft Shoalhaven LEP 2013 made no mention of Lot 7309 DP1148878, discussing only Lot 7313 DP1148869 and a small neighbouring block (Lot 7308 DP 1147573) earmarked as part of the proposed development (Issue 7.12). This document provided 3 options regarding rezoning in this area:

- Option 1 - Revert back to the previously exhibited SP2 and RU2 zones over Lot 7309 DP 1148878 and 7308 DP 1147573; and when there is certainty that a motorsport facility is to be pursued on the site, a separate planning proposal consider the appropriate zone.
- Option 2 - Adopt the proposed RU2 zones as exhibited over Lot 7309 DP 1148878 and 7308 DP1147573, acknowledging that any threatened species and other impacts would be fully considered should a development application be lodged for a motorsport facility.
- Option 3 - Revert back to the previously exhibited SP2 and RU2 zones over Lot 7309 DP 1148878 and 7308 DP 1147573, and include an allowance clause in Schedule 1 of the LEP to allow for a motorsport facility on the site.

The recommendation in this document was to 'Adopt the proposed RU2 zone as exhibited over Lot 7309 DP1148878 and Lot 7305 DP114573 to provide an opportunity for the proposed motorsports facility to be considered, acknowledging that any impacts (threatened species etc) will be fully considered should a development application be lodged'.

This document clearly reveals that the Shoalhaven City Council do not take the biodiversity values of the area seriously. The council planners did not even put up an environmental zone (E2) as an option for consideration despite the zoning stage being the time when such values must be seriously considered given the known biodiversity of the site. It is obvious

that the council at the time only wanted an option to allow the motorsports complex to be approved.

These two blocks form a direct link between Colymea State Conservation Area to the north-east and Parma Nature Reserve to the south-west. The Office of Environment and Heritage provided the PYCA with a letter acknowledging 'the importance of the area to threatened species and that Crown land Lot 7309 DP1148878 and Lot 7313 DP1148869, Braidwood Road, Yerriyong, lie within a mapped wildlife habitat corridor'. The South Coast Regional Strategy clearly indicates that these blocks are within a corridor of high value biodiversity that is outside Conservation Areas and should be protected. The Shoalhaven City Council's dismissal of the importance of this high conservation land was at odds with the Strategy's aim to protect high value environments including threatened species, vegetation communities and habitat corridors from development within these important areas.

The South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and 's.117 Direction – 5.1 Implementation of Regional Strategies' all give clear planning guidance on biodiversity issues and mapping of the site as:

- (i) regional corridor,
- (ii) threatened fauna habitat,
- (iii) threatened flora habitat and
- (iv) old growth forest (in part).

While the South Coast Regional Strategy recommends that development occur outside of such areas, in March 2014 a Development Application Proposal was lodged with Shoalhaven City Council for a major multi-discipline motor sports facility in the area. The first stage of this proposal was for the clearing of 42ha of the 85 ha portion of Lot... on the western side of Braidwood Road for a road racing precinct. This clearing was to result in the loss of approximately 500 hollow-bearing trees, which in itself indicates the quality of the local vegetation.

While this portion was zoned 5(a) Special Uses (with the particular purpose being 'Public and Airfield Purposes due to it being bordering HMAS Albatross Airfield) under the relevant Shoalhaven Local Environmental Plan (1985) at the time, the Council adopted the rezoning to RU2 Rural Landscape in which 'recreation facilities (major)' were permissible in the 2014 LEP. The Crown Land on the western side of Braidwood Road was likewise changed from 1(d) General Rural to RU2 Rural Landscape in which 'recreation facilities (major)' are permissible.

Even the Office of Environment and Heritage, in their final submission on the Development Application, noted the existence of so many strategies and plans that highlight the importance of the local vegetation and thus questioned the suitability of both the site for the DA and the LEP zoning. "The background to why the recent 2014 local environmental plan zoned the land is only a 'best fit' for the site from the 1985 LEP rather than align with the strategic framework is another story".

In the numerous OEH documents that were submitted during the Joint Regional Panel hearing on the proposed development, they made a great deal of the conservation value of the site:

- "Assessment of the proposal against the NSW Government's strategic planning direction is very relevant. The biodiversity and conservation values of the site have been well documented for some time. The site's environmental attributes warrant protection and conservation in a regional context. New development is to *"be directed away from areas known to be important for conservation"* and *"be located on largely cleared land or areas where only limited clearing of native vegetation with low conservation values is required"*."
- "With the existence of the South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and s.117 Direction – 5.1 Implementation of Regional Strategies many years prior to the 2014 LEP zoning, the JRPP should consider the suitability of the site and zoning."
- "At the strategic planning level, OEH again highlights that the subject lands are acknowledged to have significant environmental conservation values (see South Coast Regional Strategy (2007), South Coast Regional Conservation Plan (2010) and the Illawarra – Shoalhaven Regional Plan (2015). All these strategic planning documents highlight that land with high environmental/conservation values should be protected and that the siting of new development will be directed away from sensitive locations in the first instance."

OEH disagrees with the approach of the flora and fauna assessment report which restricted the application of the assessment of significance to two fauna and two flora species. OEH has identified at least 28 threatened fauna species (Table 1) and 11 threatened flora species (Table 2) that are known or likely to occur on the site based on their known distribution, presence of suitable habitat or survey results. An assessment of significance should be done for all of these species.

The fauna and flora assessments undertaken by Biosis between 2014 and 2016 for the proposed motorsport development highlighted:

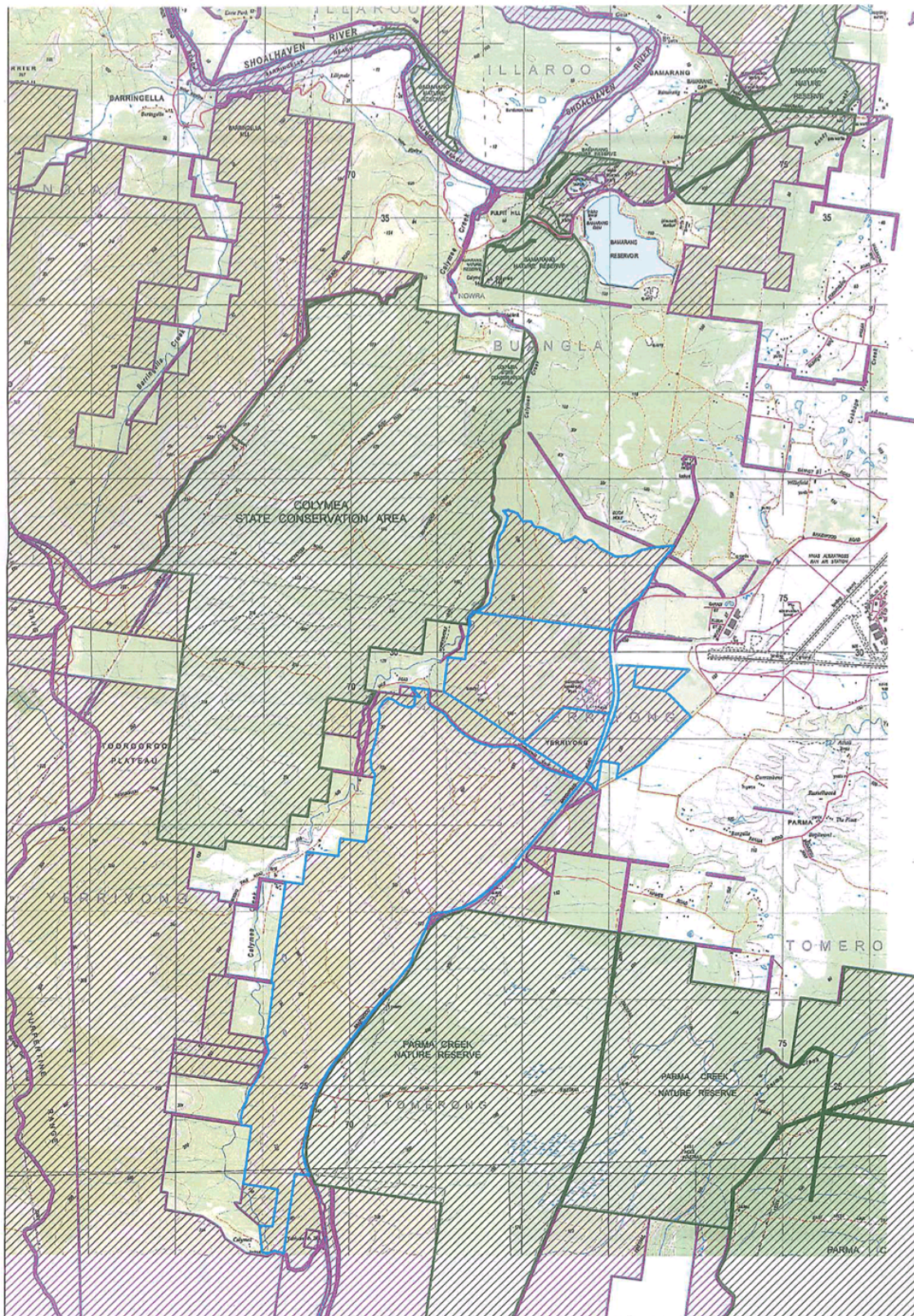
- Approximately 525.52 hectares of native vegetation in good condition. This includes 6.41 hectares of Currumbene-Batemans Lowlands Forest and 37.93 hectares of Morton Mallee-Heath vegetation, which provide significant habitat features for a number of threatened flora and fauna species.
- Areas assessed as being of High Conservation Value according to the South Coast Regional Conservation Plan (DECCW 2010b).
- Known habitat for 11 threatened fauna species and one threatened flora species, and potential habitat for three threatened fauna species east of Braidwood Road.
- Known habitat for eight threatened fauna species and the threatened Albatross Mallee, as well as potential habitat for 13 threatened fauna and ten threatened flora species west of Braidwood Road.
- Contribution to a habitat corridor connecting Jerrawangla National Park and Parma Creek Nature Reserve to the south with Colymea State Conservation Area to the west and Bamarang Nature Reserve to the north.

- The vegetation and fauna habitat throughout the majority of the study area remains largely intact, with disturbance limited to past selective logging practices. Other disturbance is minimal, and includes a pipeline along the eastern boundary as well as formed and unformed vehicles tracks, including trail bike tracks, throughout the study area. The footprint of the NDMCC, except for enduro areas to the north, west and south, has been largely cleared, with only scattered trees remaining.
- The total number of HBTs east of Braidwood Road is estimated to be 1003. The majority of hollow-bearing trees contained hollows greater than 10 centimetres in diameter which would provide sheltering and breeding habitat for a range of species, including gliders, parrots and cockatoos. However, trees containing hollows with an opening of greater than 40 centimetres, which may provide nesting hollows for forest owls, were much more limited, with 120 estimated to occur within the Road Racing Precinct.
- Significant species (state or federally listed) recorded or predicted to occur within 5 kilometres of the study area included 25 threatened flora and 44 threatened fauna species. These include over 100 individuals of *Cryptostylis hunteriana* – the leafless tongue orchid.
- Their review of spatial data associated with the *South Coast Regional Conservation Plan* (DECCW 2010b) indicated that the study area is considered to be of High Conservation Value (HCV) because sections of the proposed development were old-growth vegetation communities and the entire study area was considered likely to provide significant habitat features, including breeding hollows and foraging habitat, for threatened flora and fauna species. The study area forms part of a corridor connecting Jerrawangla National Park and Parma Creek Nature Reserve to the south with Colymea State Conservation Area to the west and Bamarang Nature Reserve to the north. "For these reasons the study area is likely to meet the definition of "important habitat" in DECCW (2010b) and would thus be considered of High Conservation Value"

**Recommendation:**

Given the acknowledged high conservation value of the area which saw an end to the proposed motorsports development, the crown blocks between Jerrawangla National Park and Parma Creek Nature Reserve to the south and Colymea State Conservation Area to the west and Bamarang Nature Reserve to the north be rezoned E2 to ensure their ongoing conservation and ensure they aren't threatened by future developments. This will minimise impacts to ecological values on the site, protecting the core population of the Leafless Tongue Orchids *Cryptostylis hunteriana* and the 38 other threatened species recorded in the area and their feeding and breeding habitat. It will also ensure the protection of areas of Currumbene-Batemans Lowlands Forest and Morton Mallee-Heath (underrepresented in the reserve systems) and will ensure the retainment of vital habitat linkages, maintaining connectivity and the ability of flora and fauna species to disperse to and from this area.





National Park - green hatching  
Crown - purple hatching

significant crown to consider re-zoning  
→ blue outline (minimum)

CL17.269 - Attachment 1



## 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.