

Strategy and Assets Committee

Meeting Date: Tuesday, 21 November, 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 5)
Clr John Wells - Chairperson
Clr Bob Proudfoot – Deputy Chairperson
All Councillors
General Manager or nominee

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

Agenda

1. **Apologies / Leave of Absence**
2. **Confirmation of Minutes**
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4. **Mayoral Minute**
5. **Deputations and Presentations**
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9. Confidential Reports

Reports

CSA17.16 Request to Waive Fees for Approval to Operate a System of Sewage Management

Local Government Act - Section 10A(2)(a) - Personnel matters concerning particular individuals (other than Councillors).

Local Government Act - Section 10A(2)(b) - Discussion in relation to the personal hardship of a resident or ratepayer.

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

Strategy and Assets Committee

Delegation

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.
- 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).

MINUTES OF THE STRATEGY AND ASSETS COMMITTEE

Meeting Date: Tuesday, 17 October 2017
Location: Council Chambers, City Administrative Centre, Bridge Road, Nowra
Time: 5.05pm

The following members were present:

Clr John Wells - Chairperson
Clr Joanna Gash
Clr Patricia White
Clr Nina Cheyne – arrived 5.06pm
Clr Annette Alldrick – arrived 5.10pm
Clr Amanda Findley – arrived 5.08pm
Clr John Levett – arrived 5.08pm
Clr Mitchell Pakes
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot
Mr Russ Pigg - General Manager

Apologies / Leave of Absence

Apologies were received from Clr Guile and Clr Gartner

Confirmation of the Minutes

Note: Clr Cheyne arrived at the meeting 5.06pm

RESOLVED (Clr White / Clr Pakes)

MIN17.903

That the Minutes of the Strategy and Assets Committee held on Tuesday 19 September 2017 be confirmed.

CARRIED

Declarations of Interest

Nil

NOTICES OF MOTION / QUESTIONS ON NOTICE

SA17.258 Notice of Motion - Climate Leadership Conference

HPERM Ref:
D17/327364

Note: Cllr Findley and Cllr Levett arrived at the meeting 5.08pm

Note: Cllr Alldrick arrived at the meeting 5.10pm

Note: Cllr Gartner has submitted a late apology.

Recommendation (Item to be determined under delegated authority)

That the Climate Leadership Conference, (<http://climateleadership2018.com.au/>) to be held in Sydney 15-16 March 2018, be added to conferences available for councillor attendance.

RESOLVED (Cllr Findley / Cllr Levett)

MIN17.904

That Council:

1. Notes the details of the Climate Leadership Conference scheduled for 15-16 March 2018 in the Dockside Convention Centre, Sydney.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

SA17.259 Notice of Motion - Shoalhaven Neighbourhood Services - Solar Panels

HPERM Ref:
D17/332439

Recommendation (Item to be determined under delegated authority)

That Council;

1. Acknowledge the grant of \$10,000.00 from Powershop Pty Ltd to Shoalhaven Neighbourhood Services for installation of solar PVC panels.
2. Support the installation of solar PVC panels on council property 81 Osborne St Nowra, currently leased for 10 years to Shoalhaven Neighbourhood Services.
3. Keep the panels in situ for their useable life, generally 20 -25 years.

RESOLVED (Cllr Wells / Cllr Gash)

MIN17.905

That Council:

1. Acknowledge the grant of \$10,000.00 from Powershop Pty Ltd to Shoalhaven Neighbourhood Services for installation of solar PVC panels.
2. Support the installation of solar PVC panels on council property 81 Osborne St Nowra, currently leased for 10 years to Shoalhaven Neighbourhood Services, subject to compliance with SEPP (Infrastructure) 2007.
3. Keep the panels in situ for their useable life, generally 20 -25 years.

CARRIED

SA17.260 Notice of Motion - Callala Beach Shared Pathways**HPERM Ref:
D17/332618****Recommendation**

That Council:

1. Provide \$25,000 to the Callala Beach Progress Association for the completion of the Callala Beach to Myola share pathway prior to Christmas 2017.
2. Funding to be allocated from:
 - a. \$10,000 project allocation 2017/18 Community pathway funding
 - b. \$10,000 project allocation 2018/19 Community pathway funding
 - c. \$ 5,000 Quarterly review September
 - d. Or an alternative revenue source
3. Council to assist with the survey of the centre line of the path for the construction purposes.
4. Council thank and congratulate the Callala Beach Progress Association for going above and beyond in making this project a success, with the end result being a truly unique piece of community infrastructure.

Recommendation (Clr White / Clr Pakes)

That Council:

1. Provide \$25,000 to the Callala Beach Progress Association for the completion of the Callala Beach to Myola share pathway prior to Christmas 2017.
2. Funding to be allocated from:
 - a. \$10,000 project allocation 2017/18 Community pathway funding
 - b. \$10,000 project allocation 2018/19 Community pathway funding
 - c. \$ 5,000 Quarterly review September
 - d. Or an alternative revenue source
3. Council to assist with the survey of the centre line of the path for the construction purposes.
4. Council thank and congratulate the Callala Beach Progress Association for going above and beyond in making this project a success, with the end result being a truly unique piece of community infrastructure.

CARRIED

REPORTS

SA17.261 State Emergency Services Support - Funding Sources / costs - Report Request - staged approach - 2017 Floodplain Management Australia National Conference

**HPERM Ref:
D17/332897**

Recommendation (Item to be determined under delegated authority)

That:

1. That Council receive the report for information;
2. That council acknowledge that the SES is the combat agency for flood events;
3. That council will continue to work with SES to improve services, capacity and community education through various means and within council budgets as set out in this report

RESOLVED (Clr Gash / Clr Kitchener)

MIN17.906

That Council:

1. Receive the report for information;
2. Acknowledge that the SES is the combat agency for flood events;
3. Will continue to work with SES to improve services, capacity and community education through various means and within council budgets as set out in this report

CARRIED

SA17.262 Public Policy for Review - Councillor & Staff Interaction Policy

**HPERM Ref:
D17/334124**

Recommendation (Item to be determined under delegated authority)

That the public policy, Councillor & Staff Interaction Policy, be adopted with minor changes as indicated in Attachment 1.

RESOLVED (Clr Findley / Clr Gash)

MIN17.907

That the public policy, Councillor & Staff Interaction Policy, be adopted with minor changes as indicated in Attachment 1, and revision of the 2nd point at Section 2 to read "staff understanding the decision making processes of the Council"

CARRIED

SA17.263 NSW Coastal Conference 2017 - Port Stephens

**HPERM Ref:
D17/332793**

Recommendation (Item to be determined under delegated authority)

That Council:

1. Notes the details of the NSW Coastal Conference scheduled for 8-10 November 2017 in Port Stephens, NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.

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

RESOLVED (Clr Findley / Clr Wells)

MIN17.908

That Council:

1. Notes the details of the NSW Coastal Conference scheduled for 8-10 November 2017 in Port Stephens, NSW.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Meet the Travel, registration fees, accommodation and all reasonable out-of-pocket expenses in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

CARRIED

**SA17.264 Acquisition - Drainage Easement - Woollamia - Pt Lot
196 DP15266 -10 Pritchard Avenue**

**HPERM Ref:
D17/300498**

Recommendation

That Council:

1. Resolve to acquire a 6 metre wide by 150 metre length Easement for Drainage over part of Lot 159 DP15266 at 10 Pritchard Avenue, Woollamia, as shown in Attachment 1;
2. Pay compensation of \$29,000 plus GST (if applicable) including all ancillary and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85001; and
3. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Recommendation (Clr Proudfoot / Clr White)

That Council:

1. Resolve to acquire a 6 metre wide by 150 metre length Easement for Drainage over part of Lot 159 DP15266 at 10 Pritchard Avenue, Woollamia, as shown in Attachment 1;
2. Pay compensation of \$29,000 plus GST (if applicable) including all ancillary and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85001; and
3. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

CARRIED

Items marked with an * were resolved 'en block'.

SA17.265 Classification of Land - Lot 310 DP1234415 Kooyonga Close Mollymook Beach

**HPERM Ref:
D17/304290**

Recommendation* (Clr Watson / Clr Pakes)

That Council resolve to classify the land described as Lot 310 DP1234415 Kooyonga Close Mollymook Beach as Operational Land.

CARRIED

SA17.266 Adoption of Town Street Tree Planting Strategy Policy

**HPERM Ref:
D17/290194**

RESOLVED* (Clr Watson / Clr Pakes)

MIN17.909

That Council adopt the minor changes in the Town Street Tree Planting Strategy as set out in this report.

CARRIED

SA17.267 Indian (Common) Myna Bird Programme

**HPERM Ref:
D17/242470**

RESOLVED* (Clr Watson / Clr Pakes)

MIN17.910

That the Committee

1. receive the report for information and note that council's website will be uploaded with information & links as time & resources permit;
2. Utilise available options to distribute and promote the 'Grow me Instead' brochure.

CARRIED

SA17.268 External Request - Support/Consent to declare Shoalhaven as a Fossicking District

**HPERM Ref:
D17/297765**

RESOLVED* (Clr Watson / Clr Pakes)

MIN17.911

That Council writes to NSW Department of Industry to advise that Council consents to the Shoalhaven Local Government Area being declared as a fossicking district.

CARRIED

SA17.269 Request - Refund DA Fees - Berry Chamber of Commerce & Tourism Associated - DA17/1732 & DA17/1733 - 2 Berry Township Information Signs**HPERM Ref:
D17/323477****Recommendation (Item to be determined under delegated authority)**

That in accordance with the Committee's delegated authority from Council, the Committee vary Policy POL17/10 and refund the development application and associated fees identified in the report for the Berry township information signage.

RESOLVED (Clr Wells / Clr Proudfoot)

MIN17.912

That Council reimburse the Berry Chamber of Commerce and Tourism the Development application and associated fees totalling \$1,802.45 for the Berry Township Information Signs (DA17/1732 and DA7/1723), and that the reimbursement be funded from the Unallocated Donations budget.

CARRIED

Procedural Motion - Matters of Urgency

PROCEDURAL MOTION (Clr Cheyne / Clr Findley)

That an additional item regarding Sporting Field Fees be introduced as a matter of urgency.

CARRIED

The Chairperson ruled the matter as urgent as there is a wide concern from residents and sporting groups.

SA17.270 Additional Item - Shoalhaven Sporting Fees

MOTION (Clr Cheyne / Clr Findley)

That Council:

1. Abandon the current proposal to charge additional fees to Shoalhaven Sporting groups.
2. Use the current draft to continue discussions with ALL sporting codes as a conversation starter on how we can all work together to improve sports facilities for the benefit of all Shoalhaven residents.
3. Include from the rates increase \$500k to the upgrade of our sporting fields

AMENDMENT (Clr Watson / Clr Kitchener)

That Council:

1. Abandon any consideration of the imposition sporting field user fees and the General Manager not place this on the Agenda for the next 10 years
2. Include from the rates increase \$500,000pa to the upgrade of our sporting fields

AMENDMENT CARRIED

FOR: Clr Wells, , Clr Gash, Clr White, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Clr Cheyne, Clr Aldrick, Clr Findley, Clr Levett and Russ Pigg

PROCEDURAL MOTION (Clr Watson / Clr Proudfoot)

That the FURTHER AMENDMENT be PUT to the MOTION.

CARRIED

Recommendation (Clr Watson / Clr Proudfoot)

That Council:

1. Abandon any consideration of the imposition sporting field user fees and the General Manager not place this on the Agenda for the next 10 years
2. Include from the rates increase \$500,000pa to the upgrade of our sporting fields

CARRIED

FOR: Clr Wells, Clr Gash, Clr White, Clr Cheyne, Clr Alldrick, Clr Findley, Clr Levett, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

AGAINST: Russ Pigg

There being no further business, the meeting concluded, the time being 6.07pm.

Clr Wells
CHAIRPERSON

SA17.271 Notice of Motion - Illegal Camping - Red Head Villages Beaches

HPERM Ref: D17/372670

Submitted by: Cllr Kaye Gartner

Purpose / Summary

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

Recommendation

That Council take immediate action to inhibit illegal and destructive camping on Red Head Villages beaches and reserves 2017-18 summer season by:

1. Hiring 2 mobile roadside signs as currently in use on roadworks at Bendalong road for period December 1 to January 31.
2. Placing the signs at suitable locations on Bendalong Rd
3. Program messages to be on display 24/7 like
 - a. Prebooked camping only beyond this point. To book a campsite visit www.bendalongpoint.holidayhaven.com.au/
 - b. Rangers patrol these communities. Prebooked camping only. Fines apply. www.bendalongpoint.holidayhaven.com.au/
4. Council ask RHVCF to survey the community at regular intervals during this period to provide data for evaluation of these deterrents to illegal, unsafe camping.

Background

Red Head Villages Association Monday November 6th, discussed at length the problem of bush camping and illegal camping at beaches and reserves over summer. Councillors were shown sites of illegal camping and damaging bush camping on a recent familiarity tour.

This camping creates many problems including damage to native vegetation, overcrowding of carparks and fires in dangerous, bushfire prone locations.

Importantly, it is a human health issue, as campers are defecating and urinating in the bush and around beaches where locals, families and children walk, swim and play.

RHVA passed a motion on Monday November 6th requesting that Council invest in temporary roadside signage to address the problem this summer.

Similar signage is used at Booderee National Park to deter illegal camping. The signs clearly show how to book camping. The website provides all the information a potential camper would need to camp at Holiday Haven, and can direct campers to other Holiday Haven sites.

Signage in an appropriate location near the intersection of Bendalong Rd and the Highway will deter a percentage of unbooked campers from continuing. A second sign near the turnoff to Manyana will reinforce the message.

RHVA recently surveyed members about the impact of tourists in the villages over the October long weekend. They have experience and capacity to repeat this over summer.

SA17.271

RHVA and all residents wish to welcome tourists to their villages, and to have a mutually enjoyable experience this summer. The stopping of illegal, unsanitary and unsafe camping is crucial to ensure an enjoyable summer for all.

Note by the General Manager

The process has commenced to engage additional casual Rangers to assist the team over the Christmas period (3 Rangers) with one Ranger to concentrate on Bendalong, Conjola, Narrawallee, etc.

Installation of additional signage concerning camping and parking is being discussed.

Council would need to hire electronic variable message boards at an estimated cost of \$7,000 for the 2 month period nominated. This cost would need to be absorbed by operational budgets. Minimising the time period for the signs to late December until after Australia Day would reduce the cost to about \$3,500.

Website promotion of the area for free camping is being investigated and individual websites will be advised to remove any such mention.

SA17.272 Question on Notice - Container Deposit Scheme

HPERM Ref: D17/372561

Submitted by: Cllr Kaye Gartner

Question

1. Has Council applied to be a collection point operator for the NSW govt Container Deposit Scheme?
2. Does Council have any role in the scheme?
3. Is Council aware of any collection points planned in the Shoalhaven?

Data demonstrates 2 things about waste and plastic litter in low socio-economic areas. Litter and plastic waste are more prevalent in low socio-economic communities. Container Deposit Schemes have most effect in these communities.

4. Council is able to determine where low socio-economic communities are. Is Council able to influence location of CDS banks in these communities, for maximal effectiveness of the scheme?
5. Will Council be publicising the introduction of the scheme and available collection points?
6. How can community groups participate?

Response

1. Council has applied to use our Recycling and Waste transfer facilities as drop off points, both through the EPA in November 2016, and directly to the EPA appointed Network operator, TOMRA-Cleanaway, in August 2017.
2. Council has no role in the scheme. It was drafted by the state government (EPA) and the EPA have appointed a Scheme Coordinator, Exchange for Change, and a Network Operator to implement the scheme.
3. To date Council has not been advised of any local collection points, except that TOMRA-Cleanaway indicated that they are tying up various Woolworths and Aldi Supermarkets around NSW to locate drop off collection points. The most recent returnandearn website change reads "Collection Points are beginning to roll out, and already there are reverse vending machines in locations from Granville to Glenorie, and others such as Tumut, Lisarow, Medowie and Vincentia. We will provide details of collection points as they continue to roll out." Interesting to see Vincentia in the list.
4. With the total lack of response from the Network Operator, Council is unable to influence the location of drop off points. However, once the scheme has commenced and the frenzy of getting the whole thing up and running in less than 4 months has passed, it may be possible to approach them with recommended locations. The final decision, however, is with the Network Operator.
5. Council intend to publicise the scheme and available collection points as soon as we have sufficient detail to be able to provide usable information to the community.
6. Any fundraising group, such as a charity, school, community or sporting group, can collect donations of eligible containers from the community that they can then redeem for the 10-cent refund at an approved collection point. As stated previously, approved collection points still need to be published by the Network Operator.

SA17.272

SA17.273 Report of the Shoalhaven Traffic Committee - 3 November 2017

HPERM Ref: D17/373015

Attachments: 1. TRAF2017/81 [↓](#)

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](#)

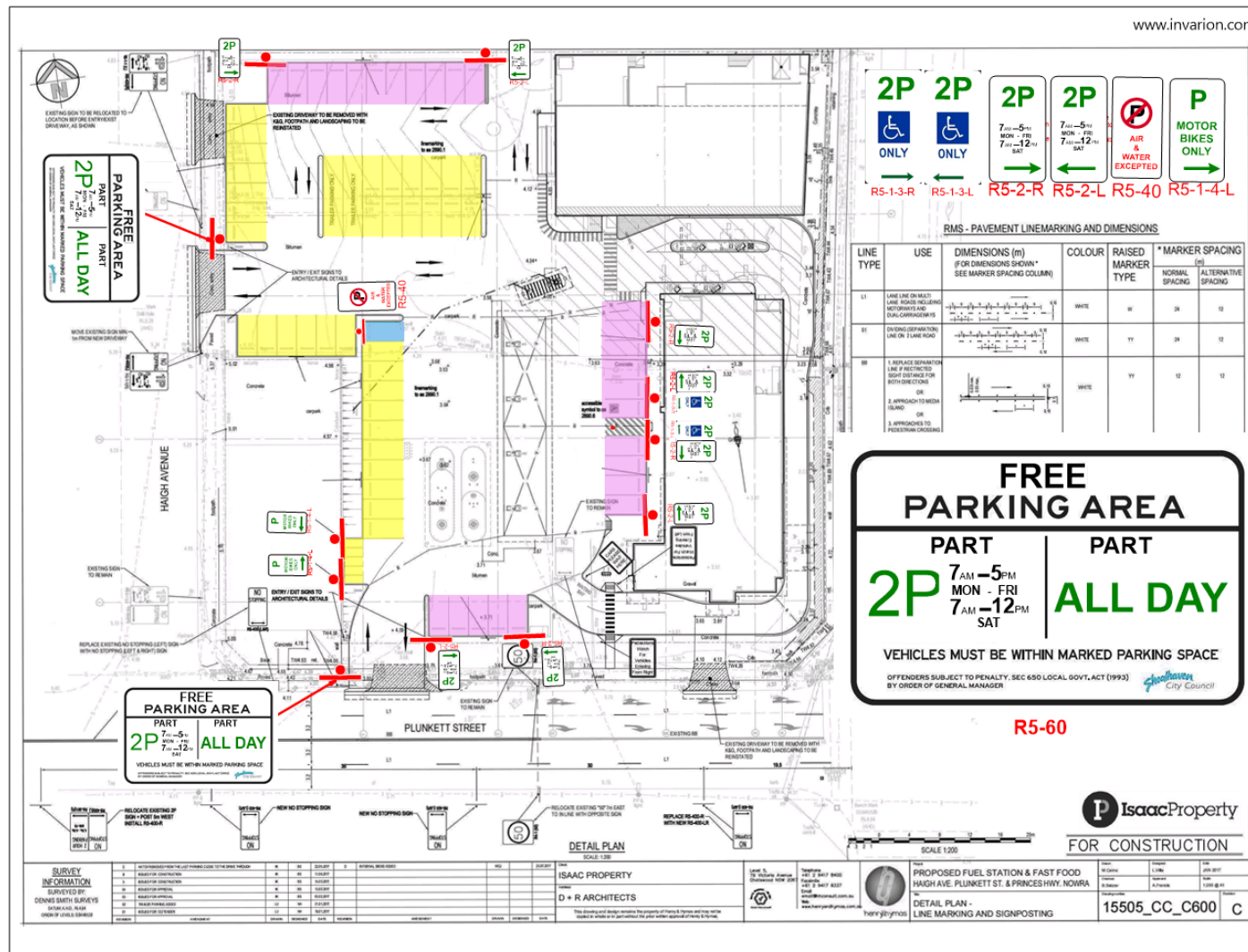
TC17.81 Regulatory Signage and Line Marking - Plunkett Street and Haigh Avenue, Nowra (PN 3404)

**HPERM Ref:
D17/356830**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed regulatory signage and line marking to be installed within the service station (BP) and food and drink premises (McDonalds) off-street car park in order to time restrict 26 parking spaces to 2 hour (2P) parking between the times of 7am to 5pm Monday to Friday and between the times of 7am and 12pm Saturday on the corner of Plunkett Street and Haigh Avenue, Nowra as detailed in the attached plan TRAF2017/81

SA17.273



SA17.274 Update with External Organisations

HPERM Ref: D17/376056

Group: General Manager's Group

Purpose / Summary

To report to Council the proceedings from the Country Mayors Association meeting held on 3/11/2017.

Recommendation (Item to be determined under delegated authority)

That Council receive the report regarding the proceedings from the Country Mayors Association meeting held on 3/11/2017, for information.

Options

1. As recommended.
2. Council may wish to take additional actions.

Background

The most recent meeting (AGM & Ordinary) of the Country Mayors Association was held on 3/11/2017.

The Mayor & General Manager were in attendance.

Katrina Humphries (Mayor Moree Plains Council) was re-elected Chairperson.

Speakers at the Ordinary Meeting were:

- **Hon John Barilaro, MP**, Deputy Premier, Minister for Regional NSW, Minister for Skills & Minister for Small Business:
 - wants to rebuild relationships with local government;
 - talked about the State Surplus budgets;
 - spoke of significant infrastructure works & tenders;
 - spoke about the "Growing local economies" Program and REDS; and
 - indicated membership of JOs will be voluntary and a Bill will be introduced shortly.
 - Answered questions about:
 - "chain of responsibility" / overloading of livestock transport;
 - mobile blackspots;
 - grant funding needs;
 - need for Youth employment coordinator for Shoalhaven;
 - cross-borders issue;
 - policing; and

- PPPs.
- **The Hon Melinda Pavey, MP**, Minister for Roads, Maritime & Freight, spoke about:
 - “Transport Plans” (just released) & Road Safety;
 - public transport and autonomous vehicle trials;
 - “chain of responsibility” - fines for overloading;
 - red light speed cameras (none in NSW);
 - various highways; and
 - “betterment” will be allowed under Natural Disaster Relief Funds provided Council pays for the difference between reinstatement and betterment.

Questions from Mayor concerning:

- access to RMS surplus land for temporary housing; and
- future of the “old” Shoalhaven River bridge - Minister seemed to indicate the community wanted it kept?
- **Margaret Crawford**, Auditor-General of NSW. Presented the role of the Audit Office & spoke about:
 - recent performance audits tabled in Parliament:
 - “Report on sharing school and community facilities”; and
 - “Energy rebates for low income households”.
 - <http://www.audit.nsw.gov.au/publications/performance-audit-reports/2017-reports>
 - report to Parliament on local government audits will be tabled March 2018.

Questions raised re:

- the high increase in audit fees as a result of the government legislating the NSW Audit Office as auditor;
- treatment of RFS assets in Council financial statements; and
- special schedule 7 & consistency across the State.
- **Mark Smethurst** - NSW SES Commissioner:

Basically spoke about his strategic planning to lead SES into the future, particularly relating to his volunteers reimaged program, providing more flexibility for volunteers with membership & training requirements and aims at increasing volunteers from 8,000 to 20,000 in 2 years.

He also referred to the 12 month trial of a new flood monitoring technology called DipStik - <https://www.nrma.com.au/dipstik-flood-trial>

The **Association** also passed the following resolutions:

(a) *Minister for Local Government*

- **RESOLVED** That the Premier be requested to recognise Local Government through the appointment of a Minister for Local Government that only has Local Government responsibilities (Yass Valley Council / Singleton Council).

(b) *National Parks and Wildlife*

- **RESOLVED** That the Association write to the Minister for Regional New South Wales outlining the unnecessary practice of the NPWS to purchase whole properties of large productive lands that contains some ecologically important land considered for

purchase and the Minister be asked to reinforce the Upper House Enquiry into the use of Productive Land and the issue of buyer security offsets of mining land (Carrathool Shire Council / Tenterfield Shire Council).

(c) Truck Washes

• RESOLVED That the Country Mayors Association of NSW requests the State Government to provide additional funding to fund Truck wash facilities around the State of NSW that will allow these much needed developments to occur in the best interest of bio-security, the environment and traffic safety (Goulburn Mulwaree Council / Yass Valley Council).

(d) Red Gum Forestry Industry

• That NSW Country Mayors Association lobby the State and Federal Governments to make the legislative and regulatory amendments as are necessary to enable the re-establishment of a sustainable red gum forestry industry in the recently proclaimed National Park forests especially in the Murray River Council and adjacent Council areas. (Murray River Council / Carrathool Shire Council).

(e) Recycling

• RESOLVED That the Association seek urgent advice from the Minister for Local Government to the suggested emerging market crisis for the recycling industry that China is not an option for buying recycled products and the issues for NSW (Singleton Council / Gilgandra Shire Council).

(f) Transport Strategy 2056

• RESOLVED That the Association request the Minister for Transport and Infrastructure to extend to February 18 2018 the closing date for the Transport Strategy 2056 as there has been minimal consultation and there is a need for input from associated plans such as the Ports Plan and Tourism Plan (Yass Valley Council / Parkes Shire Council).

(g) FAG Grants

• Lithgow City Council would like listed at the next meeting the reduction in the per capita component of the grant being reduced from 30% to 14%.

(h) Forestry Corp Unrateable Land

• A meeting of rural mayors are meeting in collaboration with LGNSW with the State Government this afternoon. Oberon Shire Council will report back to the next meeting.

SA17.275 Community Led Strategic Plans

HPERM Ref: D17/363920

Group: General Manager's Group
Section: Executive Strategy

Attachments: 1. Conjola District Strategic Action Plan 2014-2030 (under separate cover)
2. Sussex Inlet & District Strategic Action Plan 2015-2030 (under separate cover)

Purpose / Summary

Provide details of the existing Community Led Strategic Plans that have been received by Council, from the community. Enable Council to recognise these plans as part of Council's overall community engagement strategy for Council's corporate planning framework process.

Recommendation (Item to be determined under delegated authority)

That:

1. Council recognise the following Community Led Strategic Plans:
 - Shoalhaven Heads Community Strategic Plan
 - Berry Community Strategic Plan
 - Lake Conjola Strategic Plan
 - Sussex Inlet Resilience Plan
2. Council develop a Community Led Strategic Planning framework and guide (including templates) to assist in the development of community led plans
3. As part of this framework and guide Council clearly communicate the expectations of Council in relation to the planning process.
4. This communication process explains what can and cannot be achieved through plans including Council recognition, resource allocation, limitations, clarification of support or agreement with actions and that plans do not guarantee funding.
5. Council use Community Led Strategic Plans to assist in determining community priorities and community needs as part of its overall community engagement strategy particularly for the corporate process carried out each year.
6. All Community Led Strategic Plans be provided on Council's website and to relevant staff within Council.

Options

1. Adopt the recommendation as printed

Implications: This will support the work that has already been carried out by the community and provide a consistent approach for any future community plans that may be received by Council. The community expects that their plans be received and

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considered by Council. A number within this list have already been endorsed by Council and in some cases provided funding.

It is important that the community understands how these plans fit within Council's existing corporate planning system and have a guide on how such plans can be created.

It also needs to be communicated to the community the role these plans play and the expectations that can and cannot be met. Adopting an alternative recommendation that does not include these components may create false expectations that cannot be met by Council.

2. Adopt a different recommendation

Background

Community Led Planning is a community engagement and strategic planning technique where the community undertake a discussion and consultation with their own community and develop a plan. Community Led Planning is popular in the UK where regional councils utilise community networks to develop plans for their own communities. The technique has also been used in New Zealand and to a lesser degree in Victoria, Australia.

Shoalhaven City Council is one of a few Councils that recognises and supports this type of process and one of a few Councils in NSW with such an active Community Consultative Body network.

Several Shoalhaven communities have undertaken various forms of community led planning, which has resulted in the development of community strategic plans for particular towns and villages. Each plan has been carried out in a different way and contains different, themes, actions and focus. Most have used consultant or other external facilitator to assist in the community engagement process and development of the plan. All plans have demonstrated detailed community engagement has been undertaken. Not all plans have had complete community agreement, but most of community have supported the outcome of the final plans.

Plans that have been finalised and provided to Council include:

- Shoalhaven Heads Community Strategic Plan:** The first strategic plan in the LGA. Created by the community with the assistance of a local consultant (Locale). This plan sets out a number of themes and actions are to be carried out by the community. It also contains some actions that could be carried out by Council and other government departments. This plan has already been endorsed by Council and received an allocation of \$80,000 for implementation. The focus of this plan is on infrastructure, tourism, planning, community development, streetscape, heritage and the riverfront. Council staff were involved in the implementation of the plan and provided some support to the implementation working group (organised through the CCB). A number of actions within this plan are now complete. The plan is being implemented through the Shoalhaven Heads CCB.
- Berry Community Strategic Plan:** This plan was created by the community with the assistance of a consultant (Locale). The plan was created as a result of the bypass and received joint funding from both the RMS and Council. This plan has already been endorsed by Council. The plan is being implemented by the community through working committees of the Berry Forum. Technical advice has been sought from staff within Council in relation to specific council related projects. No specific funding has been provided for implementation. Some funding that was remaining from the development process was reallocated to projects within the plan.

- **Conjola District Strategic Action Plan 2014-2030 (Attachment 1):** This plan was created through a research process undertaken by Griffith University in conjunction with Council. The researchers assisted the community through the provision of a framework and assistance with workshops and other advice to develop a draft plan which was then exhibited to the community. The CCB took carriage of the process once the University was no longer involved. This plan focuses on community resilience particularly in emergency management and climate adaptation. The plan has several actions within it which may not be supported by Council however the plan sets a good framework for the community to work on and actions that they can achieve/advocate for. The implementation of this plan is being carried out by the Lake Conjola CCB through project working groups. This plan has been received by Council but has not yet been officially recognised. Part of the purpose of this report is to gain recognition of this plan by Council.
- **Sussex Inlet & District Strategic Action Plan 2015-2030 (Attachment 2):** This plan was also created by the community with the support of Griffith University and Council. The process involved the Sussex Inlet CCB and representatives from many of the other community groups and service providers within the Sussex Inlet area and surrounds. The plan sets out actions that the community can implement and provides guidance for Council in some areas. This plan is being implemented by a working party consisting of representatives of the CCB and other community groups. This plan has not yet been officially recognised by Council and part of the process of this report is to ensure this now occurs.

Many CCBs and some communities without an official CCB have identified a desire to undertake community led strategic planning processes. There are several plans that are nearing completion, in draft form or starting to commence. These include:

- Hyams Beach Strategic Plan – draft completed, awaiting comments from Council staff and community
- Tomerong- draft completed some time ago but unsure of status at this time
- Basin Villages- request for information about planning process. Council staff to provide presentation at next CCB meeting. CCB are keen to commence plan
- Vincentia- community engagement was undertaken by the former Vincentia CCB Committee. Plan is awaiting resolution of a number of considerations within the Vincentia township and community. Council staff have advised both groups within Vincentia to ensure everyone is involved in any process that occurs and for issues to be resolved prior to recommitment of the planning process.
- Kangaroo Valley- initial discussions around strategic planning process being undertaken. Council staff attending forum to answer questions.
- Bawley Point – initial discussions and planning occurring

Role within Council Policy and Strategic Planning Framework

The role of these plans within Council's planning framework, resource allocation and level of input these plans will have into Council's decision-making process, needs to be clarified with the community. Some level of consistency and a clear message to the community also needs to be provided.

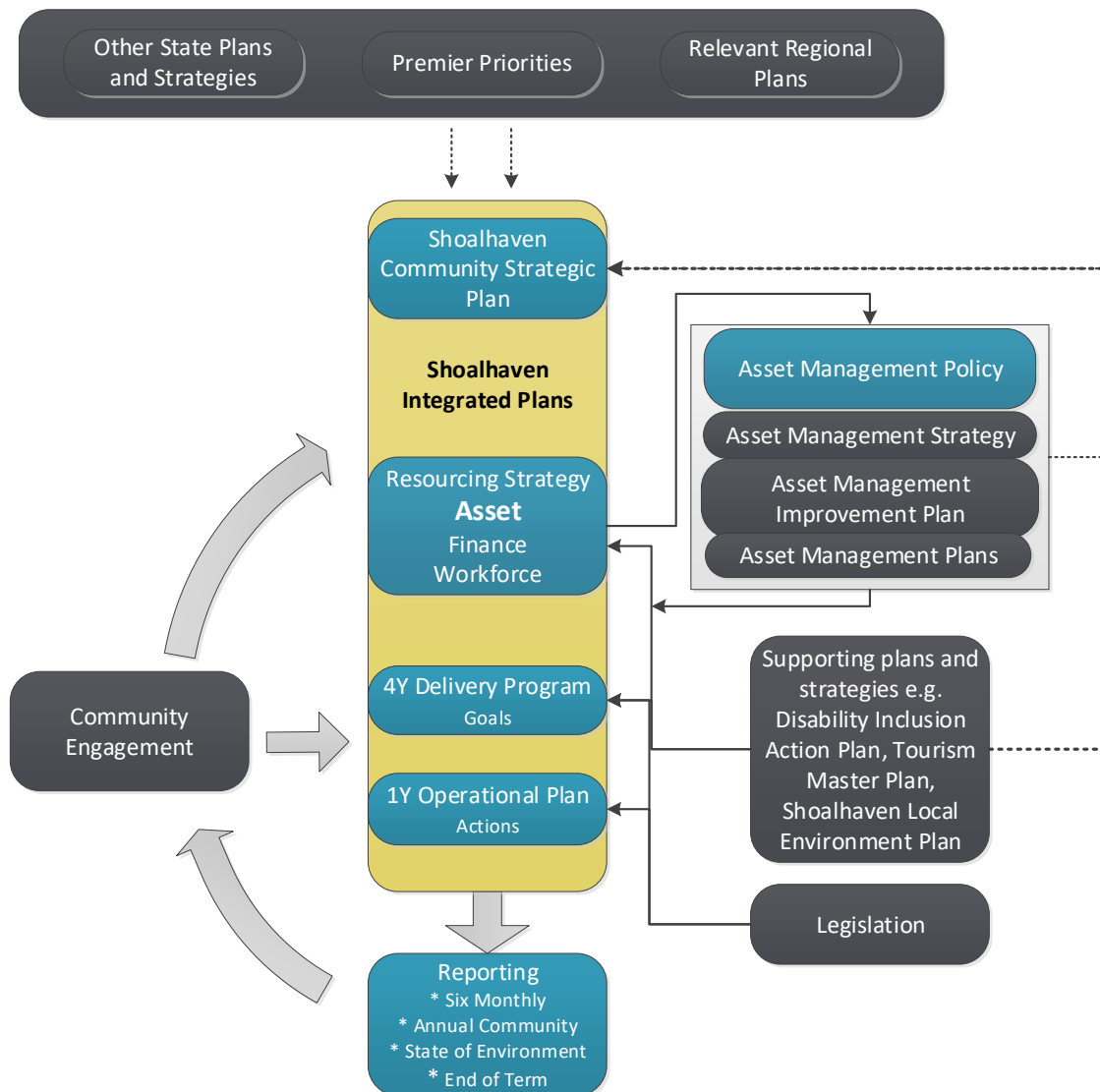
Community Led Planning is an excellent community engagement process and encourages and motivates communities to be active, inclusive and participate in activities within their neighbourhoods. However, it is important that the expectations of both the community and

Council are clear before the use of this engagement method is adopted more broadly across the City.

It is recommended that Community Led Strategic Plans fit into Councils overall community engagement strategy and form part of Councils overall engagement with our community. It is also recommended that the plans be seen by Council as part of the overall community engagement process that is carried out each year for our corporate planning process (ISP). These plans would be considered along with other feedback, including the community satisfaction survey received during this process and be considered when developing objectives, activities and priorities for the ISP. Diagram 1 below shows how these plans can be integrated through the community engagement section within the corporate planning process.

Diagram One-

Integrated Planning and Reporting Framework



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The plans provide an important insight into the community priorities and future direction. Many of the community plans are well into implementation stage and some actions within some plans have been completed. There is also a level of expectation from the community that many the actions within the plans will be undertaken by Council, at some time in the future.

It is recommended that further information be provided to communities undertaking or considering to undertake plans including that:

- The plans are an excellent community engagement process and tool to help communities to take ownership of their towns and villages
- The plans provide an opportunity for communities to focus on their own future directions and to clearly articulate their needs
- The plans provide a great opportunity to advocate for the needs of communities and for grant funding opportunities
- That the implementation of the plan needs to be driven by the community.
- Council will not automatically provide funding to the implementation of the plan and any actions contained within the plans need to be considered as part of Council's ISP development.
- Individual staff members may be identified for particular issues or actions and provide input into these as required, for existing and adopted Council projects.
- The plans do not allow communities to jump ahead of other communities that may have greater need.
- The actions included in the plan may not be supported by Council.

Council does not currently have the resources to actively participate in the development of the community plans or implement all the actions contained within plans. Councils community engagement staff will continue to provide support to CCBs through the provision of advice, examples, contacts, grants opportunities and template suggestions. Council staff should not sit on the working party or be actively involved in the planning process as it needs to be community led. Advice from Council staff should be provided at the commencement of the planning project, a review of the draft undertaken and during the delivery of the plan to Council by the community.

Council has generally encouraged the development of such plans and supported the community (in kind) with development. Given the current level of community interest it is expected that the development of these plans will continue. It is therefore important that a number of considerations are undertaken by Council and a framework put in place to assist communities and also establish clear expectations and outcomes of such processes.

Community Engagement

The Community Led Strategic Planning process is an excellent community engagement method and sits within the empower level of the IAP2 Framework. This form of community engagement can build community resilience, inclusiveness, help to provide communities with goals and assist them in implementing their own plans and projects. The plans fit into Councils community engagement framework along with other methods and broader community engagement processes.

Policy Implications

The level of recognition applied to these plans will directly impact on existing Council policy and strategic planning frameworks. The recommended approach acknowledges that existing frameworks are in place including legislative requirements and that these plans best fit into the community engagement component of the corporate planning process. Adopting an alternative approach may have a number of implications for Council policy and procedures and would need careful consideration.

Financial Implications

Currently no specific funding exists for the development or implementation of the Community Led Strategic Plans. There is no allocated resource to assist in the development or implementation of the plans within Council. Assistance is currently being provided to the community as part of existing roles. Adding additional expectations, additional plans and providing communities with financial assistance for these processes would have a direct financial impact on Council.

Risk Implications

Some possible risks of the community led planning process include:

- Increased community expectations and as a result community dissatisfaction with Council
- Reputational damage
- Negative financial impacts
- Insurance considerations
- Community dissatisfaction with process or community leaders of the process
- Communities “jumping queue” a head of those with more need

Conclusion

The Community Led Strategic Planning process is an excellent community engagement tool for the community and for Council. The plans that have been produced by communities to date have been considered, well developed, involved a large number of community members and even been award winning.

The plans provide the community with direction and a “plan of action”. They are an important instrument for seeking grants, advocacy and developing community projects. Council encourages the development of these plans especially given the evidence of positive and fruitful outcomes for the community.

It remains important that considerations of the impact on resource allocation, financial assistance, future plan development, consistency, clear communication and impacts are undertaken. Each of these factors need to be more clearly articulated and developed for and with the community to ensure that this form of engagement continues positively into the future.

SA17.276 Code of Conduct Complaints - Annual Statistics Report - 1 September 2016 - 31 August 2017

HPERM Ref: D17/376237

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

Purpose / Summary

This report is submitted in accordance with Clause 12.1 of the *Procedures for the Administration of the Code of Conduct* which requires that statistics concerning complaints made about Councillors and the General Manager be reported to Council within 3 months of the end of September each year.

Recommendation (Item to be determined under delegated authority)

That the report of the General Manager concerning complaints under the Code of Conduct for the period 1 September 2016 to 31 August 2017, be received for information.

Options

1. That the Report be received for information as recommended.

Implications: This would meet the requirements under the Local Government Act.

2. The report be accepted in accordance with the Code of Conduct Procedures and additional recommendations made.

Implications: Any further recommendations would need to be in accordance with the provisions of the Local Government Act and the Procedures for the Administration of Code of Conduct Complaints.

Background

Fourteen (14) complaints about Councillors under the Code of Conduct were received in the reporting period. One (1) complaint which was received in the previous period (1 September 2015 to 31 August 2016) was also finalised within this reporting period.

Statistics of the complaints received in accordance with Clause 12.1 and provided in the format required by the Office of Local Government are as follows:

Model Code of Conduct Complaints Statistics Shoalhaven City Council

Number of Complaints		
1	a The total number of complaints received in the period about councillors and the General Manager (GM) under the code of conduct	14
	b The total number of complaints finalised in the period about councillors and the GM under the code of conduct	15

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Overview of Complaints and Cost			
2	a	The number of complaints finalised at the outset by alternative means by the GM or Mayor	5
	b	The number of complaints referred to the Office of Local Government under a special complaints management arrangement	0
	c	The number of code of conduct complaints referred to a conduct reviewer	9
	d	The number of code of conduct complaints finalised at preliminary assessment by conduct reviewer	1
	e	The number of code of conduct complaints referred back to GM or Mayor for resolution after preliminary assessment by conduct reviewer	0
	f	The number of finalised code of conduct complaints investigated by a conduct reviewer	9
	g	The number of finalised code of conduct complaints investigated by a conduct review committee	0
	h	The number of finalised complaints investigated where there was found to be no breach	0
	i	The number of finalised complaints investigated where there was found to be a breach	3
	j	The number of complaints referred by the GM or Mayor to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	k	The number of complaints being investigated that are not yet finalised	0
	l	The total cost of dealing with code of conduct complaints within the period made about councillors and the GM including staff costs	\$57,970
Preliminary Assessment Statistics			
3	The number of complaints determined by the conduct reviewer at the preliminary assessment stage by each of the following actions:		
	a	To take no action	1
	b	To resolve the complaint by alternative and appropriate strategies	0
	c	To refer the matter back to the GM or the Mayor, for resolution by alternative and appropriate strategies	0
	d	To refer the matter to another agency or body such as the ICAC, the NSW Ombudsman, the Office or the Police	0
	e	To investigate the matter	9
	f	To recommend that the complaints coordinator convene a conduct review committee to investigate the matter	0
Investigation Statistics			
4	The number of investigated complaints resulting in a determination that there was no breach , in which the following recommendations were made:		
	a	That the council revise its policies or procedures	0
	b	That a person or persons undertake training or other education	0
5	The number of investigated complaints resulting in a determination that there was a breach in which the following recommendations were made:		

a	That the council revise any of its policies or procedures	2
b	That the subject person undertake any training or other education relevant to the conduct giving rise to the breach	2
c	That the subject person be counselled for their conduct	2
d	That the subject person apologise to any person or organisation affected by the breach	2
e	That findings of inappropriate conduct be made public	0
f	In the case of a breach by the GM, that action be taken under the GM's contract for the breach	0
g	In the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Local Government Act 1993	1
h	In the case of a breach by a councillor, that the matter be referred to the Office for further action	0
6	Matter referred or resolved after commencement of an investigation under clause 8.20 of the Procedures	6
Categories of misconduct		
7	The number of investigated complaints resulting in a determination that there was a breach with respect to each of the following categories of conduct:	
a	General conduct (Part 3)	3
b	Conflict of interest (Part 4)	0
c	Personal benefit (Part 5)	0
d	Relationship between council officials (Part 6)	0
e	Access to information and resources (Part 7)	1
Outcome of determinations		
8	The number of investigated complaints resulting in a determination that there was a breach in which the council failed to adopt the conduct reviewers recommendation	3
9	The number of investigated complaints resulting in a determination that there was a breach in which the council's decision was overturned following a review by the Office	0

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The total cost of dealing with Code of Conduct complaints received in the reporting period, including staff costs, was approximately \$ 56,970. This includes as required the estimated cost of staff time in dealing with this matter to date and Conduct Reviewer's costs.

Council is required to provide the statistics as outlined in this report to the Office of Local Government in accordance with clause 12.2 of the Procedures for the Administration of the Code of Conduct.

Community Engagement

No specific community engagement is required other than advising the public of Code of Conduct complaints via this annual reporting requirement of the Code of Conduct Procedures. The Office of Local Government publishes the statistics once

Policy Implications

Council is required to provide the statistics as outlined in this report to the Office of Local Government in accordance with clause 12.2 of the Procedures for the Administration of the Code of Conduct.

Financial Implications

As a general rule, the costs involved with handling complaints involving Councillors which are resolved by the General Manager by alternative means, are estimated at approximately \$900 each, but that can increase if the resolution involves greater complexity or multiple Councillors or if the matter is referred to a Conduct Reviewer.

In this reporting period, Council had a number of Code of Conduct Complaints, which were issued to Conduct Reviewers and the expenses incurred by the Conduct Reviewers are included here with an estimated amount for the time incurred by staff to deal with these matters.

SA17.277 Review of Council Policy - Fee Waivers, Subsidies and Support

HPERM Ref: D17/348644

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

Attachments: 1. Report Attachment - Draft Fee Waivers, Subsidies & Support Policy (Under separate cover)

Purpose / Summary

Council is required to review all policy changes and the below Public Policy has been reviewed and is presented for adoption with the changes highlighted.

Recommendation (Item to be determined under delegated authority)

That Council adopt the Fee Waivers, Subsidies and Support Policy with the changes highlighted.

Options

1. Adopt the Policy changes as recommended.

Implications: Council staff will update the Policy and implement the changes in relation to fee waivers, subsidies and support.

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

Implications: Any deviation from the changes recommended would require staff to redraft the policy which may result in lack of clarity around fee waivers and support

Background

The purpose of this Policy is to establish a fair, transparent and equitable approach to Fee Waivers, including delegations and reporting requirements.

The main changes recommended are the incorporation of a flow chart for decision making and further definitions around terms used, along with changes to separate out procedures related material from policy direction and detail.

Community Engagement

Given the changes to this Policy are minor and do not alter the intent, it is not proposed to place on public exhibition.

Policy Implications

No other Policy changes are required due to these changes.

Financial Implications

The adoption of this Policy will ensure consistency of approach for subsidies, as this will be within current operational budgets, there will be no further impact on Councils finances.

SA17.278 Grant Funding - Staying Active Program - Shoalhaven Swim & Fitness

HPERM Ref: D17/350667

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

Purpose / Summary

To advise Council on the successful Funding Application for \$8,800 (GSTinc) submitted to the Aquatic & Recreation Institute (ARI) of Australia to enable Shoalhaven Swim & Fitness Centres to host the Institute's Staying Active Program at Nowra Aquatic Park.

Recommendation

That Council

1. Accept the Aquatic & Recreation Institute (ARI) of Australia's offer of \$8,800 (GSTinc) grant funding to enable Shoalhaven Swim & Fitness Centres to host the Institute's Staying Active Program at Nowra Aquatic Park and vote the funds accordingly.
2. Write to the Aquatic & Recreation Institute to thank them and accept the grant offer.

Options

1. Council adopt the recommendation as printed.

Implications: Continued community health, fitness and social benefits will result from the Shoalhaven Swim & Fitness Centres' hosting of this Staying Active Program.

2. Council reject the recommendation and provide an alternate.

Implications: Funding offer is declined and the Staying Active Program does not continue.

Background

Council's Shoalhaven Swim & Fitness Unit has recently liaised with the Aquatic & Recreation Institute (ARI) of Australia with regard to seeking funding in the amount of \$8,800 (GSTinc) to host the Institute's Staying Active Program at Nowra Aquatic Park.

The Staying Active Initiative will run from November 2017 to May 2018 inclusive and will focus on:

- Falls prevention – through improving the strength and balance of participants
- Combining wet and dry activities – water-based classes improve cardio vascular health and range of movement, while land based classes improve load-bearing capabilities
- Removing barriers – Reducing costs and making classes more accessible to seniors
- Creating a social atmosphere – Improves mental health, and maximises the potential of over 50s returning regularly

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- Engaging CALD (Cultural & Linguistic Diverse) Populations
- Engaging Indigenous Community groups

Community Engagement

This joint initiative between Shoalhaven City Council (Swim & Fitness) and the Aquatic & Recreation Institute (ARI) will further the achievement of the goals and objectives of Shoalhaven Swim & Fitness under Council's Delivery Program & Operations Plan, and will continue to provide increased social, health and fitness benefits for the community.

Policy Implications

No Policy Implications.

Financial Implications

The program will be run in line with the grant funding terms. The \$8,800 (GSTinc) grant funding will be used to fund salaries and the purchase of new equipment, and will not impose additional cost to Council's operational or capital budgets.

Risk Implications

The program will not introduce additional risk. Current program Risk Assessments will be updated to reflect the Staying Active Program.

SA17.279 Donation Request - Shoalhaven Heads Chamber of Commerce & Tourism - New Years Eve Fireworks

HPERM Ref: D17/355624

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

Attachments: 1. Donation Request - New Year's Eve Fireworks Event [↓](#)

Purpose / Summary

To advise Council of a donation request received from the Shoalhaven Heads Chamber of Commerce and Tourism, for the New Year's Eve Fireworks event.

Recommendation

That Council consider donating \$1,500 to the Shoalhaven Heads Chamber of Commerce and Tourism for the New Year's Eve Fireworks event.

Options

1. As recommended

Implications: the unallocated donations budget remaining would be \$1,055.55 if the donation was approved.

2. An alternative recommendation

Implications: unknown. The unallocated donations budget currently totals \$2,555.55.

Background

Shoalhaven City Council received a donation request from the Shoalhaven Heads Chamber of Commerce and Tourism for the New Year's Eve Fireworks event, Friday 13 October 2017.

They stated:

"Due to the amazing success for our inaugural 2016 NYE Fireworks set off from the head of the river, we had over 5,000 tourists and locals attend. It was an amazing show that made everyone say how good it was, and reported in the local paper and news. It far exceeded our expectations."

The estimate the show costs approximately \$10,000 to fund.

Shoalhaven City Council currently donates \$7,500 to the following groups to host New Year's Eve Fireworks events in the allocated donations budget each year:

- Rotary Club of Berry
- Huskisson Chamber of Commerce
- Shoalhaven Turf Club
- Milton Ulladulla Business Chamber

The Milton Ulladulla Business Chamber was also granted an additional \$1,000 donation from the unallocated donations budget toward the New Year's Eve Fireworks event for the current financial year.

Financial Implications

The unallocated donations budget currently totals \$2,555.55 for the current financial year.

Risk Implications

Funding additional New Year's Eve Fireworks events may attract further requests from other groups.

From: [Shoalhaven Heads Hotel](#)
To: [Council Email](#)
Cc: [Amanda Findley](#)
Subject: Request for Funding - NYE Fireworks
Date: Friday, 13 October 2017 2:47:02 PM
Attachments: [image001.jpg](#)

Hello Councillors

The Shoalhaven Heads Chamber of Commerce & Tourism is preparing for NYE 2017.

Due to the amazing success for our inaugural 2016 NYE Fireworks set off from the head of the river, we had over 5,000 tourists and locals attend. It was an amazing show that made everyone say how good it was, and reported in the local paper and news. It far exceeded our expectations.

Unfortunately the Chamber does not have the funds to fully support a repeat show. The show costs approximately \$10,000.00.

This is a really great family event for the community, and we wish to replicate last year's show.

We hereby request from Council, some funding assistance so that we can repeat this Community and Tourist event.

We look forward to hearing from you soon in relation to this request.

Regards
Colin Waller
0412 283 280

Secretary Treasurer - AHA NSW Branch, National Association & TAA
Chairman - Destination Sydney Surrounds South Ltd
Chairman - Noahs Ark Centre of Shoalhaven Inc.
Owner Licensee - Shoalhaven Heads Hotel

letterhead pic



colin@headshotel.com.au

Phone: (02) 4448 7125

The Heads Hotel proudly supports Noah's Ark and other local Charity Organisations.

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SA17.280 2018 Australian Coastal Councils Conference

HPERM Ref: D17/356572

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

Attachments: 1. Special Offer [↓](#)

Purpose / Summary

To consider Councillor attendance at the 2018 Australian Coastal Councils Conference scheduled for Wednesday 21 March to Friday 23 March 2018 in Geelong, Victoria.

Recommendation (Item to be determined under delegated authority)

That Council

1. Notes the details of the 2018 Australian Coastal Councils Conference scheduled for Wednesday 21 March to Friday 23 March 2018 in Geelong, Victoria.
2. Authorises available Councillors to attend the conference and such attendance be deemed Council Business.
3. Travel, registration fees, accommodation and all reasonable out-of-pocket expenses be met in accordance with its adopted policy.
4. Request Councillors attending the conference to provide a written report within 30 days of returning from the conference.

Options

1. As per the recommendation.

Implications:

2. That Council limit the number of Councillors attending the Conference to a set number and such attendance be deemed Council Business.

Implications: This would limit the expenditure on Councillor attendance for this conference, however it is noted that council already has a policy to limit the number of conferences a councillor may attend each year.

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

Implications: This would not allow Councillor Attendance at this conference to be funded by the Council.

Background

The 2018 Australian Coastal Councils Conference is considered relevant to local government, Information in relation to the conference may be found at <https://coastalcouncilsconference.org.au/program/>.

Costs associated with the conference are estimated as follows:

REGISTRATION FEES (incl. GST)	Payment due	Delegates from ACCA LGAs	Non ACCA members
Special Discount Offer – Pre-Conference Forum	30/11/2017	\$220	
Special Discount Offer – Conference	30/11/2017	\$990	
Early Bird Pre-Conference Forum AND Conference 20 to 23 March 2018	22/12/2017	\$1,375	\$1,650
Early Bird Conference ONLY 21 to 23 March 2018	22/12/2017	\$1,155	\$1,320
Early Bird Pre-Conference Forum ONLY 20 March 2018	22/12/2017	\$440	\$550
Standard Pre-Conference Forum AND Conference 20 to 23 March 2018	28/02/2018	\$1,716	\$2,101
Standard Conference ONLY 21 to 23 March 2018	28/02/2018	\$1,386	\$1,661
Standard Pre-Conference Forum ONLY 20 March 2018	28/02/2018	\$550	\$660
One Day – WEDNESDAY 21 OR THURSDAY 22 March 2018	28/02/2018	\$550	\$660
One Day – FRIDAY 23 March 2018	28/02/2018	\$385	\$495

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- travel, accommodation and out of pocket expenses : not yet determined.

An option available to Council is to define the number of Councillors attending the conference and for Council to determine the appropriate Councillors authorised to attend.

The Conference commences at 9.00am Tuesday 20 March 2017 and concludes at 1.30pm Friday 23 March 2017 and the following Council Business is scheduled within the period of the conference:

- Tuesday 20 March 2018 – Strategy and Assets Committee.

Please note: Advisory Committees dates have not yet been scheduled for 2018.

A separate Report will be provided to this meeting with respect to Councillor representation at the Australian Coastal Councils Association AGM and Councillors have recently been requested via email to nominate for the Australian Coastal Councils Association Management Committee.

Policy Implications

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

Financial Implications:

Funds are available for Councillors to attend this conference.



ABN 75 137 814 307
PO Box 550 Williamstown VIC 3016
Tel 03 9399 8558
info@coastalcouncils.org.au
www.coastalcouncils.org.au

14 November 2017

Judee Nolan
Executive Assistant to the General Manager
Shoalhaven City Council

By email: Judee.Nolan@shoalhaven.nsw.gov.au

Dear Judee

2018 Australian Coastal Councils Conference - INVITATION and SPECIAL DISCOUNT OFFER

You may be aware that registration for the 2018 Australian Coastal Councils Conference to be held in Geelong in Victoria on 21 to 23 March 2018 has just opened. Information can be found at the conference website www.coastalcouncilsconference.org.au.

Before the conference, we are convening a Forum on interim research findings from Prof Nicole Gurran at The University of Sydney into online rental platforms. There was great interest in the survey results she presented at this year's conference. The research project that has since been developed is considered of international significance. As Shoalhaven City Council is participating in this study we are offering a substantial discount on tickets for your delegates for this Forum at \$220.00 including GST to thank you for your interest and support. We would also like to offer you discounted conference registration fees. This special offer is by invitation only and will not be publicly offered. The discounted Conference registration fees we are offering you will be \$990.00 including GST. However, all registration fees must be paid by 30 November.

As a comparison please find below the normal range of Forum and Conference registration fees. We are happy to extend these offers to your colleagues. Information concerning accommodation and transfers will be available shortly.

REGISTRATION FEES (incl. GST)	Payment due	Delegates from ACCA LGAs	Non ACCA members
Early Bird Pre-Conference Forum AND Conference 20 to 23 March 2018	22/12/2017	\$ 1,375	\$1,650
Early Bird Conference ONLY 21 to 23 March 2018	22/12/2017	\$ 1,155	\$ 1,320
Early Bird Pre-Conference Forum ONLY 20 March 2018	22/12/2017	\$ 440	\$ 550
Standard Pre-Conference Forum AND Conference 20 to 23 March 2018	28/02/2018	\$ 1,716	\$ 2,101
Standard Conference ONLY 21 to 23 March 2018	28/02/2018	\$ 1,386	\$ 1,661
Standard Pre-Conference Forum ONLY 20 March 2018	28/02/2018	\$ 550	\$ 660
One Day – WEDNESDAY 21 OR THURSDAY 22 March 2018	28/02/2018	\$ 550	\$ 660
One Day – FRIDAY 23 March 2018	28/02/2018	\$ 385	\$ 495

Yours sincerely

Susan Faulkner
Conference Organiser

REGISTRATION INFORMATION

Complete the Registration Form on the following page for each delegate. Scan and email the completed Registration Form for all delegates to: info@coastalcouncils.org.au.

A Tax Invoice will be issued including a Purchase Order Number if required to be included. This invoice will include a Credit Card Authorisation Form for payment of total registration fees by credit card if this is your preferred payment method. A Tax Receipt will be issued following receipt of payment and sent by email. Confirmation of Registration details will be emailed to delegates and cc'd to any nominated contact person within one week of receipt of payment.

Cancellations and Substitutions

Cancellations must be made by email to the Secretariat's email address: info@coastalcouncils.org.au and must be received by COB on **Wednesday 21 February 2018** to be eligible to receive a refund of registration fees as well as social function charges however there will be a \$330 administration charge for cancellation. Substitute delegates will be accepted without charge but must be notified by email to info@coastalcouncils.org.au by 6:00pm on **Monday 19 March 2018**.

Community, Group and Student Registrations

For details of the special registration category offered to full time students or to group registrations contact Susan Faulkner on 0418 254 132 or email info@coastalcouncils.org.au.

Payment Methods – EFT, CHEQUE OR CREDIT CARD

EFT:

Account name:	Australian Coastal Councils Association Inc.
Bank:	Commonwealth Neutral Bay
BSB:	062 210
Account number:	10288318
Reference:	Insert Delegate's first and family names OR use Invoice Number
Remittance advice to:	info@coastalcouncils.org.au

CHEQUE:

Payable to:	Australian Coastal Councils Association Inc.
Post to:	Australian Coastal Councils Association Inc. Secretariat PO Box 550, Williamstown, VIC 3016

CREDIT CARD:

A credit card processing fee of 1.7% applies.

Contact Susan Faulkner by email to info@coastalcouncils.org.au or by phone 0418 254 132 with any queries concerning registration.

TAX INVOICE AND CONFERENCE REGISTRATION FORM

Australian Coastal Councils Association Inc.

ABN 75 137 814 307

Email: info@coastalcouncils.org.au

Mail: PO Box 550 Williamstown VIC 3016

Tel 03 9399 8558 or 0418 254 132

SPECIAL OFFER – for Gordon Clark and Shoalhaven City Council colleagues

2018 AUSTRALIAN COASTAL COUNCILS CONFERENCE DELEGATE REGISTRATION FORM

(NOTE: *compulsory fields)

Title* First name* Last name*

Position* Organisation*

Address Town State P.C.

Delegate's email* CC email (if required)

Tel*

☐

Tick the box if you DO NOT want your details to be included in the list of delegates

REGISTRATION FEES (incl. GST)

☐

SPECIAL DISCOUNT FULL CONFERENCE, 21 to 23 March

\$ 990.00

☐

SPECIAL DISCOUNT PRE-CONFERENCE FORUM, 20 March

\$ 220.00

REGISTRATION TOTAL

PAYMENT OF REGISTRATION FEES REQUIRED BY THURSDAY 30 NOVEMBER

SOCIAL PROGRAM TICKETS – Optional (incl. GST)

☐

Welcome Reception (Wednesday 21 March) – Delegate/Guest \$ 66 pp
Number of tickets required

☐

Gala Conference Dinner (Thursday 22 March) – Delegate/Guest \$ 137.50 pp
Number of tickets required

GUEST NAME

DELEGATE SPECIAL REQUIREMENTS

GUEST SPECIAL REQUIREMENTS

SOCIAL PROGRAM TOTAL

AMOUNT PAYABLE – TOTAL

(including GST)

3 November 2017

SA17.280 - Attachment 1

SA17.281 Council Representatives of other Committees or Organisations Outside of Council - Australian Coastal Councils Association Inc.

HPERM Ref: D17/373969

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

Purpose / Summary

To nominate a representative of Council on the Australia Coastal Councils Association Inc. The Councillor nominated will be required to vote at the Annual General Meeting to be held in Essendon Fields Victoria at 9.00am on Friday 24 November 2017. The Councillor may attend the meeting in person, via teleconference or by proxy.

Recommendation (Item to be determined under delegated authority)

That Council nominate a Councillor as its representative on the Australian Coastal Councils Association Inc.

Options

1. As recommended.
2. That Council does not nominate a representative.

Implications: That Council will not have a vote at the Annual General Meeting.

Background

Due to an inadvertent oversight, Council failed to nominate a representative to the Australian Coastal Councils Association Inc. at the Ordinary Meeting 26 September 2017.

Councillor Gartner was appointed as the representative from September 2016 to September 2017.

Further details of the work of the Australian Coastal Councils Association Inc. can be found on their [website](#).

SA17.282 September 2017 - Quarterly Budget Review

HPERM Ref: D17/375179

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Quarterly Budget Review Statement - September 2017 (under separate cover) [⇒](#)

including Purpose / Summary

In accordance with Regulation 203(1) of the Local Government (General) Regulation (2005), the responsible accounting officer must prepare and submit to Council a budget review statement after the end of each quarter. This has been carried out for the first quarter of the 2017/18 financial year.

Recommendation

That Council:

1. Receive the September Quarterly Budget Review information
2. Adopt the adjustments, including movements to and from Reserves as outlined in the September Quarterly Budget Review Statement.

Options

1. Adopt the recommendation

Implications: Nil

2. Not adopt the recommendation and make an alternative resolution

Implications: Staff will need to rework the quarterly budget review in accordance with the alternative resolution.

Background

The budget review involves an analysis of Council's annual budget for each Group to determine whether any changes in votes are required for the period. This process has been undertaken for the period to 30th September 2017, and any changes have been reported in the Quarterly Budget Review Statement. This report also analyses the progress of each group in achieving its financial objectives.

Council's Funds

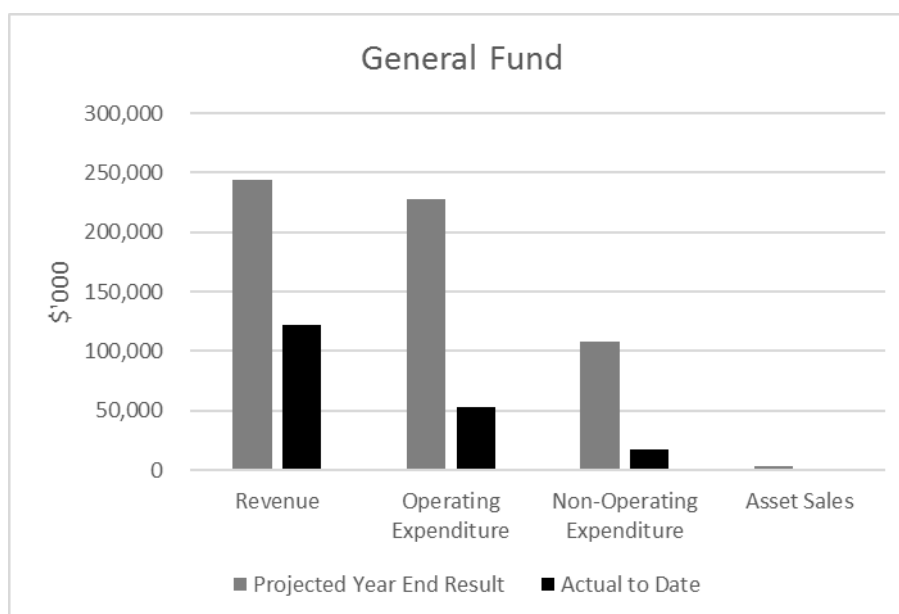
General Fund

The budget adopted by Council produced an operating profit of \$4.4M after capital grants, an operating loss before Capital Grants and Contributions of \$2.6M, a reduction in our cash and

investments of \$15M and an unrestricted cash deficit of \$138K. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Operating Result	4,482	22,343	(6,381)	15,962
Operating Result before Capital Grants and Contributions	(2,611)	(3,149)	(5,732)	(8,881)
Net Cash & Investments Movement	(15,071)	(37,684)	(8,515)	(46,199)
Unrestricted Cash Movement	(138)	(150)	179	29

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



Income

As at 30th September, General Fund has achieved 50% of the revised budget. This is primarily due to the raising of rates revenue in full. Excluding rate income, General Fund has achieved 23% of the revised budget. The September Quarterly Budget Review Statement recommends a decrease of \$2.969M. The major adjustments (offset by a corresponding adjustment in expenditure, unless otherwise stated) in the review are:

Category	Amount (\$'000)	Reason
Rates and Annual Charges	605	<ul style="list-style-type: none"> Additional rate revenue received due to a reduction in pensioner concession brought about by a change by the federal government. There will be small reversal occurring in the last two quarters due to another change in the assessment criteria. Also, there were additional properties compared to when the budget was formulated: \$600K to general revenue Additional Stormwater levy received: \$5K to stormwater reserve
User Charges & Fees	1,859	<ul style="list-style-type: none"> Mind The Gap facility at the University of Wollongong Shoalhaven Campus (Council is holding the funds on behalf of UOW): \$1,117K Drainage diagram fee increase: \$409K Bulk waste collection: \$100K to waste reserve Proponent funded works: \$97K Storage retrieval fees: \$60K Additional Sewer Mgmt Fees: \$40K Private works: \$35K
Interest & Investment Revenue	(50)	<ul style="list-style-type: none"> Reduction in anticipated dividend receipt from Southern Phone; from Economic Development Reserve
Other Revenues	14	<ul style="list-style-type: none"> Property – leases & road closures: \$15K Property Conference Revenue: \$39K Compliance revenue additional: \$34K Funds received from Emergency Events: \$5K Other: \$11K Burrill Lake Toilet Construction from general revenue: (\$88K)
Internal Revenue	(91)	<ul style="list-style-type: none"> Realignment of internal income bins: (\$190K) Additional private works Noxious Weeds: \$50K Additional private works Legal Services: \$49K
Grants & Contributions - Operating	(4,657)	<ul style="list-style-type: none"> Reversal of the Financial Assistance Grant prepayment (\$5,911K), funded from FAG reserve and an increase in 2017/18 FAG \$352K, to general revenue Flood Damage funds received for the August 2015 event: \$297K to general revenue Commonwealth Grant for Riverbank restoration: \$260K RFS operations allocation \$169K, used to fund additional expenditure on station construction Waste Management grant received: \$129K Defence Contribution to Roads: \$48K
Grants & Contributions – Capital	(649)	<ul style="list-style-type: none"> Huskisson Pedestrian grant unsuccessful: (\$130K) RFS station construction – no funding in 2017/18 allocation: (\$600K) Ray Abood playground contribution: \$45K NBBSP grants cashflowed forward for survey & design: \$20K Kerb & Gutter contributions: \$16K

SA17.282

Operating Expenditure

General Fund is on target with operating expenditure at 24% of the revised budget. The September Quarterly Budget Review Statement recommends an increase of \$3.412M, made up of:

Category	Amount (\$'000)	Reason
Employee Benefits & Oncost	1,158	<ul style="list-style-type: none"> Planning & Development budget correction, these were included in the original budget, but not in the DPOP documents, therefore, a quarterly review adjustment is required, funded from general revenue: \$548K Drainage staffing additional: \$367K Internal staffing: \$83K Continuing expenses of the Emergency Services Property Levy: \$78K Compliance staffing: \$34K Sewer Management staffing: \$31K Property Conference Expense: \$17K
Materials & Contracts	2,444	<ul style="list-style-type: none"> UOW Mind the Gap: \$1,117K Economic Projects funding from reserve \$590K: \$320K for Yerrilyong, \$200K for implementation of the Economic Development Strategy relating to transport, business development, CBD promotion and marketing and \$70K to match a grant for marketing Riverbank grant: \$260K MIN17.738 Moss Vale Rd: \$165K Waste Management grant received: \$129K Proponent funded works: \$97K Storage retrieval expense: \$60K Private works: \$55K Comerong Ferry additional mtce: \$10K Shoalhaven River pontoon mtce: \$10K Noxious Weeds chemical cost: \$9K Property Conference Expense: \$4K Realignment from capital to operating (\$62K)
Other Expenses	14	<ul style="list-style-type: none"> Net impact of transfers between operational and capital budgets
Internal Expenses	(204)	<ul style="list-style-type: none"> Internal expense realignment: (\$190K) Public Liability reduction: (\$53K) Noxious Weeds fleet costs: \$8K Sewer Mgmt fleet costs: \$4K Drainage staffing fleet costs: \$14K Property Conference Expense: \$13K

SA17.282

Non-Operating Expenditure

Capital Expenditure as at 30th September is 16% of the revised budget (excluding commitments). The September Quarterly Budget Review Statement recommends a budget increase of \$2.59M. This increase consists of:

Program	Amount (\$'000)	Reason
Buildings and Property	2,496	<ul style="list-style-type: none"> New property acquisitions funded from Strategic Property Reserve: \$2,505K Return unallocated property expenditure to reserve, not required: (\$78K) Transfer to store site works: (\$40K) Transfer from buildings operating \$109K, Ulladulla Civic Centre smoke vents, fire compliance issue \$60K, Nowra Showground Pavillion trade waste, the management committee secured a grant to upgrade the kitchen facilities to a commercial kitchen and a trade waste system is now required \$19K, Manyana Hall roof replacement \$21K, electrical upgrade at Shoalhaven Basketball Stadium \$9K
Commercial Undertakings	27	<ul style="list-style-type: none"> Transfer from Ulladulla Leisure Centre operating expenditure
Community and Culture	(30)	<ul style="list-style-type: none"> Transfer from library equipment to operating
Fire Protection and Emergency Services	(425)	<ul style="list-style-type: none"> Reduction in grant funds for station construction: (\$600K) Fund additional expenditure on station construction from additional RFS operations funds in 2017/18 allocation: \$169K Funds received from attending emergency events: \$5K
Internal Corporate Services	(155)	<ul style="list-style-type: none"> Reduction in asset planning for the removal of the purchase of two water carts, returned to Plant and Fleet Reserve: (\$330K) Increase in Plant and Fleet for multi function device replacement: \$100K Store area site works, from works depot operations and capital: \$59K Holiday Haven office capital from HH operations: \$15K
Open Space, Sport and Recreation	454	<ul style="list-style-type: none"> Treatment of Asbestos/waste at Shoalhaven Indoor Sporting Complex site, from Land Decontamination Reserve (\$430K) Ray Abood contributions received: \$45K Transfer to operating for Parks Tree Planting: (\$21K)
Regulatory Services	28	<ul style="list-style-type: none"> Purchase of a new vehicle, from additional drainage diagram income
Roads and Transport	(75)	<ul style="list-style-type: none"> Huskisson Pedestrian grant unsuccessful: (\$130K) From operating expenditure: \$7K From S94 for Ulladulla Traffic Improvements: \$40K From K&G contributions and rate payer advances: \$8K
Waste and Recycling Program	271	<ul style="list-style-type: none"> Additional expenditure for capital projects, from waste reserve

SA17.282

Asset Sales

Asset sales are at 20% of the September Adjusted Budget. The recommended adjustment is an increase of \$81K for expenses relating to the sale of assets (\$73K) and \$8K to general revenue.

Reserve Movements

The September Quarterly Budget Review recommends \$9,064K being used from the General Fund Reserves. Below is a summary of the movements to General Fund Reserves recommended in the review:

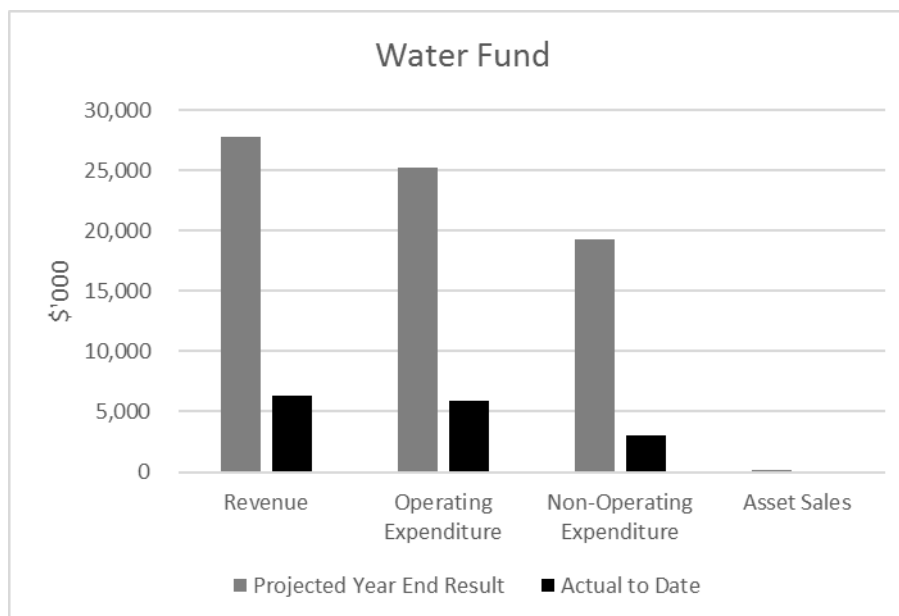
Reserve	Amount (\$'000)	Reason
Economic Development Projects	(640)	<ul style="list-style-type: none"> Yerriyong investigations: (\$320K) Implement Economic Development Strategy: (\$200K) CBD promotion and marketing: (\$70K) Reduction in expected Southern Phone Dividend: (\$50K)
Financial Assistance Grant	(5,911)	<ul style="list-style-type: none"> To general revenue, due to receiving half the financial assistance grant in June 2017
Land Decontamination	(430)	<ul style="list-style-type: none"> To fund asbestos/waste at the Shoalhaven Indoor Sporting Complex site.
Plant Replacement	599	<ul style="list-style-type: none"> From general revenue to replace previous plant reserve funding on the Nowra administration building air conditioner chiller: \$400K Remove the purchase of two water carts: \$330K Replacement of Multi Function Devices: (\$100K) Operating costs of MFDs: (\$300K) New fleet software: (\$1K)
Property Reserve	(2,350)	<ul style="list-style-type: none"> Purchase of properties: (\$2,505K) Return of unallocated property development: \$78K Additional income from rentals: \$77K
S94 Matching Funds	274	<ul style="list-style-type: none"> Transfer between S94 recoupment on the Vincentia Community Centre / Library Project
S94 Recoupment	(396)	<ul style="list-style-type: none"> Transfer between S94 Matching Funds on the Vincentia Community Centre / Library Project (\$274) Correction of budget, transferred to General Revenue (\$122)
Section 94 (Developer Contributions – General Fund)	(40)	<ul style="list-style-type: none"> Additional funding for Ulladulla traffic improvements (\$40)
Domestic Waste Reserve	(171)	<ul style="list-style-type: none"> Additional funds required for capital projects (\$271) Additional income for Bulky Waste \$100

Water Fund

The budget adopted by Council produced an operating profit of \$2.1M, an operating profit before Capital Grants and Contributions of \$607K and a reduction in cash and investments of \$5.9M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Operating Result	2,107	2,507	35	2,542
Operating Result before Capital Grants and Contributions	607	1,007	35	1,042
Net Cash & Investments Movement	(5,900)	(8,341)	(85)	(8,426)

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



Income

As at 30 September, Water Fund has achieved 23% of the revised budget. The September Quarterly Budget Review Statement recommends an increase of \$88K. This adjustment relates to the reallocation of resources to capital projects.

Operating Expenditure

Water Fund is on target with operating expenditure at 23% of the revised budget. An increase of \$54K is recommended for this review. This increase relates to an adjustment to public liability insurance \$54k.

Non-Operating Expenditure

Capital Expenditure as at 30th September is 16% of the revised budget (excluding commitments).

An increase of \$120k is recommended to complete the digital radio network project.

Asset Sales

Asset sales is at 21% of the revised budget, there are no adjustments recommended.

Sewer Fund

The budget adopted by Council produced an operating profit of \$11.9M, an operating profit before Capital Grants and Contributions of \$10.4M and a reduction in cash and investments of \$43M. The revotes carried forward and adjustments made in this quarterly review have resulted in the following:

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result
Operating Result	11,930	12,730	70	12,800
Operating Result before Capital Grants and Contributions	10,430	11,230	70	11,300
Net Cash & Investments Movement	(43,165)	(47,105)	70	(47,035)

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

Income

As at 30 September, Sewer Fund has achieved 26% of the revised budget.

The September Quarterly Budget Review Statement recommends an increase of \$70K. This adjustment relates to income received from chargeable private works.

Operating Expenditure

Operating Expenditure as at 30 September is 22% of the revised budget; there are no recommended adjustments.

Non-Operating Expenditure

Capital Expenditure as at 30th September is 9% of the revised budget (excluding commitments); there are no adjustments recommended.

Asset Sales

Asset sales are at 0% of the revised budget; there are no adjustments recommended.

Key Performance Indicators

The impact of the variations highlighted above has led to a deterioration in a number of Council's key performance indicators:

Operating performance ratio

$$\frac{\text{Net operating result (excl capital grants and contributions)}}{\text{Total operating revenue (excl capital grants and contributions)}}$$

For General Fund, the ratio decreased from -1.4% to -4.1% due to the reversal of the Financial Assistance Grant prepayment that was originally budgeted for receipt in 2017/18: (\$5,911K); this has a differentially greater impact on the Net operating result component of the ratio than the Total operating revenue component, leading to a projected decrease in the ratio. Most of the other adjustments have corresponding impacts on revenue and expenditure.

Unrestricted current ratio

$$\frac{\text{Current assets (excl external restrictions)}}{\text{Current liabilities (excl specific purpose liabilities)}}$$

For General Fund, when comparing the Current Budget to the Projected Budget, the unrestricted current ratio is impacted by a reduced projected balance for current assets due to reduction in investments (\$9,000K) so the cash can be used to fund the Financial Assistance Grant shortfall and the purchase of properties.. The ratio is expected to improve during the year pending the sale of Council properties. However, due to the uncertainty of sale prices, these receipts have not been included in the projected year end results. When comparing the Original Budget to the Projected Budget ratio, the advance part payment of the Financial Assistance Grant doesn't impact on the comparison; what does impact is how the 2016/17 year finished with the mix between current and non-current assets and the additional properties purchased.

For Sewer Fund, the ratio is impacted by the large borrowings for REMs, causing the current liabilities to increase with the current assets remaining at a normal operating level. This will improve in future years as the cash balance is planned to increase to cover the additional loan repayments.

Cash expense ratio

$$\frac{\text{Current year cash and cash equivalent}}{\text{Cash flow payments of operating and financing activities}}$$

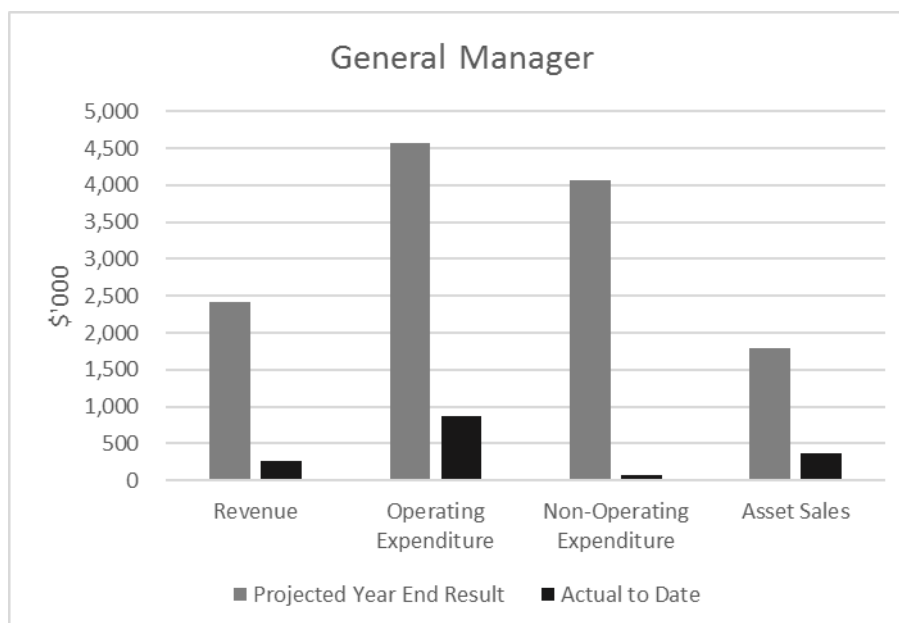
For General Fund, the projected decrease in this ratio, when compared to the Current Budget, is driven by:

- Reduction in the end of year cash balance, largely due to the purchase of properties and the reversal of the Financial Assistance Grant;
- Greater than expected cash flow payments for operating activities associated with grants.

When comparing Projected against Original budget, the change is driven by additional operating expenses with \$4m from revotes, \$665K from previous votes and \$3.4m in this quarter review. Also, the expected total year end cash has decreased due to additional expenditure.

Council's Groups

General Manager's Group



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

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	1,262	1,299	1,121	2,420	257	11%
Operating Expenditure	2,752	2,810	1,760	4,570	866	19%
Non-Operating Expenditure	4,060	4,065	0	4,065	71	2%
Asset Sales	1,800	1,800	0	1,800	365	20%

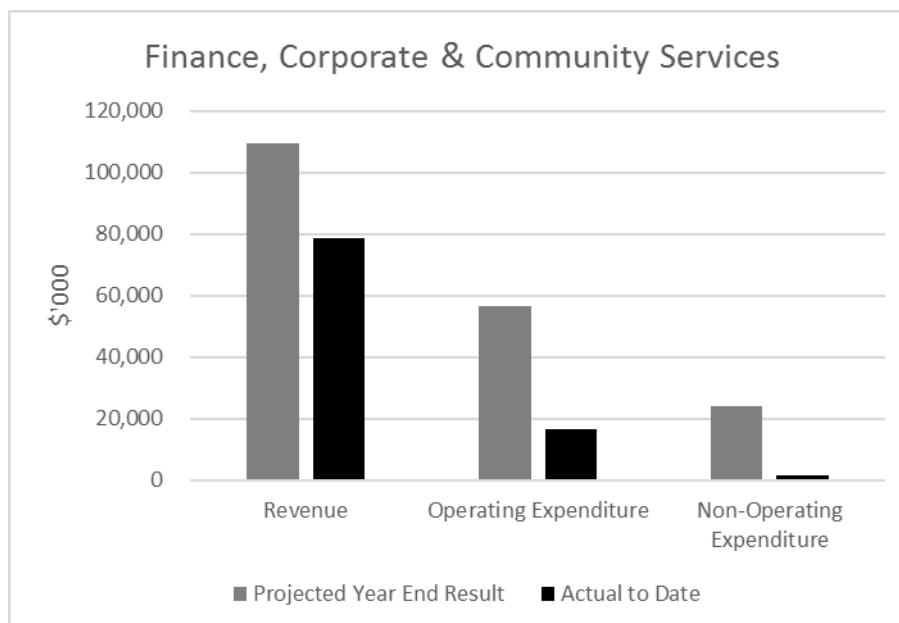
General Manager's Comments:

The Revenue adjustment of \$1.121M is, primarily, to bring to account the CAPEX grant funds for the Mind the Gap project on the UOW Shoalhaven campus (\$1.1M), which is under construction.

The Expenditure adjustment is \$1.1M for Mind the Gap project; \$320,000 for the Yerriyong Motor Sports DA; and \$200,000 for Implementing the ED Strategy actions. These are funded from the ED Reserve.

SA17.282

Finance, Corporate and Community Services



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

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	113,749	114,157	(4,909)	109,248	78,723	72%
Operating Expenditure	55,303	56,461	82	56,543	16,364	29%
Non-Operating Expenditure	12,372	23,577	532	24,109	1,636	7%
Asset Sales	0	0	8	8	8	100%

Group Director's Comments:

The adjustment to the Group's revenue target relates to the Financial Assistance Grant. 50% of the grant (\$5.911M) was received in advance (2016/17 year, not the 2017/18 year). Additional rate income (\$600K) was levied above the budget due to changes in the pensioner concession criteria. The only other revenue adjustment of \$45K was from a community contribution for a playground at Ray Abood Oval. Rates have been levied for the full year, and the high percentage of revenue is reflective of this.

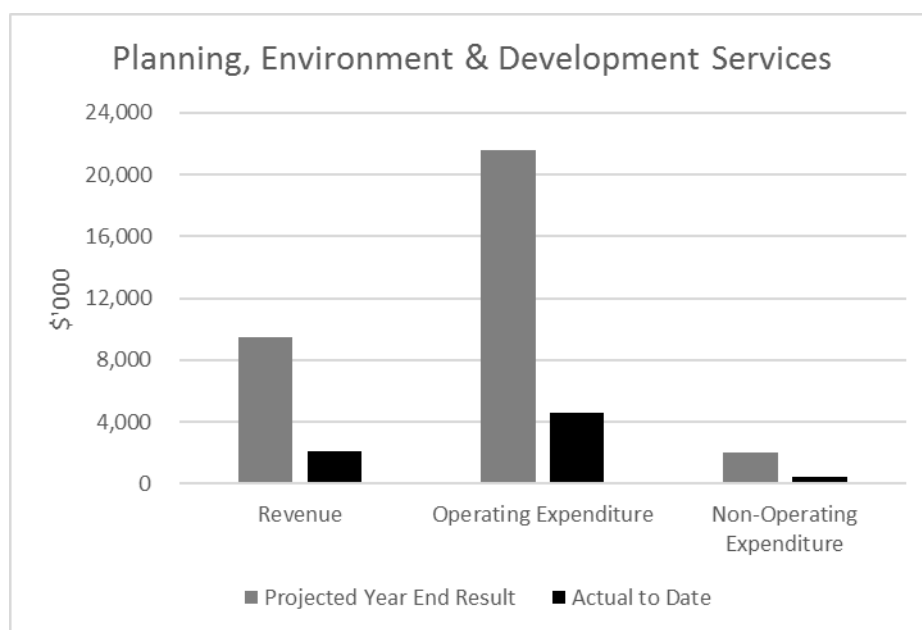
Operating expenditure is tracking higher than the expected 25%. This is due to the timing of marketing campaigns (more planned spend in Q1 especially with the successful Unspoilt campaign), as well as wages in the Governance Unit tracking higher than forecast due to staffing required for Council Meetings. The donations budget also lives within our Group, and the timing of disbursements is not linear.

In relation to non-operating expenditure (Capital), three projects make up the bulk of these funds. The Shoalhaven Indoor Sports Centre has a budget of \$13,665,000 and expenditure was at \$1,038,427 at the end of the quarter; the Ulladulla Leisure Centre Filter Replacement has a budget allocation of \$615,000 and this will be expended following appropriate

procurement procedures have secured the necessary products and services; the Corporate Business Systems and Services area has a budget of \$3,019,236, expenditure to date has been \$169,627, with the contract finalised with Technology One at the end of September.

Two other significant projects are the Ison Park Amenities (\$1,192,747) and the Mollymook all-inclusive playground (\$1,201,808). The Ison Park amenities are now complete and the Mollymook playground is nearing completion.

Planning, Environment and Development Services



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

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	7,224	8,535	950	9,485	2,122	22%
Operating Expenditure	17,129	19,964	1,593	21,557	4,589	21%
Non-Operating Expenditure	1,190	2,021	(2)	2,019	440	22%

Group Director's Comments:

Additional income generated from changes to Conveyancing Act (September) requiring drainage diagrams with contracts for sale, also additional activity in sector. Additional resourcing offset by increased income levels.

SA17.282

Small Lot Rural Subdivision

REZONING INVESTIGATIONS Updated 30th September 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	350,000	150,000	200,000
Loan Funded (transferred from Road Design)		12,968	
Special Rates (from construction)		6,626	
Special Rates (from construction) (returned)		-5,213	
Strategic Planning Consultants Budget		25,000	
Previous Contributions (Pre 1996)	0	2,571	0
Transfer to Road Construction	-55,049		
	294,951	191,952	200,000
Expenditure			
Salaries	157,224	32,614	48,929
Consultants	123,636	157,396	61,876
Other	14,091	1,942	19,862
Commitments in 2017/18	0	0	0
	294,951	191,952	130,667
Variance	0	0	69,333
ROAD DESIGN AND INVESTIGATIONS Updated 30th September 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded	184,438	50,281	50,281
Transfer to road construction	-168,616	0	-22,800
Transfer to rezoning	0	-12,968	0
	15,822	37,313	27,481
Expenditure			
Salaries	0	0	0
Consultants	12,333	37,313	16,835
Other	3,488	0	0
Commitments in 2017/18	0	0	0
	15,821	37,313	16,835
Variance	0	0	10,646

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ROAD CONSTRUCTION			
Updated 30th September 2017			
	Jerberra	Verons	Nebraska
Funding			
Loan Funded (from investigations)	168,616	0	22,800
General Fund	0	3,000	0
Strategic Projects (2008/09)	82,020	41,738	11,750
Special Rate Funded	232,640	141,011	77,108
Infrastructure Special Rate (Loan)	7,200,000	2,130,000	0
Transfer to Estate Rezoning		-6,626	
Transfer to Estate Rezoning (returned)		5,213	
Transfer from Estate Rezoning	55,049		
	7,738,325	2,314,336	111,658
Expenditure			
Salaries	50,282	33,432	5,569
Consultants	11,662	0	12,575
Other	2,002,789	146,554	79,996
Commitments in 2017/18	137,664	0	0
	2,202,398	179,986	98,139
Variance	5,535,927	2,134,351	13,519
Notes:			
Expenditure details will be updated quarterly.			
Upon completion of the rezoning investigations, any excess funding from rezoning investigations will be redirected to road investigations and construction for the relevant Estate at the appropriate time. Options to address any negative variance values will be considered in the future. If necessary, funding may be transferred between the rezoning investigation, road investigation and road construction budgets for each Estate. Funding will not be transferred from one Estate to another.			

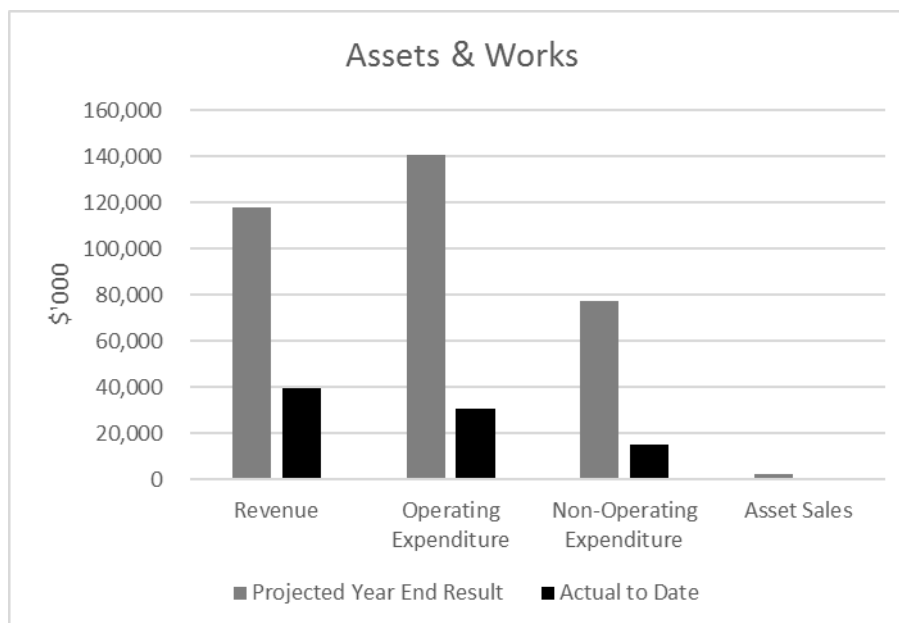
Nebraska Estate: \$69,333 remains for progressing rezoning investigations.

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

Road investigations and construction: The balance of the roadwork design budget for Nebraska Estate for 2017/2018 is \$10,646. The balance of the construction budgets for Jerberra, Verons and Nebraska Estates for 2017/2018 are \$5.5M, \$2.1M and \$13,519 respectively.

SA17.282

Assets and Works



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

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	97,288	118,116	(130)	117,986	39,518	33%
Operating Expenditure	140,243	140,916	(24)	140,892	30,727	22%
Non-Operating Expenditure	44,632	75,407	2,060	77,467	14,914	19%
Asset Sales	1,940	2,051	73	2,124	398	19%

Group Director's Comments:

Each Section of the Assets and Works Group operated on budget within the 1st Quarter, with operational expenditure being on target at 22%.

Non operating expenditure will increase in quarters 2 to 4 as construction works increase. A key project currently under construction is the Shoalhaven Indoor Sports Centre. Construction. Asbestos containing material has been discovered on a significant area of the site. It is recommended to fund the management of the asbestos containing material from the contaminated lands fund.

Flinders Rd heavy vehicle route upgrade and Albatross Rd intersection works are progressing to program. Holiday Haven have a new team at Huskisson Beach Holiday Park. Construction of a new in-ground pool at Lake Tabourie Holiday Park has commenced.

The acquisition of four properties in Cambewarra Road for the Shoalhaven Community & Recreational Precinct has been completed. A rural home site in Wire Lane sold for \$760,000. The property at 125 Moss Vale Road has been acquired for \$1.25M for the Far North Collector Road project.

SA17.282

Bereavement Services have completed Pergola extensions to the east and west wings of the chapel, the shade pergola and the installation of the air curtain to Reflections Café.

Stormwater Levy

Spending against the Stormwater Levy is 17% of budget.

Stormwater Levy Progress 2017/18

	Stormwater Levy Budget					Actual	Budget Remaining	% Spent
	2016/17 unspent	2017/18	Adjustment	Adjustment Notes	Current			
Drainage Program								
St Andrews Way Coolangatta Stage 2	\$122,062	\$0			\$122,062	\$1,252	\$120,810	1%
The Park Dr Sanctuary Pt	\$141,988	\$0			\$141,988	\$2,645	\$139,343	2%
Dacres St Vincentia Drainage	\$29,739	\$0	\$20,879	1, 3	\$50,618	\$50,834	\$0	100%
802 Sussex Inlet Road - Drainage	\$15,501	\$150,000	-\$165,501	2, 3	\$0	\$0	\$0	100%
Greville Ave Sanctuary Point	\$5,519	\$250,000			\$255,519	\$0	\$255,519	0%
Drainage Sth Nowra Industrial	\$47,125	\$0			\$47,125	\$0	\$47,125	0%
Bolong Rd Bomaderry Culvert upgrade	\$73,065	\$250,000			\$323,065	\$135,594	\$187,471	42%
Adelaide & Church St Greenwell Point	\$76,425	\$107,500			\$183,925	\$370	\$183,555	0%
Sunset Strip Manyana	\$38,177	\$0			\$38,177	\$1,075	\$37,101	3%
River Rd Sussex Inlet Drainage	\$27,092	\$0			\$27,092	\$3,400	\$23,692	13%
Waratah Cres Sanctuary Point - Drainage	\$0	\$143,000			\$143,000	\$88,131	\$54,869	62%
Reserve Road, Basin View - Drainage	\$0	\$100,000			\$100,000	\$0	\$100,000	0%
River Road, Shoalhaven Heads - Drainage	\$0	\$100,000			\$100,000	\$0	\$100,000	0%
89 Sussex Inlet Road - Drainage	\$0	\$0	\$150,000	2	\$150,000	\$3,145	\$146,855	2%
Total Stormwater Levy	\$576,694	\$1,100,500	\$5,378		\$1,682,572	\$286,447	\$1,396,341	17%

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

1. September Quarterly Review - additional stormwater levy received \$5,378
2. September Quarterly Review - transfer \$150K from 802 Sussex Inlet Road to 89 Sussex Inlet Road
3. September Quarterly Review - transfer \$15,501 from 802 Sussex Inlet Road to Dacres St Vincentia

Group Director's Comments:

Drainage works are complete at 802 Sussex Inlet Rd and Dacres St Vincentia. The Bolong Rd (Thurgate Oval) culvert replacement works and Waratah Crescent works are well advanced.

Special Rate Variations

Spending against the Special Rate Variation from 2013/14 is 22% of budget.

Special Rate Variation Progress 2017/18 - (2013/14 SRV)

	Special Rate Variation Budget					Actual	Budget Remaining	% Spent
	2016/17 unspent	2017/18	Adjustment	Adjustment Notes	Current			
Special Rate Variation Program								
Agars Lane Sealing	\$15,745	\$0			\$15,745	\$0	\$15,745	0%
Mollymook Beach Res Cycleway - Mitchell Pde	\$28,988	\$0			\$28,988	\$28,988	\$0	100%
Coolangatta Road	\$533,756	\$0			\$533,756	\$0	\$533,756	0%
Jacobs Dr, Sussex Inlet	\$375,548	\$0	-\$375,548	1	\$0	\$0	\$0	100%
Naval College Road	\$319,533	\$0			\$319,533	\$0	\$319,533	0%
Bendalong Rd Ch 1.6-2.4	\$0	\$800,000			\$800,000	\$13,804	\$786,196	2%
Warden St Ulladulla Ch 0.32-0.566	\$0	\$300,000	-\$93,231	2	\$206,769	\$2,934	\$203,835	1%
The Wool Rd Old Errol Bay Ch 9.727-11.120	\$0	\$800,000			\$800,000	\$1,901	\$798,099	0%
Coonemia Rd Ch 0-2	\$0	\$603,613	-\$603,613	3	\$0	\$0	\$0	0%
Ulladulla Traffic & Pedestrian Improvements			\$93,231	2	\$93,231	\$93,231	\$0	100%
Naval College Road intersection			\$603,613	3	\$603,613	\$603,613	\$0	100%
Total Special Rate Levy	\$1,273,569	\$2,503,613	-\$375,548		\$3,401,634	\$744,469	\$2,657,165	22%

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

1. September QBR - combine Jacobs Drive Streetscape into one project budget (combine with SRV 2018 funds)
2. September QBR - combine Ulladulla Projects together
3. September QBR - defer Coonemia Road project and transfer funds to completed Naval College Road project

SA17.282

Group Director's Comments:

Coolangatta Road works are almost complete. Coonemia Rd works are deferred pending blackspot funding for next financial year. Jacob's Drive streetscape works are under negotiation after an unsuccessful tender.

Spending against the Special Rate Variation from 2017/18 is 9% of budget.

Special Rate Variation Progress 2017/18 - one year only

	2017/18	Adjustment	Adjustment Notes	Current	Actual	Budget Remaining	% Spent
Special Rate Variation Program							
Public Halls Programmed Mtce	\$200,000			\$200,000	\$15,161	\$184,839	8%
Parks Core Maintenance	\$200,000			\$200,000	\$0	\$200,000	0%
Local Rds Routine Maintenance	\$600,000			\$600,000	\$0	\$600,000	0%
Millbank Road Local Road Repair	\$400,000			\$400,000	\$0	\$400,000	0%
Hillcrest Ave Local Road Repair	\$300,000			\$300,000	\$0	\$300,000	0%
Jindy Andy Lane Brundee	\$700,000	-\$100,000	2	\$600,000	\$0	\$600,000	0%
Local Road Resurface	\$1,996,012			\$1,996,012	\$207,930	\$1,788,082	10%
Callala Beach Rd 1.8 to 3.3 km - Stage 1	\$400,000			\$400,000	\$207,945	\$192,055	52%
Jacobs Drive Streetscape	\$500,000	\$375,548	1	\$875,548	\$360	\$499,640	0%
Graham Road	\$0	\$100,000	2	\$100,000	\$100,000	\$0	100%
Total Special Rate Levy	\$5,296,012	\$375,548		\$5,671,560	\$531,396	\$4,764,616	9%

Note: - The projects may have other additional funding, but only the 2017/18 Special Rate Levy is included in this table

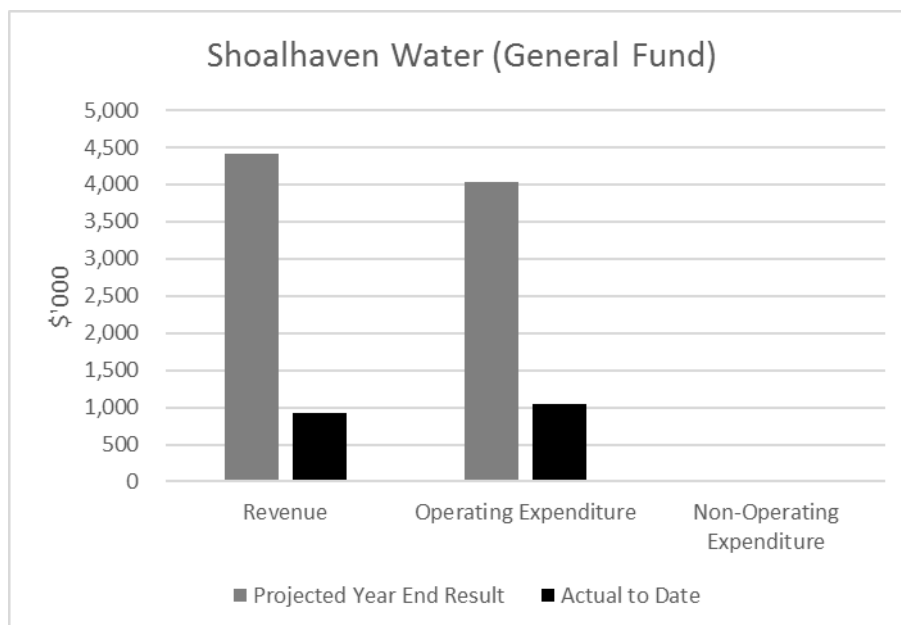
1. September QBR - Jacob's Drive project combined with 2013/14 SRV funds
2. September QBR - transfer \$100K from Jindy Andy Ln to Graham Road

Group Director's Comments:

Callalla Beach Rd works are complete. Parks maintenance, local road repairs, resurfacing and maintenance works will occur in quarters two and three with warmer weather. Jacobs Drive streetscape works are under negotiation after an unsuccessful tender. .

SA17.282

Shoalhaven Water



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

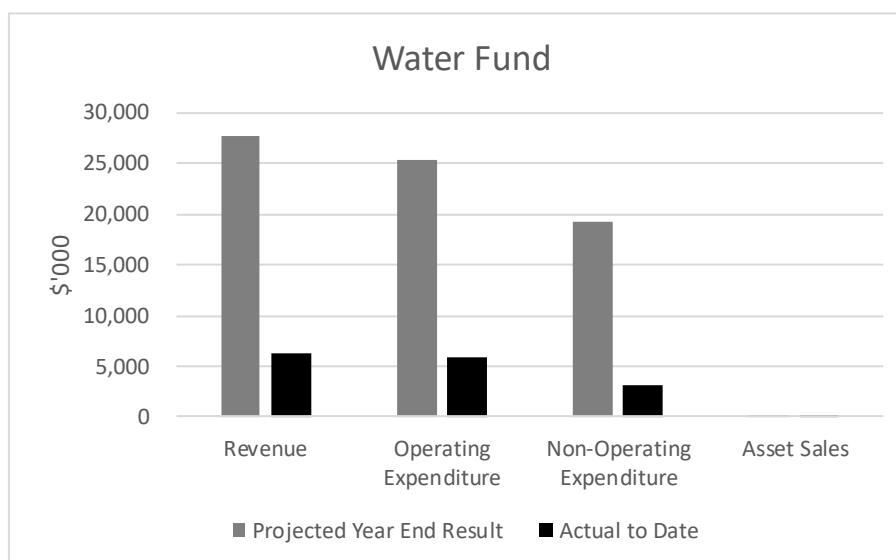
	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	4,420	4,420	0	4,420	931	21%
Operating Expenditure	4,034	4,034	0	4,034	1,050	26%
Non-Operating Expenditure	8	8	0	8	0	0%

Group Director's Comments:

The Shoalhaven Water General Group is operating on target, with revenue at 21.1% of budget and operational expenditure at 26.1% of budget. No adjustments are recommended in this review.

SA17.282

Water Fund



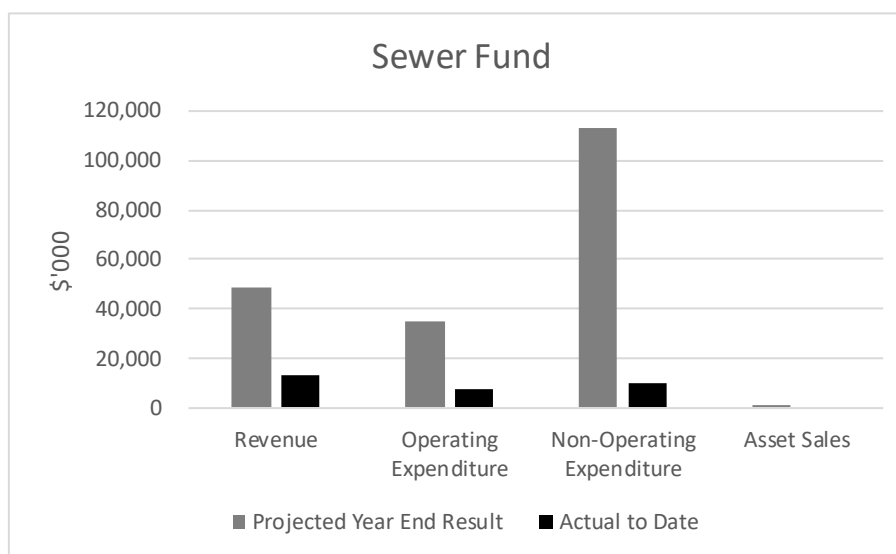
The recommended budget changes, revised budget and result to date for the Shoalhaven Water (Water Fund) Group are summarised below, details of the adjustments and variances are included in the September Quarterly Budget Review Statement.

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	27,261	27,661	88	27,749	6,317	23%
Operating Expenditure	25,153	25,153	54	25,207	5,846	23%
Non-Operating Expenditure	16,065	19,155	120	19,275	3,058	16%
Asset Sales	182	182	0	182	38	21%

Group Director's Comments:

The Water Fund is operating on target, with operational expenditure at 23.1% and revenue at 22.8% of budget. The adjustment recommended for revenue relates to the reallocation of resources to capital projects \$88K; while the adjustment to operational expenditure relates to an increase in public liability insurance \$54K. The capital program is progressing at 16.4% of budget and requires an adjustment of \$120K this quarter. This adjustment relates to the digital radio network that requires an additional budget allocation of \$120K. These additional funds are required due to the fact that additional assets were required to complete the project. This will be funded from the water fund reserves.

Sewer Fund



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

	Original Budget	Current Budget	September Review Adjustment Recommended	Projected Year End Result	Actual to Date	%
Revenue	48,016	48,816	70	48,886	12,911	26%
Operating Expenditure	36,087	36,087	0	36,087	7,942	22%
Non-Operating Expenditure	111,467	113,401	0	113,401	9,775	9%
Asset Sales	122	122	0	122	0	0%

Group Director's Comments:

The Sewer Fund is operating on target, with operating expenditure at 22.8% of budget and revenue at 26.4%. The adjustment to revenue relates to income from chargeable private works \$70K. The capital program is at 8.6% of the budget.

Financial Implications

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

SA17.283 Proposed Lease to Kids Korner 23 -25 Park Road Nowra

HPERM Ref: D17/371151

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek Council approval to enter into a lease agreement with Kids Korner Combined Occasional Care Centre Inc for the continued use and occupation of 23-25 Park Road Nowra as a community preschool.

Recommendation

That Council:

1. Enter into a 5 year lease agreement with Kids Korner Combined Occasional Care Centre Inc for the continued use and occupation of 23 -25 Park Road Nowra for the purpose of a community preschool with an initial annual rent of \$7,220.60 per annum with annual CPI increases;
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.

Options

1. Resolve as recommended.

Implications: The service to the community will continue with no disruption.

2. Not resolve as recommended and renegotiate terms or place the property on the open market for Lease.

Implications: Kids Korner Combined Occasional Care Centre Inc has already accepted enrolments for the coming year. To terminate the current lease would cause stress to the parents of children attending the preschool. Further, there is no guarantee that a replacement lessee will be found in the short term. The proposed lease terms are in accordance with Council's adopted Policy "Occupation of Council Owned and Managed Land".

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

SA17.283

Background

Council entered into a lease agreement with Kids Korner Combined Occasional Care Centre Inc in 1998 for a period of five (5) years, where the Centre was to pay \$1pa. Since the expiration of that Lease in 2003, the Centre has remained in occupation on a holding over basis.

Council has been in lease negotiations with Kids Korner Combined Occasional Care Centre Inc for a number of years. The lease negotiations commenced with a “preschool co-operative” group as initial concerns were shared with each community preschool.

Negotiations with the co-operative group were finalised in June and now each community preschool is negotiating with Council directly on the remaining issues.

Negotiations with Kids Korner Combined Occasional Care Centre Inc have now concluded and an agreement has been reached as outlined below:

Lessee	Kids Korner Combined Occasional Care Centre Inc
Lessor	Shoalhaven City Council
Premises	Lot 19 & Lot 20 DP 245773 at 23-25 Park Road Nowra
Term	5 years
Assessed Market Rent	\$63,422 plus GST per annum
Rent Payable	\$7,220.60 inc GST per annum, payable monthly in advance
Application of Rent Assessment Policy	Rental subsidy = 90%
Rent Review	Annually by CPI
Percentage of Outgoings	100%, outgoings refers to all charges for gas, electricity, telephone and any water rates and usage, garbage or sanitary rates or user charges relating to the Lessee’s use of the Premises.
Permitted Use	The operation of a Community Based Preschool and all activities incidental thereto.
Public Risk Insurance	Twenty million dollars (\$20,000,000.00)

Council obtained a market valuation from Opteon Property Group for the property which assessed the current market rent at \$63,422 plus GST per annum. This figure represents the rent Council could receive if the property were leased to a commercial child care operator.

Market valuations for child care centres are based on a Government set ratio of indoor and outdoor space with the fees charged by the centre and the success (or otherwise) of the business having no impact on the market rental.

Kids Korner Combined Occasional Care Centre Inc completed and returned its proposal documentation to enable Council to apply the rental assessment framework to the Market Valuation. Given the high level of service the Preschool provides, it was determined that a rental subsidy of 90% would apply thus requiring the Preschool to pay \$7,220.60 per annum.

SA17.283

Community Engagement

The subject land is classified as Operational land under the Local Government Act 1993 and accordingly, there is no requirement for any public notification out of this lease proposal.

Policy Implications

The proposed lease terms are in accordance with Council's Occupation of Council Owned or Managed Land Policy.

Financial Implications

Entering into the lease agreement, as recommended will increase Council's revenue by \$7,220.60 per annum which will assist Council in maintaining its assets into the future.

SA17.284 Telecommunications Lease - NBN Co Limited - Shoalhaven Heads

HPERM Ref: D17/340712

Group: Assets & Works Group

Section: Business & Property

Attachments: 1. Location Map [↓](#)

Purpose / Summary

To seek Council approval to enter into four (4) consecutive five (5) year lease agreements with NBN Co Limited over Part Lot 1 DP 615003 known as 31 Gerroa Road, Shoalhaven Heads, being Council owned Operational land.

Recommendation

That Council:

1. Enter into four (4) consecutive five (5) year lease agreements with NBN Co Limited for the use and occupation of Part Lot 1 DP 615003, 31 Gerroa Road, Shoalhaven Heads at an annual rental of \$ 15,771.00 with annual increases at 3% including a 3% increase at the commencement of each consecutive lease term; and
2. Delegate Authority to the General Manager to approve and execute all future telecommunications leases and licences relating to this site known as Part Lot 1 DP 615003.

Options

1. Adopt the Recommendation.

Implications: By proceeding with the negotiated terms Council will receive an income of approximately \$377,000 in total over twenty (20) years.

Providing delegated authority to the General Manager will streamline Council current process and deliver an enhanced level of customer service. This delegation is in line with the General Manager's current delegation to approve and execute telecommunications agreements in the Shoalhaven in accordance with MIN14.912 and resolution of the Council Property Steering Committee dated 3 March 2015.

2. Not adopt the Recommendation.

Implications: By not adopting the recommendation Council could potentially lose an income of approximately \$377,000.00 over the total twenty (20) year term.

Background

Council has been in negotiations with NBN Co Limited to enter into an occupancy arrangement for the use and occupation of Part Lot 1 DP 615003 Gerroa Road, Shoalhaven Heads (refer Attachment 1), being Council owned Operational Land.

NBN Co Limited will be occupying the land comprising of 80sqm, for the construction of a monopole within the Shoalhaven Heads Waste Water Treatment Plant.
Details of the negotiated lease terms are set out below:

Lessor	Shoalhaven City Council
Lessee	NBN Co Limited
Land	Gerroa Road Shoalhaven Heads(Wastewater Treatment Plant)
Folio Identifier	Part 1/615003
Access to Premises	Unrestricted Access.
Term	four (4) consecutive five (5) year lease agreements
Lease Fee	\$15,771.00 plus GST
Lease Fee Review	Increase of 3% per annum
Lease Fee Review Date	Each anniversary of the commencement date
Permitted Use	Installation, de-installation, testing, maintenance, repair, variation, modification, operation and removal of the equipment as part of the Network. The Network being “the telecommunications network and telecommunications services operated by the tenant in Australia pursuant to the <i>Telecommunications Act 1997 (Cth)</i> ” as stipulated in the lease agreement.
Public Liability Amount	\$20 Million
Legal and Other Costs	NBN Co Limited will pay all Council’s legal expenses for Lease negotiations and preparation capped at \$3,000; NBN Co Limited will pay any registration fees payable in relation to the Lease agreement;
Administrative Expenses	NBN Co Limited will pay all expenses reasonably incurred by Council in the process of agreeing to Lease this site. These expenses may include: a. Site Management Fees; b. Initial site set up / Application Fee; and c. Amend Site Setup Fee; As published in Council’s adopted Schedule of Fees and Charges.
GST	Unless otherwise stated all amounts quoted are exclusive of GST.

SA17.284

Community Engagement

NBN Co Limited will be required to lodge a Development Application which will include a Community notification process.

Financial Implications

Council will benefit from a total income of approximately \$377,000.00 provided NBN Co remain in occupation at the termination of each consecutive lease.

NBN Co Limited will pay for all stamping, registration and processing fees relating to the Leases.



SA17.285 Reservation of unformed roads by National Parks and Wildlife Service - Roads South of The Wool Road, Vincentia

HPERM Ref: D17/351101

Group: Assets & Works Group
Section: Business & Property

Attachments: 1. Plan of unformed roads to be Reserved by NPWS [↓](#)

Purpose / Summary

To seek Council approval for the reservation by the National Parks & Wildlife Service of the unformed roads within Lot 5 DP875010 as an addition to the Jervis Bay National Park. The land within these roads is to be reserved as compensation for land retained by Council for the construction of the skate park during the upgrade of the Bay and Basin Leisure Centre.

Recommendation

That Council:-

1. Request National Parks & Wildlife Service to reserve the roads within Lot 5 DP875010 for nil consideration, with the exception of the roads outlined in points 2, 3 and 4 below, for addition to Jervis Bay National Park pursuant to S30C(a) of the National Parks and Wildlife Act 1974;
2. Retain ownership of the unformed roads within Lot 5 DP875010 containing Council owned infrastructure such as water, sewer and drainage assets to ensure continued unrestricted access for upgrade and maintenance of such infrastructure;
3. Retain ownership of the unformed road providing secondary frontage to Lot 1 DP270528;
4. Retain ownership of the unformed road directly adjoining the rear of Vincentia High School that is occasionally used for offsite parking;
5. Consent to the revocation of the public road status following reservation by NPWS through publication of a notice in the Government Gazette;
6. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended.

Implications: Agreeing to the reservation of these unformed roads as an addition to the Jervis Bay National Park finalises Council's undertaking to facilitate the "transfer" of the unformed roads to the NP&WS as part of the agreement which resulted in retention of the land developed as a skate park within the Bay & Basin Leisure Centre precinct.

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

SA17.285

Background

Council has been in ongoing discussions with National Parks & Wildlife Service (NP&WS) since 2015 regarding the transfer of land to facilitate the upgrade of the Bay and Basin Leisure Centre.

On 3 September 2015 Council sought NP&WS approval to amend the previously agreed area to be transferred to NPWS. The amendment was sought due to a determination that much needed recreational infrastructure could be accommodated in the south eastern portion of the land comprising the Bay and Basin Leisure Centre precinct. The amendment resulted in a reduced area of approximately 3,400sqm being transferred to NPWS. The offer made by Council was to transfer all unused, unformed Council roads located within Lot 5 DP875010 to NP&WS for subsequent reservation within Jervis Bay National Park in lieu of the land retained by Council.

In December 2015, NP&WS endorsed the variation to the land proposed for addition to Jervis Bay National Park (arising from the proposal to construct the skate park), subject to the following:-

- Define by survey all council roads proposed for transfer*;
- Meet any costs associated with the transfer of the council owned roads;
- Erect an NPWS approved boundary fence surrounding the skate park.

* Subsequent correspondence from NPWS confirmed that survey is not required to finalise the transfer.

Following the reservation of the abovementioned roads and pursuant to the National Parks and Wildlife Act 1974, NP&WS have the ability to revoke the public road status by publication of a notice in the Government Gazette which effectively closes the roads and consolidates them as part of the Jervis Bay National Park. At the publication of the notice, the land vests in NP&WS. This alternative road closure process eliminates the need for Council to complete the time consuming road closure process under the Roads Act 1993.

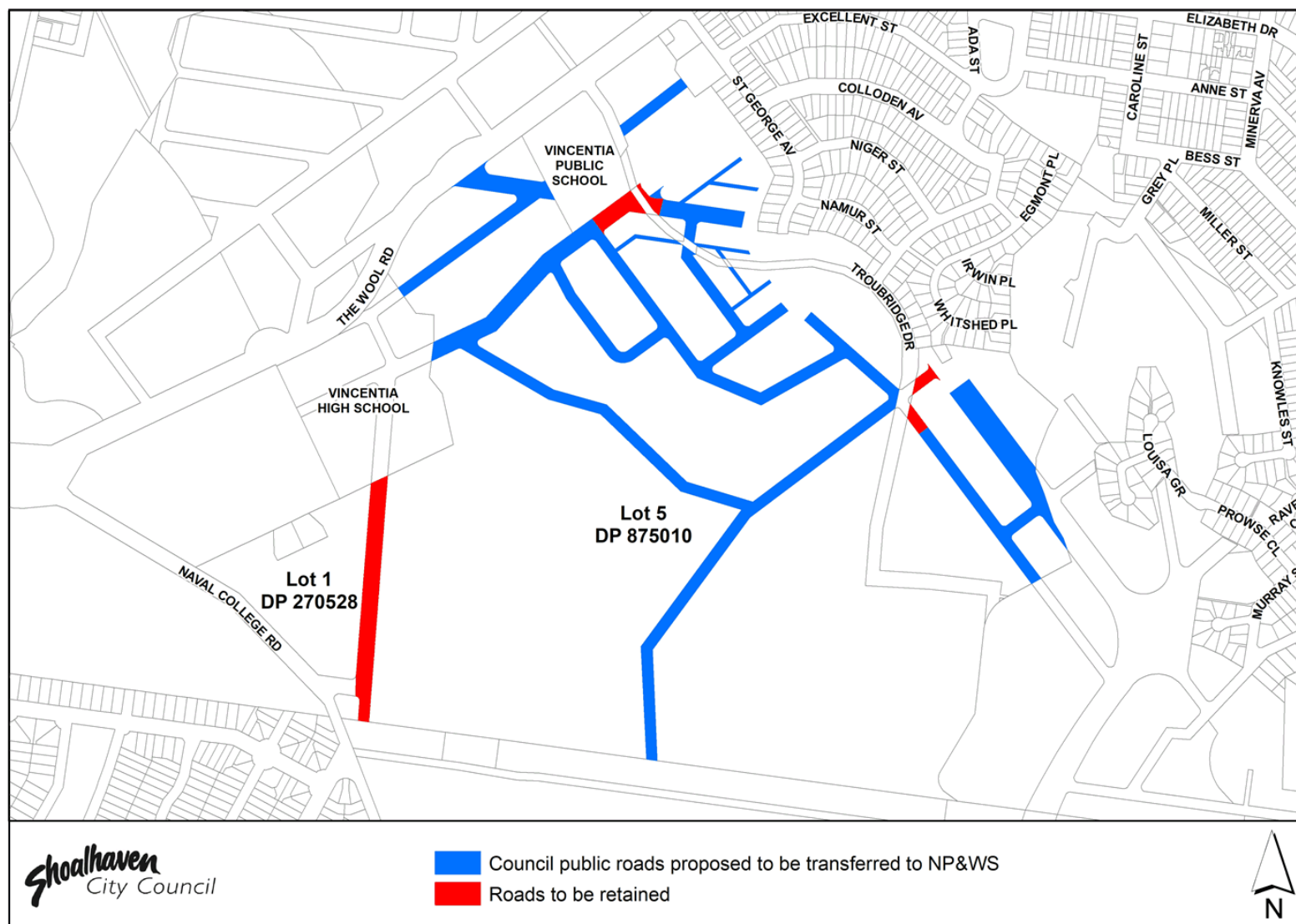
The roads to be transferred are coloured blue and the roads to be retained by Council are coloured red in the attached plan (Attachment A).

Community Engagement

The matter is considered a local area low impact issue and therefore no community consultation has taken place. The roads that will effectively be closed as a result of this process do not provide access to private land and therefore will have minimal public impact.

Financial Implications

Council is to bear all costs in allowing the land to be added to the Jervis Bay National Park. This agreement was reached at the time Council negotiated retention of the land required for additional recreational activities (the skate park) at Bay and Basin Leisure Centre.



SA17.286 Release of Restriction on the use of land - 124 - 126 Jacobs Drive Sussex Inlet

HPERM Ref: D17/367728

Group: Assets & Works Group
Section: Business & Property

Purpose / Summary

To seek a Resolution from Council to remove a restriction on title to Lot 97 DP 21038 known as 124 Jacobs Drive Sussex Inlet which provides that the land be used for car parking only. This restriction was created by Council in 1985 as follows:

“That no building shall be erected on the land having the burden of this restriction which land shall only be used for the purposes of car parking”.

Recommendation

That Council:

1. Resolve to release the restriction on title in dealing number V604054 over the land known as Lot 97 DP 21038 - 124 Jacobs Drive Sussex Inlet; and
2. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to the resolution.

Options

1. Resolve as recommended.

Implications: This will allow LPI to remove the restriction on the land and Council will be able to proceed to settlement.

2. Not Resolve as recommended.

Implications: The Contract for Sale could become null and void.

Background

Council's property known as 124-126 Jacobs Drive, Sussex Inlet (former bakery site) was sold at auction on Saturday 4 November 2017 pursuant to a resolution of Council dated 23 May 2017 which authorised the sale.

The contract for sale requires Council to remove a restriction on use (dealing V604054) registered on the title for the land which restricts the use of the land to car parking only.

A “Deed of Release” application was lodged in the Land Titles Office but Council has now been advised that a resolution of Council is required before the application can be processed.

The removal of the restriction will allow settlement to occur.

SA17.286

Financial Implications

Council could potentially forfeit proceeds of \$420,000 from the sale in the event that the contract becomes void because the restriction has not been removed.

SA17.287 Objection- Sale of Council Land - 10 Jopejija Cres, Culburra Beach

HPERM Ref: D17/369390

Group: Assets & Works Group

Attachments: 1. Plan [↓](#)
2. Letter to Adjoining Owners [↓](#)
3. Objections (councillors information folder) [⇒](#)

Purpose / Summary

To obtain Council's direction in relation to the proposed sale of vacant land at Lot 1 DP579906, 10 Jopejija Cres, Culburra Beach (as shown in Attachment 1) in light of submissions received as a result of public advertising and written notification to adjoining owners.

Recommendation

That Council:

1. Resolve to dispose of 10 Jopejija Crescent, Culburra Beach (Lot 1 DP579906) by way of public auction in accordance with Policy 16/256 (Development and/or Disposal of Council Lands);
2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction;
3. Fund all costs associated with the sale of 10 Jopejija Crescent, Culburra Beach from Job Number 88823 and the net income from the sale be placed in the Strategic Property Reserve;
4. Resolve to extinguish the easement for water supply 2 wide and 4 wide over Lot 10 DP261880 at Culburra Beach;
5. Fund all costs associated with pipe removal and easement extinguishment of Lot 10 DP261880 from Job Number 18850; and
6. Authorise the General Manager to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

Options

1. Resolve as recommended.

Implications: The property is surplus to operational needs and the disposal will generate additional income for Council and reduce Council's ongoing maintenance burden.

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

Background

At the Ordinary Council Meeting on 22 August 2017 it was resolved that (MIN17.745):

“Council:

- 1. Advertise its intention to dispose of 10 Jopejija Crescent, Culburra Beach (Lot 1 DP579906) in accordance with Policy 16/256 (Development and/or Disposal of Council Lands), and if no objections are received, authorise the sale of the property by public auction;*
- 2. Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale if the property fails to sell at auction;*
- 3. Fund all costs associated with the sale of 10 Jopejija Crescent, Culburra Beach from Job Number 88823 and the net income from the sale be placed in the Strategic Property Reserve;*
- 4. Resolve to extinguish the easement for water supply 2 wide and 4 wide over Lot 10 DP261880 at Culburra Beach;*
- 5. Fund all costs associated with pipe removal and easement extinguishment of Lot 10 DP261880 from Job Number 18850; and*
- 6. Authorise the General Manager to sign all documents required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.”*

In accordance with the Resolution, all adjoining land owners were notified in writing of the proposed sale (see Attachment 2) and a Public Notice advertised in local newspapers.

History of 10 Jopejija Cres, Culburra Beach

Several concerns raised in the submissions received relate to the history of the Lot, a summary of ownership and title matters is as follows:

- The subject Lot and the Right of Carriageway (for access) was created as part of a subdivision of a large parcel of land in 1975.
- The land was purchased by Council from a private land owner on 6 December 1976 for the purpose of constructing a water reservoir.
- At the time of acquisition, the Lot only had two adjoining residential Lots; 25 and 27 Broadview Ave.
- In 1981 the subdivision of the remainder of the large surrounding Lot created Jopejija Cres as well as 27A and 27B Broadview Ave.
- In 2006 the land was rezoned from Special Use 5 (a) to residential Zone 2 (a 1) – under Shoalhaven LEP 2014, this zoning is now described as R2 – Low Density Residential.

Submissions

At the close of submissions, two (2) objections were received from adjoining and nearby land owners (see Attachment 3). Their objections and staff comments are summarised below:

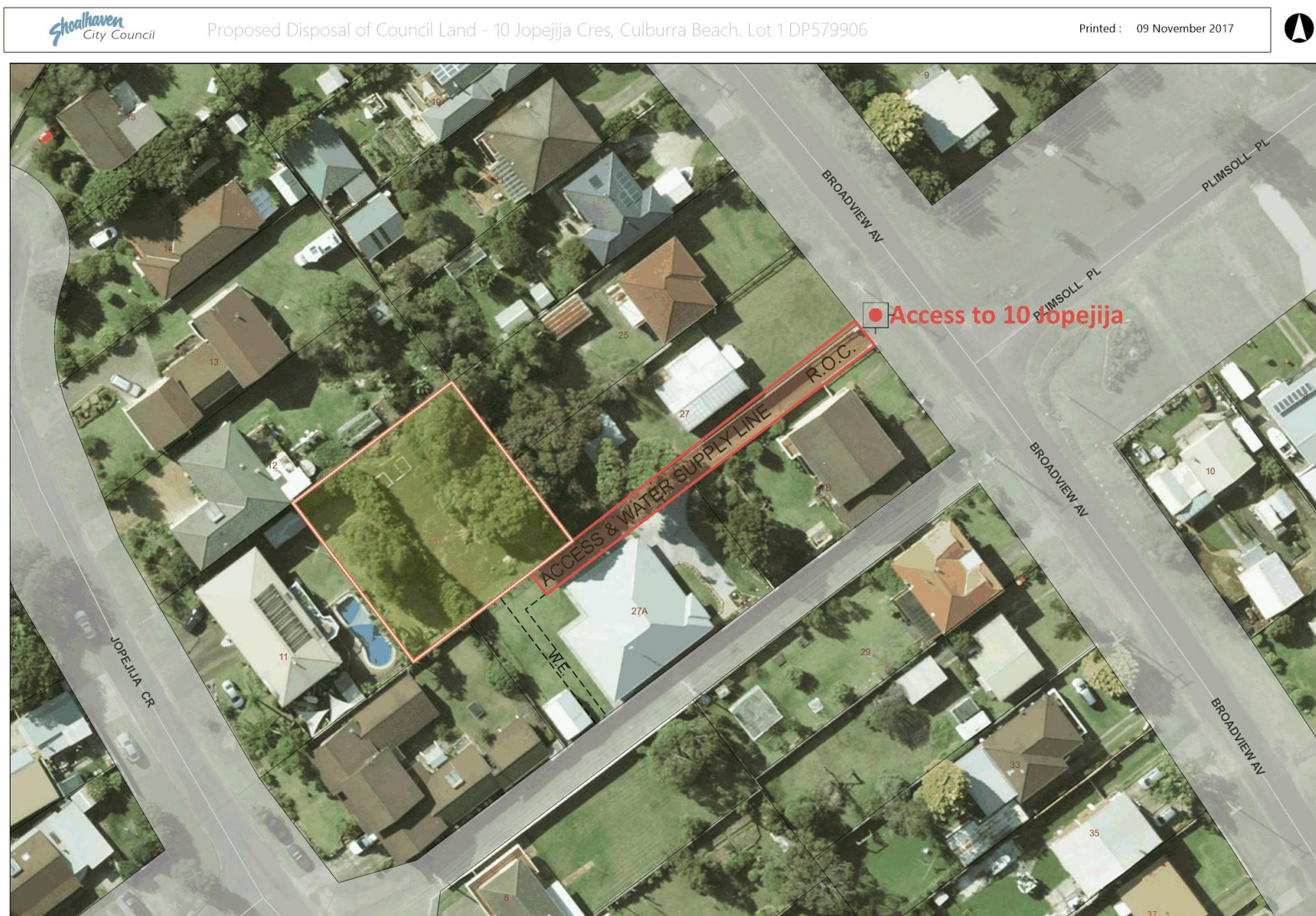
Issue:	Acquisition purpose (water tower) has not been fulfilled.
Staff Comments:	<p>In 2006, the land was rezoned and earmarked for disposal upon the advice of the Director of Shoalwater :</p> <p><i>"Lot 1 DP579906, as per the attached plan, was acquired for a water reservoir many years ago. This land is no longer required and is proposed to be sold off as a residential allotment. The land is zoned 5(a) Special Use, however is caught up in the SEPP 71 and cannot be used as for the adjacent 2(a 1) residential zone.</i></p> <p><i>Could you please proceed with a rezoning of this land in due course so that it can be sold as a residential allotment?"</i></p> <p>Shoalwater confirms that the land continues to be surplus to need and that the construction of a water tower is not warranted.</p>
Issue:	<p>Access to the Property</p> <p>Submission 1: <i>"I also understood that... there was a Right of Carriageway and an Easement for Services, the Right of Carriageway being intended to give the owners of 27A Broadview Avenue the right to access their lot through 27 Broadview Avenue's land, and to similarly provide Shoalhaven Water with access to the lot described as 10 Jopejija Crescent. "</i></p>
Staff Comments:	<ul style="list-style-type: none"> • 27A Broadview Ave is a battle-axe block, the driveway being the handle. This driveway is wholly part of this Lot, the owners' use of the driveway is not predicated on any neighbour providing them an easement for access. This Lot formation is unchanged from the original subdivision, created in August 1981. • Access to 10 Jopejija Cres is via a Right of Carriageway over the driveway of 27A Broadview Ave. This easement was created in 1975, prior to the creation of 27A Broadview and the Jopejija Cres development. • Part of the driveway also provides a rear yard access to 27 Broadview Ave (Easement for Access created in 1981). <p>The owner of 27A Broadview Ave has not objected to the sale.</p>
Issue:	<p>Potential increase in volume of traffic:</p> <p><i>"there will in all likelihood be a marked increase in the volume of traffic using the Right of Carriageway.... The problem will be exacerbated should the new owner of 10 Jopejija Crescent be approved to construct a duplex, as it would seem the Zoning would allow... Knowledge of such a possibility at the time of my purchasing... would most probably have resulted in my deciding to not go ahead with the purchase, and to seek a quieter location elsewhere."</i></p>
Staff Comments:	<p>This respondent purchased their property in 2012, at which time the Zoning of 10 Jopejija Cres had been Residential Use since 2006. The access arrangements for 10 Jopejija Cres had been in existence since 1975 and back yard access for 27 Broadview Ave since 1981.</p> <p>The land is proposed to be sold in it's current undeveloped condition. Any Development Application by future owners would be subject to Council's usual development process and Council makes no assertion about the nature</p>

	of approved future development.
Issue:	Request to create alternate access via Jopejija Cres
Staff Comments:	Submission 1 requested Council consider creating an alternate access to 10 Jopejija Cres (across private land) via Jopejija Cres instead of via Broadview Ave. This request is not a feasible option- the only route wide enough to accommodate this would be through the neighbour's in-ground pool.
Issue:	Request to Construct water tower: Submission 1's first preferred option (instead of disposal) is: <i>"construct a water reservoir tank upon the said lot as was apparently originally intended, to provide improved water pressure to my property... and to other ratepayers in the immediate area similarly afflicted by low water pressure"</i>
Staff Comments:	Shoalwater have provided the following comment: The standard of water supply pressure to the respondent's property is already within Shoalwater's standards of supply (i.e. 15-90 metres of head). No complaint of pressure issues have been recorded at the respondent's address.
Issue:	Status of land as at 1986: Submission 2 states: <i>"we purchased our block of land...in 1986. And were told at the time that the block was crown land and had been reserved for a water tower and would never be built upon."</i>
Staff Comments:	The land has been privately owned since prior to 1900, sold to Council in 1975. The decision not to construct a water tower is an operational one- see comments from Shoalwater above. The land has been Zoned Residential since 2006 in order to make the land able to be sold for residential use.
Issue:	Objection to the Management of the Process: Submission 2 states: <i>"We were told by the council that we would receive notification prior to the meeting which would be held to approve or reject the sale of the land so that we could attend and voice our concerns."</i>
Staff Comments:	Council staff provided advice to interested parties, including the respondent of Submission 2, that the due process to approve the sale of the land included an opportunity to table objections or concerns at an Ordinary Council Meeting. The call for submissions through direct mail-out to adjoining land owners and via public advertising has created this opportunity. These concerns are tabled herein, meeting Council's commitment to an open and transparent process.
Issue:	Objection to the proposed timeframe to disposal <i>"We were then told that it would take at least 6 months until the land would be listed for sale.. we recently received a letter saying the sale could occur in as little as a month."</i>
Staff Comments:	Council has been in consultation with this land owner since the land was surveyed in May 2017. The letter to adjoining land owners makes no reference to time frames in which the land is proposed to be sold. (see Attachment 2)
Issue:	Request for Threatened Species Assessment: Submission 2 states: <i>"There is significant native flora on the block" and "(we) request a copy of the</i>

	<i>assessment of impact report”</i>
Staff Comments:	Council's Tree Management Officer advises that the 12 + mature conifers on the land are introduced species and have been planted. The management of the 5-6 mature Eucalypts on the land will be required to be addressed in any future Development Application. This is in accordance with the NSW Threatened Species Conservation Act 1995 and Council Policy.

Summary:

Council staff believe that the objections raised have been addressed and that the property should proceed to disposal.



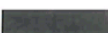


Bridge Rd, Nowra NSW 2541 02 4429 3111
Deering St, Ulladulla NSW 2539 02 4429 8999

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

Council Reference: 51805E (D17/341018)



Dear 

**Proposed Sale of Council Land
10 Jopejija Cres, CULBURRA BEACH
Lot 1 DP 579906**

Council is writing to you, as adjoining land owners of Council land, of a resolution proposing the sale of **Lot 1 DP579906, 10 Jopejija Crescent, Culburra Beach**.

Council, at its meeting on 22nd August 2017 (MIN17.745), resolved in part to:

1. *Advertise its intention to dispose of 10 Jopejija Crescent, Culburra Beach (Lot 1 DP579906) in accordance with Policy 16/256 (Development and/or Disposal of Council Lands), and if no objections are received, authorise the sale of the property by public auction;*
2. *Authorise the General Manager to set the auction reserve (based on valuation advice) and to finalise the terms of a sale within 10% of the reserve or list price in the case of a private treaty sale, if the property fails to sell at auction;*
3. *Fund all costs associated with the sale of 10 Jopejija Crescent, Culburra Beach from Job Number 88823 and the net income from the sale be placed in the Strategic Property Reserve.*

In accordance with Council's policy *Development and/or Disposal of Council Lands* (POL16/256) and the above Council resolution, notice is hereby given of Council's intention to sell by public auction the property listed below. The listed property has been assessed and considered not essential for the carrying out of Council's functions under the Local Government Act 1993.

Details of the property are as follows:

Address	Legal Description	Zoning	Area
10 Jopejija Crescent, CULBURRA BEACH	Lot 1 DP579906	R2- Low Density Residential	929 m ²

A copy of the location plan is attached.

Written submissions relating to the proposed sale can be forwarded to the General Manager, Shoalhaven City Council, PO Box 42, Nowra NSW 2541 or by email council@shoalhaven.nsw.gov.au by 5.00 pm on Wednesday 8th November 2017 quoting reference number 51805E.

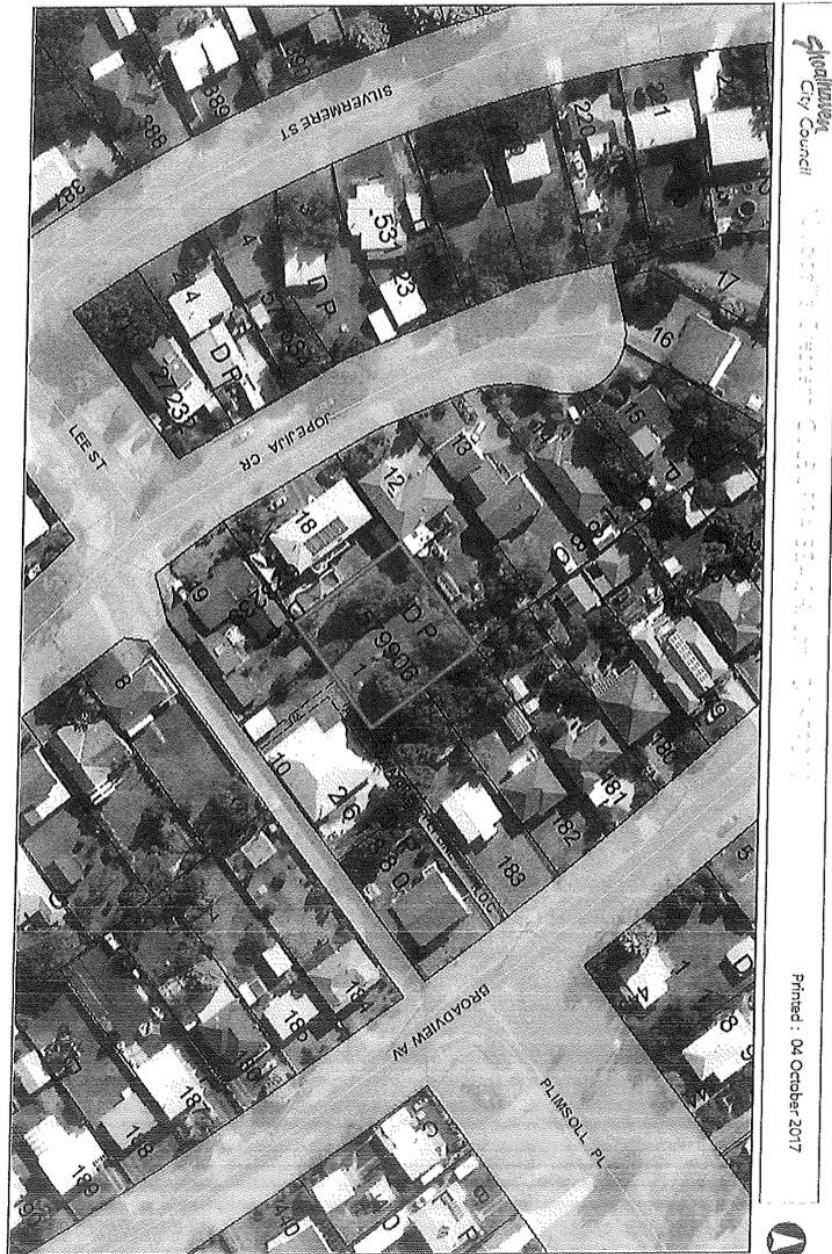
If you need further information about this matter, please contact Trish Hoerlein, Assets & Works Group on (02) 4429 3370. Please quote Council's reference 51805E (D17/341018).

Yours faithfully



Trish Hoerlein
Property Officer

17/10/2017



SA17.288 Acquisition - Drainage Easement - Woollamia - Pt Lot 196 DP 15266 - 10 Pritchard Ave

HPERM Ref: D17/371858

Group: Assets & Works Group
Section: Business & Property

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

Purpose / Summary

To seek Council approval to amend part Minute MIN17.923 (1) to correct the folio identifier from Lot 159 DP 15266 to Lot 196 DP 15266.

Recommendation

That Council rescind part (1) only of MIN17.923 and resolve to acquire a 6 metre wide by 150 metre length Easement for Drainage over part Lot 196 DP 15266 at 10 Pritchard Avenue, Woollamia, as shown in Attachment 1.

Options

1. Resolve as recommended.

Implications: The resolution will reflect the properties correct legal description.

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

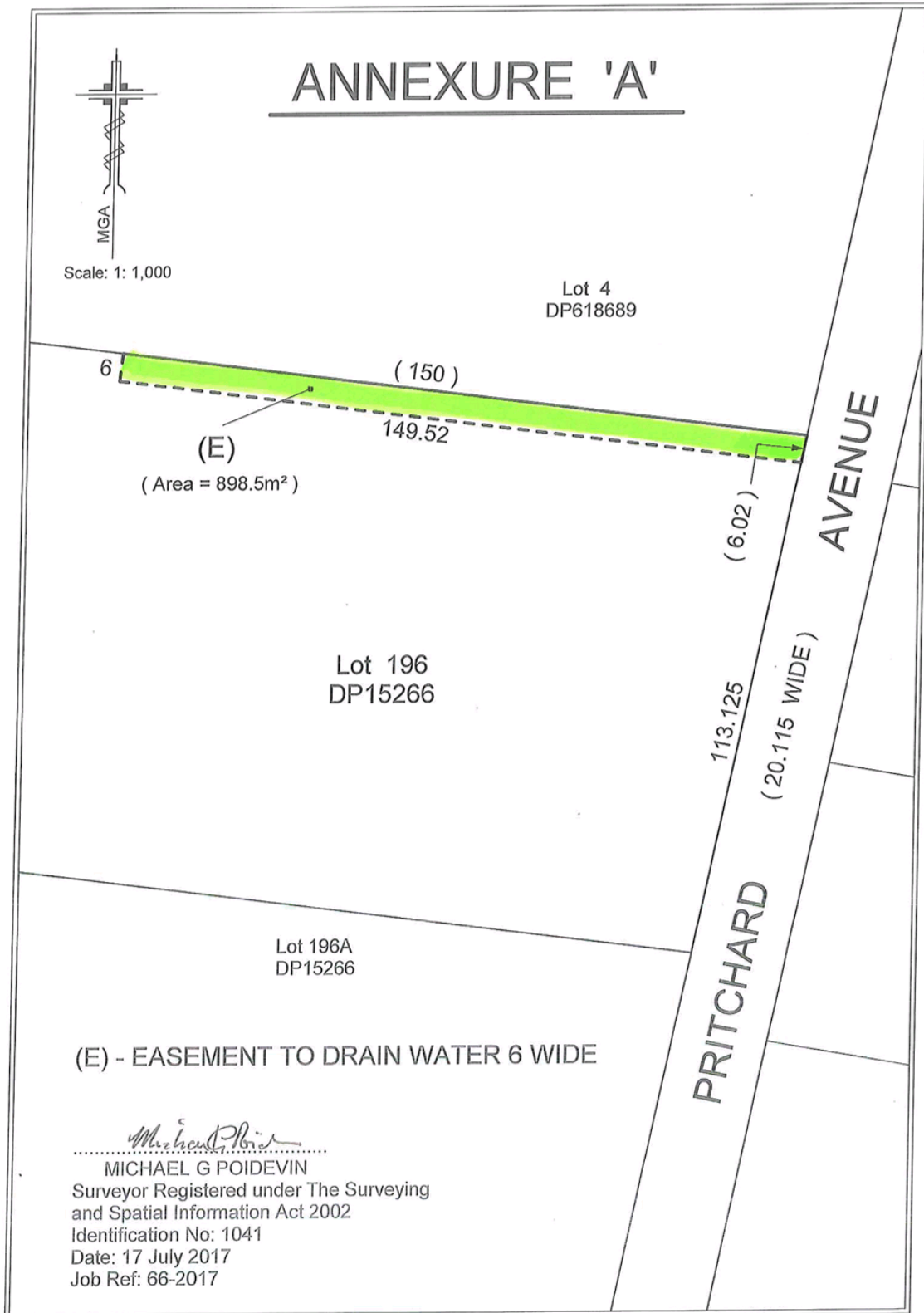
Background

Council, at its meeting 24th October 2017, resolved (MIN17.923) that Council:

- “1. Resolve to acquire a 6 metre wide by 150 metre length Easement for Drainage over part of Lot 159 DP15266 at 10 Pritchard Avenue, Woollamia, as shown in Attachment 1;
2. Pay compensation of \$29,000 plus GST (if applicable) including all ancillary and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from job number 85001; and
3. Grant authority to affix the Common Seal of the Council of the City of Shoalhaven to any documents required to be sealed and the General Manager be authorised to sign any documentation necessary to give effect to the resolution.”

The legal description, in particular the Lot number noted at point 1 above is incorrect.

The resolution of Council now needs to reflect the correct Lot number and the recommendation is submitted to Council for endorsement.



SA17.289 Water Quality in Harry Sawkins Park & Marriott Park

HPERM Ref: D17/321423

Group: Assets & Works Group

Section: Works & Services

Purpose / Summary

Council resolved (MIN16.953) *“that staff prepare a report to Council outlining the options and costs for improving the water quality and rubbish in the ponds of Harry Sawkins Park and Marriott Park, including an option to reinstall fountains, or other innovative ways to circulate water.”*

This report provides the outcomes of water quality testing and identifies practical options for improving the water quality and aesthetics of the ponds.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Undertake maintenance at Harry Sawkins and Marriott Parks to improve pond water quality, including removal of vegetation, litter and sediments; and
2. Consider allocating funding of \$50,000 in FY18/19 or subsequent years for installation of a Gross Pollutant Trap in the ponds at Marriott Park.

Options

1. As recommended (preferred option).

Implications: Funding is available to undertake maintenance works to the ponds. These works are largely aesthetic as the water quality is currently relatively good.

New infrastructure will require a budget allocation in subsequent year budgets.

2. Install fountains (or similar infrastructure) to increase water circulation in ponds.

Implications: The testing indicates mechanical intervention is only likely to be required during the dry periods. There is no current budget available for new works and any future allocation would need to consider the ongoing running and maintenance costs.

Background

Harry Sawkins Park and Marriott Park are high profile ‘Icon’ parks close to Nowra CBD and receive a high level of park maintenance. A feature of both town parks is a pond system with various landscaping improvements and communities of local waterfowl. Both pond systems are former swamps replenished by stormwater runoff from the immediate town area and can be adversely affected by periods of low rainfall. During dry periods, the aesthetic appearance of both ponds can cause concern for the water quality.

Testing of the ponds at Harry Sawkins Park and Marriott Park was carried out by local consultant Earth2Water to allow assessment of water quality with respect to The Australian and New Zealand Environment Conservation Council (ANZECC) guidelines for Fresh Water.

Based on the testing, the water quality in both ponds *“appears to be relatively good due to the absence of algae and odour. The pond has abundant local fauna (ducks) and is well vegetated”*.

Specifically:

- Concentrations of toxic hydrocarbons were not detected in surface waters at Harry Sawkins Park or Marriott Park;
- Surface water testing showed elevated levels of phosphorus and to a lesser extent ammonia at both ponds. Biochemical Oxygen Demand (BOD) was elevated in Harry Sawkins Park and Dissolved Oxygen (DO) was reduced in both ponds, although not lower than the ANZECC Fish Species Tolerance;
- The pH was neutral to slightly alkaline with Electrical Conductivity indicating relatively fresh water in both ponds; and
- The ponds had no obvious odours, algae or surface scum/oil at the time of testing in September. Both ponds had some noticeable litter. Both ponds had suspended solids concentrations at or above the ANZECC Fresh Water guidelines, with a significant improvement at the downstream end of the Harry Sawkins Park pond system, due potentially to settlement, biodegradation and infiltration of cleaner water.

Although the water quality is satisfactory, there are numerous maintenance action and capital improvements options available to improve the aesthetics of the ponds.

Routine Maintenance

- Removal of litter not caught by existing Gross Pollutant Traps - \$1,000
- Removal of tree branches - \$500
- Removal of baskets from former floating wetlands, which have passed their useful life and are no longer functional (Harry Sawkins Park) - \$4,000
- Chemical treatment of any algae - \$2,000
- Mechanical removal of vegetation within water - \$3,585
- Removal of sediment at Marriott Park near the Kinghorne St stormwater pipe outlet - \$20,000.

Total Maintenance \$31,085

Capital Improvements

- Install a Gross Pollutant Trap (GPT) on the Kinghorne Street stormwater outlet into Marriott Park - \$35,000 (depending on size and design).
- Install a temporary litter bag system (nets) in lieu of GPT - \$5,000

In addition, to improve water quality during dry periods, increasing circulation and oxygenation of the water may be needed to maintain aquatic health. This can be achieved with the following options:

- Installing a new water fountain at Harry Sawkins Park: \$25,000
- Installing a water fountain at Marriott Park: \$25,000
- Installing alternative aeration methods such as cascade water feature - \$30,000

Permanent mechanical systems are costly, in addition to the initial purchase and installation, due to the operating and ongoing maintenance costs. The above estimates do not include allowance for ongoing costs.

Installation of any infrastructure may disturb the accumulated sediments, which have not been tested for contaminants as part of this review.

Financial Implications

A budget of \$40,000 was allocated to the investigation. The remaining budget of \$35,000 is available for maintenance actions to help improve the appearance of the ponds.

More substantial works will require additional funding allocation.

SA17.290 Biodiversity Conservation Act - Resource Recovery Park - Retiring Credits

HPERM Ref: D17/351082

Group: Assets & Works Group
Section: Works & Services

Attachments: 1. Report - Resource Recovery Park - West Nowra AWT - Strategy & Assets Committee 21 February 2017 [↓](#)

Purpose / Summary

To secure Biodiversity Offsets needed for the Resource Recovery Park located adjacent to Council's existing West Nowra Waste and Recycling Facility.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Purchase 52 Species Credits from the NSW Office of Environment & Heritage Biodiversity Conservation Fund to meet obligations for the Waste Service's Resource Recovery Park at an estimated cost of \$31,000; and
2. If the bio-banking site on land surrounding the Huskisson Recycling and Waste Facility is not accepted as a suitable offer for all 133 Environmental Offsets, purchase any required credits from NSW Office of Environment & Heritage Biodiversity Conservation fund at an estimated cost of \$245,000.

Options

1. As recommended (preferred option)

Implications: The NSW Office of Environment & Heritage Biodiversity Conservation Fund is the most financially viable option to obtain Species Credits required for the Resource Recovery Park (RRP).

2. Purchase all Environmental Offsets from The NSW Office of Environment & Heritage Biodiversity Conservation Fund need for the RRP

Implications: The credits available on the Huskisson Land could be valuable on the open market in the future and preserving these credits by purchasing all offsets for the RRP from the fund is a possible strategy. There is no established market for the required environment type, therefore the viability of this strategy can not be confirmed.

Background

The Assets & Strategy Committee on 21 February 2017(MIN 17.108), resolved, in part:

Part 2 - Establish a bio-banking site on land surrounding the Huskisson Recycling and Waste Facility and retire Environmental Offsets needed for the Resource Recovery Park and Landfill extension projects; and

Part 3 - Receive a further report on options to provide the required Species Credits needed for the Resource Recovery Park.

The Council report associated with the above resolution is include at **Attachment 1** for background information.

Council's application to the Office of Environment and Heritage (OEH) for the bio-banking site was submitted on 16 February 2017, with adoption pending. For the Resources Recovery Park, Council must find suitable offsets for 1) Species credits - 52 and 2) Ecosystem credits – 133.

Species Credits

Council has undertaken investigation to purchase the required 52 Species Credits for impacts to Squirrel Gliders by the Resource Recovery Park development.

Council has been unable to identify the Squirrel Gliders on any existing Council owned land that could be used as an offset. Only one source of Squirrel Glider credits is currently registered with NSW OEH and the credit owner has suggested a price around \$6,000 per credit (based on trades of Green & Golden Bell Frog credits). This would equate to \$312,000. Another possible site has been identified, but the site is not yet a registered site, although the owner has provided an indicative purchase price of \$3,500 per credit or \$182,000. The other option is to meet the credit liability by contributing to OEH's Biodiversity Conservation Fund.

The Fund currently has Squirrel Glider credits for sale at \$581.58 per credit, based on the website's Offsets Payment Calculator. This price is expected to increase as trade in credits commences and market price is realised. Buying credits at this price equates to \$30,242.16.

Ecosystem Credits

The Huskisson site provides for 23 (of 133) Ecosystem Credits based on 'like for like' vegetation. However, if suitable offsets cannot be found, including the feasible purchasing of credits from another landowner, Council's submission argues that the Huskisson site provides a more valuable vegetation type (than what will be cleared for the RRP) that could be used to offset all the ecosystem credits. This is expected to be supported.

Currently there are no registered Ecosystem credits on the market of the type Council requires. Based on the sale of similar plant communities in other areas, the market cost is estimated between \$2,530 and \$4,560 for each credit (or \$278,300 and \$501, 600). If the Huskisson land proposal is not accepted, the OEH Biobank currently has suitable Ecosystem credits for sale at \$2200.70 per credit inc GST (at the time of writing) or \$242, 077.

Community Engagement

Community engagement of the project was part of the Environmental Impact Statement preparation. Subsequently feedback was invited by the Department of Planning during its assessment of the Development Application. Feedback received was considered in the assessment.

Financial Implications

Budget funding for the required Biodiversity Offsets has been included in the Resource Recovery Project, funded by the Waste Reserve. Acceptance of the Huskisson Land as a Bio banking site while enable Council to sell available and unused credits on the market to offset the purchase costs.

Risk Implications

The cost of Squirrel Glider credits from the OEH Biodiversity Conservation Fund is expected to increase as trading under the new legislation begins. The Squirrel Glider credits should be retired quickly using the OEH Biodiversity Conservation Fund, to avoid significant cost increases.

Council's Offset obligations need to be met so that the Resource Recovery Project can proceed.

SA17.53 Resource Recovery Park - West Nowra AWT

HPERM Ref: D17/37694

Group: Assets & Works Group
Section: Works & Services

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

Purpose / Summary

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

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

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

Recommendation (Item to be determined under delegated authority)

That Council:

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

Options

1. As recommended.

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

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

2. Council amend the recommendation.

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

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

Background

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

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

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

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

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

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

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



Figure 1 - Locality Plan

RRP Development Consent

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

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

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

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

Biodiversity Offset Strategy

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

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

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

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

The strategy document provides locality plans and land use details of the site.

Council has been unable to locate 'like for like' vegetation on its own land or find suitable land on the open market through the State Government bio-banking database. Therefore, a Biobank Agreement application has been lodged for the 'Biobank Site' at Huskisson. This would secure the site in perpetuity and would need to be managed for its biodiversity values, but would only come into effect once the 'credits' have been retired.

It is proposed to 'retire' the 23 'ecosystem credits' for the RRP and the balance of the remaining credits be used for the landfill extension project (if suitable) and / or make them available on the open market. The Huskisson site provides a low cost (ongoing management cost will apply) solution to provide the required credits. The site has limited other uses or development potential.

Investigations for the Squirrel Glider is continuing. If this animal cannot be located on any Council land, the required species credits will need to be purchased at an estimated cost of \$130,000 - \$200,000.

Animal Shelter Relocation

To make way for the RRP, the Animal Shelter needs to be relocated.

An investigation into suitable sites, considering land zoning, size requirements and location, identified a parcel of Council's land at BTU Road. This site was previously used to manage Council's former 'night soil' operations and is currently used by Shoalhaven Water to rehabilitate soils for reuse. Otherwise the land is undeveloped.

A Planning Proposal was required to update the zoning description applicable to the land to permit an animal shelter on the site. The land is currently zoned SP2 Infrastructure (Sewage System) in Shoalhaven Local Environmental Plan 2014, which does not allow an animal shelter, although it is considered this use is compatible with the objectives of the zone. The Proposal sought to make a minor change to the SP2 Infrastructure zone description.

The Planning Proposal was lodged in September 2015 and approved on 13 January 2017. The Development Application was lodged in December 2015, however its final determination is pending resolution of the zoning. With the zoning resolved, determination is expected shortly. A Construction Certificate Application will be submitted once the DA is determined.

In parallel with planning approvals, Tender documentation for construction of the shelter was issued in December 2016 and this closes on 28 February 2017.

It is expected the Shelter will take up to 12 months to construct. This will then allow Stage 1 of the RRP to commence, including demolition of the old facility.

Processed Waste

A consideration for Council is the limited market for the organic products of existing AWT facilities.

Currently, the organic outputs produced from the mechanical biological treatment of mixed waste, only has application in mine sites rehabilitation, plantation forestry use, non-contact agricultural use and broad acre farming agricultural use. AWTs operating in Sydney transport the products to farming lands west of the Great Dividing Range or to mine sites. The

customers accepting organic outputs derived from mixed waste generally do so on a 'no cost' basis, meaning the cost for processing the waste and transportation of processed product must be fully captured at the front end.

The end products from Council's proposed AWT may also be transported out of the region, where it will be used to help regenerate poor soils.

A trend in the Waste Processing industry is the processing of source separated (in the kerb side collection bin) green waste or combined green waste and food waste. Both Kiama and Shellharbour are processing this waste stream. The end product from the processing of these wastes is a higher quality providing for a wider range of uses such as compost and pasteurised garden organics. The downside is that lower diversion rates are achieved compared to red bin processing (more waste is sent to landfill). As SCC currently does not have a green bin or food bin service, the establishment of these bins will increase the cost of the project and the Domestic Waste Management Charge payable by residents.

The strategy to implement technology to process the red bin will reduced waste being landfilled, produce a product that has a limited, but important role in returning organics to soils whilst offsetting the payment of the waste levy. The risks associated with this major project are the long term viability of companies providing the service, changing regulation and end product value and demand.

Community Engagement

Community engagement of the project was part of the Environmental Impact Statement preparation. Subsequently feedback was invited by the Department of Planning during its assessment of the Development Application. Feedback received was considered in the assessment.

Financial Implications

The RRP and associated projects are to be funded by the Waste Reserve and loan funding (if required). The estimated construction value of the Animal Shelter is \$2.5m and Council will provide a capital contribution of up to \$10m to the successful contractor towards development of the RRP. Not all shortlisted tenders were relying on the full \$10m.

The current balance of the Waste Reserve is \$9.63m at end November 2016.

Any additional capital of the RRP will be recouped by the contractor through the collection of gate fees. The gate fees will also cover the contractor's ongoing operation costs. Council will need to pay these gate fees for waste it delivers to the RRP, and any corresponding increases to waste management costs will need to be charged back to residents through the Domestic Waste Management Charge (DWMC) and landfill users through Council's collection of landfill gate fees. Based on the EOI submission, there is not expected to be a significant increase in the DWMC, but this will be a key assessment criteria during the tender assessment phase.

The other financial impact on Council will be during operation phase of the RRP, with a significant reduction in landfill gate fees received as waste is diverted directly to the RRP.

A corresponding reduction in operating costs and payments to the EPA will also result, but not proportional to the loss of revenue. The West Nowra Recycling and Waste Facility will no longer be able to subsidise the operation of the smaller recycling and waste transfer stations to the current level of service.

The current effort to reduce operating costs associated with operating the smaller sites will assist, but further reducing access to these sites will need to be considered in the future.

SA17.291 Statement of Expectations - Roads to Recovery Program

HPERM Ref: D17/377052

Group: Assets & Works Group
Section: Asset Management

Attachments: 1. Advice - Statement of Expectations - Roads to Recovery [↓](#)
2. Roads to Recovery - Statement of Expectations Nov 2017 [↓](#)

Purpose / Summary

To report to Council on ministerial advice relating to the Roads to Recovery Program.

Recommendation (Item to be determined under delegated authority)

That Council receives the report for information.

Options

1. Receive the report for information

Background

Darren Chester MP, Federal Minister for Infrastructure and Transport, has issued a Roads to Recovery Statement of Expectations to bring R2R in line with other Australian Government programs, where funding is issued with a set of expectations. It asks councils to direct more of their R2R funding to projects that are likely to reduce fatalities and serious injuries in road accidents.

The R2R program is making a significant difference on Shoalhaven roads, and a significant proportion of R2R funding spent in the Shoalhaven is already targeting road safety improvements, including approximately 30% spent on roundabouts.

A well-designed roundabout is the safest form of intersection control, as it reduces the relative speeds of vehicles. Numerous 'before and after' type studies have shown that, in general, fewer motor vehicle crashes resulting in casualties occur at roundabouts than at intersections containing traffic signals, stop or give-way signs. Special consideration also needs to be given to pedestrian and cyclist movements at roundabouts.

The honourable MP also advised that the Roads to Recovery grant program funding will be increased from \$350m to \$400M annually from 2019/20. The Australian Local Government Association (ALGA) is advocating for an increase in annual R2R funding to \$800m.

Council is responding to the honourable MP's request for ideas on how all levels of government can improve road safety and outcomes for the community.

The report is provided for the information of Council.



The Hon Darren Chester MP
Minister for Infrastructure and Transport
A/g Minister for Regional Development
A/g Minister for Local Government and Territories
Deputy Leader of the House
Member for Gippsland

MAYORAL

Mc
Mayor A. Findley

The Mayor
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Shoalhaven City Council

Received

13 NOV 2017

File No. 50413E

Referred to: D P. Knill

D L. Ho

D m(ren)

Dear Mayor

I am writing to advise you that I have issued a Statement of Expectations for the Roads to Recovery (R2R) Program. This statement is to bring R2R in line with other Australian Government programs where funding is issued with a set of expectations. This statement is the first one for the R2R Program and it aims to improve road safety for all Australians.

I am constantly reminded of the good use to which councils have put their R2R money, but I believe that more needs to be done to encourage more road safety outcomes from the funding.

The statement asks councils to consider directing more of their R2R funding to projects that are likely to reduce fatalities and serious injuries in crashes and to work with my Department to improve the reporting of safety and other outcomes from the R2R Program. A more formal evaluation by councils of their R2R projects will also make it easier for us to show how they have benefitted the local network and the community.

Reducing road trauma is a responsibility for us all. It's about safer drivers, safer cars and safer roads. Your support to help save lives and reduce the economic burden of road trauma will be greatly appreciated by your community.

The Australian Government has demonstrated its firm commitment to the R2R Program by providing an additional \$50 million on an ongoing basis from 2019-20, to bring the annual allocation to \$400 million across all councils in Australia, and by ensuring that the program did not contain a sunset clause under the *National Land Transport Act 2014*, meaning no new legislation is required for the continuation of the program.

I would be grateful if you would ensure that the Statement of Expectations is circulated to elected members and to council officers involved in selecting and administering R2R projects within your council.

The contact officer in my Department on this matter is Ms Sylvia Vincent at sylvia.vincent@infrastructure.gov.au or 02 6274 7387.

I look forward to continuing the successful relationship between the Australian Government and local councils through the R2R Program. By working together, we can make a difference to improve road safety.

Yours sincerely



DARREN CHESTER

Encl

7 November 2017



The Hon Darren Chester MP
Minister for Infrastructure and Transport
A/g Minister for Regional Development
A/g Minister for Local Government and Territories
Deputy Leader of the House
Member for Gippsland

ROADS TO RECOVERY STATEMENT OF EXPECTATIONS

The Roads to Recovery (R2R) Program makes a valuable contribution to safety, economic and social outcomes in communities through supporting maintenance of the nation's local roads.

In the 2016-17 Budget, the Australian Government took a decision to provide an additional \$50 million on an ongoing basis to the R2R Program from 2019-20, to bring the annual allocation to \$400 million across all councils in Australia.

The Government also ensured that the R2R Program did not contain a sunset clause under the *National Land Transport Act 2014*, safeguarding the continuation of this important program.

1,300 people died on Australian roads last year and the Australian Government has been working closely with all levels of government to develop a strategy to reduce fatalities and serious injuries on our roads.

The current National Road Safety Strategy 2011-2020 sets out a plan using the safe system approach, safer vehicles, safer speeds, safer people and safer roads to reduce fatal and serious injury crashes by at least 30 per cent. This approach calls for a holistic view of the road transport system and the interactions among roads and roadsides, travel speeds, vehicles and road users.

Unfortunately, after a decade of good results, the trend over the last two years has been going in the wrong direction.

In reviewing the outcomes of the R2R Program, I am pleased to see that 27 per cent of funding received by councils has been spent on road safety across the life of the current program. A further 34 per cent of spending has been to maintain the road asset, which also has safety benefits.

There is a considerable body of knowledge that indicates that well-designed road improvements reduce the rate of road crashes and serious injuries.

A study of the Australian Government's Black Spot Program in 2012 examined the crash reduction benefits of a variety of road treatments based on a sample of 1,599 projects across the country.

The Bureau of Infrastructure, Transport and Regional Economics estimated that the Black Spot Program is reducing fatal and casualty crashes in total at treated sites by 30 per cent.

The study found that roundabouts are the most effective treatment, reducing casualty crashes by over 70 per cent. Providing new traffic signals and altering the traffic flow direction are the next most highly effective treatments for most severity levels, reducing crashes by more than 50 per cent.

We do not have the same level of information to be able to assess the benefits of the R2R Program.

I would like to work with local councils to ensure that the R2R Program is delivering the best possible outcomes in the area of road safety. When selecting projects, I would urge councils to consider the likelihood that the selected project will reduce fatalities and serious injuries in crashes.

It may be that projects that may not have been able to be funded under State or Federal Black Spot programs could be delivered under the R2R Program.

In terms of road maintenance projects, improving the quality of the road asset through re-sheeting and resealing will have stronger safety outcomes than simply maintaining the quality through routine road maintenance.

I note that pedestrian and cycling facilities associated with a road can be funded under R2R. I do not propose to change the eligibility criteria, but ask that such projects are only prioritised if their specific aim is to improve safety for vulnerable road users.

Councils could consider pooling R2R funding or Financial Assistance Grants to prioritise and jointly improve the quality of roads in a region with a known crash record. Similar to the greater adoption of asset management plans, councils could draw up road safety plans on a network basis in conjunction with neighbouring councils.

I have asked my Department to improve the reporting of safety and other outcomes from the R2R Program and I would like councils to provide additional information on the benefits and outcomes of each project. I encourage you to evaluate the projects completed and how they have benefitted the local network and community (for example, crash reductions or travel efficiencies), to assist us to better monitor and evaluate the program. I ask that this information be provided as part of the annual reporting from councils. My Department will inform councils of new reporting templates that will need to be completed as a condition of funding release for future years.

I am also requesting councils provide the Department with more regular updates on the status of projects which are receiving funding under R2R. I know previously some councils have informed us once works have been completed rather than before they have begun. I would like councils to inform us of every project which will receive R2R funding before they commence work on them and update us on their progress each quarter. A higher level of engagement than we have previously requested will allow both of us to benefit by keeping the local community informed of works underway.

The Commonwealth Government is committed to using Federal funding to improve employment opportunities for Indigenous Australians and I ask for this consideration to be applied to projects using R2R funding.

Lastly, I invite councils to write to me with ideas of how all levels of government could be improving road safety and the outcomes from the considerable investment we all make in the country's roads.

DARREN CHESTER

7 November 2017



The Hon Darren Chester MP
Minister for Infrastructure and Transport
A/g Minister for Regional Development
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Deputy Leader of the House
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DARREN CHESTER

7 November 2017

SA17.292 Drainage Options - 2 to 28 Prince Edward Ave Culburra Beach

HPERM Ref: D17/380538

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

To present information following a resolution (MIN17.489) regarding maintenance of an open drain at Prince Edward Ave, Culburra Beach.

Recommendation (Item to be determined under delegated authority)

That Council receive for information only:

1. The open drain channel at Prince Edward Ave Culburra Beach was last cleared between 2nd and 4th August 2017
2. Staff have made offers to residents/owners of houses numbered 2 to 12 Prince Edward Ave to construct a piped drain in front of their properties. Each property is to contribute 50% of the cost of works. This offer closed on 6 October 2017

Options

1. Receive the information in the Recommendation

Staff will,

- a. Continue to liaise with residents of numbers 2 to 12 Prince Edward Ave for the piping of the open drain, and if offers are accepted and payments made, then continue to undertake the works.
- b. Continue with Annual maintenance of the open drain at Prince Edward Ave utilising a reach mower for areas not piped.

Implications:

If piping works proceed, funding will be diverted from the stormwater capital works budget.

2. Continue annual maintenance of the open drain, without piping.

Implications:

No change from existing arrangements.

3. Council to choose an alternate recommendation

Background

In response to Council's resolution MIN17.489 "*That the matter regarding Notice of Motion - Drainage - Prince Edward Ave, Culburra Beach be deferred pending discussions with*

residents regarding opportunities of the drainage work at 2 to 28 Prince Edward Avenue, Culburra Beach and report back to Council.”

Staff are continuing to liaise with local residents in relation to the drainage issues affecting properties from 2 to 28 Prince Edward Avenue Culburra Beach and there are two clear options:

1. Staff continue to liaise with residents of numbers 2 to 12 Prince Edward Ave for the piping of open drain, and if offers are accepted and payments made, then the required works will be undertaken. The works will cost approximately \$10,000 per property if more than 2 properties accept this offer, 50% of the cost (or \$5000) being the contribution by the property owner(s).
2. If there is no agreement with the landowners, annual maintenance of the open drain at Prince Edward Ave will continue utilising a reach mower. This will cost approximately \$1,800 per annum.

SA17.293 Policy Review - POL16/233 - Compliance and Enforcement Policy

HPERM Ref: D17/347619

Group: Planning Environment & Development Group

Attachments: 1. Compliance Policy [↓](#)

Purpose / Summary

This report was previously sent to the Strategy and Assets Committee on Tuesday 15 August 2017. During this meeting it was resolved to provide a separate Councillor briefing and this occurred on Thursday 19 October 2017. This policy is now reported back to Council for consideration.

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

To clarify Council's role and responsibilities and assist staff to act promptly, consistently and effectively in response to allegations of unlawful activity.

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or unlawful activity. It provides workable guidelines on:

- How to assess whether complaints/notifications require investigation.
- Options for dealing with unlawful activity.
- How to decide whether enforcement action is warranted.

Recommendation (Item to be determined under delegated authority)

That Council affirm the reviewed policy for Compliance and Enforcement with the adjustments as attached to this report and the policy be made available on Council's website.

Options

1. Adopt the recommendation

Implications: The policy review will assist in maintaining the Compliance and Enforcement program and provide staff with clear guidelines on how to action matters.

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

Background

This report was previously sent to the Strategy and Assets Committee on Tuesday 15 August 2017. During this meeting it was resolved to provide a Councillor briefing and this occurred on Thursday 19 October 2017. The policy was discussed in detail at the Councillor briefing.

Council has an obligation to the community to undertake various regulatory investigations and inspections to monitor, abate and/or rectify activity within its area. These activities are

generally brought to Council's attention via the lodgement of an application or an internal or external customer service request.

Staff across the organisation undertake their regulatory duties in a fair, transparent and consistent manner in line with the relevant legislative requirements and Council's adopted Codes and Policies.

This review of the Compliance and Enforcement Policy better reflects the current processes around these services.

In December 2015 the NSW Ombudsman released a Model Compliance and Enforcement Policy. The Ombudsman's Policy was designed to harmonise the different approaches taken by Council's to their regulatory duties and to minimise the potential for corruption related issues.

With the above in mind Council's Compliance Policy has been amended and expanded to include many aspects of the Ombudsman's Policy. The policy now clarifies the processes behind regulatory actions undertaken and provides staff with a more robust document to follow when considering an appropriate course of regulatory action.

Community Engagement

The policy will support Council's commitment to ecologically sustainable development principles and support good governance practice.

Policy Implications

There are a range of considerations that Council need to take into account when deciding whether or not to take enforcement action. The subject document will give clear guidance in this regard.

Financial Implications

There are no financial implications in adopting this policy.

Risk Implications

This policy follows the Ombudsmans model guidelines and reduces the risk of officer investigation.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the **Planning, Environment & Development Services Group**

Compliance Policy ~~Compliance and Enforcement Policy~~

Policy Number: POL16/233 • **Adopted:** 25/09/2017 • **Amended:** 9/09/2008, 13/10/2009, 29/08/2011 (D11/218758) • **Minute Number:** MIN07.1346, MIN08.1265, MIN09.1400, MIN12.1405 • **File:** 34946E • **Produced By:** Planning, Environment & Development Services Group • **Review Date:**

1. Purpose and Scope

1.1 This policy applies to the regulatory process undertaken by Council staff, when investigating a potential breach of legislation, Council Code or Policy.

1.2 This policy will provide the framework to assist Enforcement Officers in acting promptly, effectively and consistently in undertaking daily patrols and/or responding to allegations of unlawful activity. This policy is also designed to provide a framework to ensure transparency in decision making with respect to the statutory functions of council.

1.3 The NSW Ombudsman's Enforcement Guidelines for Councils (December 2015) has been used as the basis resource for creating revisiting this policy. Where applicable, direct inserts have been included in this Policy, when the guidelines are phrased in a manner that compliments Councils intentions

1.4 This policy outlines matters to be considered at the various stages of the enforcement process.

1.5 For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

1. PURPOSE

~~To clarify Council's role and responsibilities and assist council staff to act promptly, consistently and effectively in response to allegations of unlawful activity.~~

2. POLICY OBJECTIVES

The objectives of this policy are to:

Shoalhaven City Council – ~~Enforcement~~ Compliance Policy

a) Deliver clear guidelines for the exercising of discretion, for Council and its Enforcement Officers, in investigating & identifying the appropriate course of regulatory action, in regards to allegations of unlawful activity.

b) Ensure that the discretion utilised by Council and its Enforcement Officers takes into account all relevant information, including the available evidence, cost to the community, the circumstances of the individual case and public policy and precedent considerations. The policy also provides a legal and administrative framework to assist Council and its Enforcement Officers in making decisions with respect to its enforcement functions

~~The objectives of this policy are to:~~

- ~~a) Deliver clear guidelines for the exercising of discretion, for Council and its officers in investigating & identifying the appropriate course of regulatory action in regards to unlawful activity; and~~
~~b) Ensure that the discretion utilised by Council and its officers takes into account all relevant information including the available evidence, cost to the community, the circumstances of the individual case and public policy and precedent considerations. The policy also provides a legal and administrative framework to assist Council and its officers in making decisions in its enforcement functions~~

~~The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with action requests or unlawful activity. It provides workable guidelines on:~~

- ~~▪ How to assess whether complaints or unlawful activity require investigation.~~
- ~~▪ Options for dealing with unlawful activity.~~
- ~~▪ How to decide whether enforcement action is warranted.~~

3. APPLICATION

This policy is to be read in conjunction with Council's Code of Conduct and applies to the investigation and enforcement of unlawful activity or failure to comply with the terms or conditions of approvals, licences and orders. While primarily directed at the regulation of development activity, the policy is also applicable to:-

- ~~p~~Pollution control
- ~~r~~Regulation of parking
- ~~and control~~Regulation ~~overas to the~~ keeping of animals
- Environmental health
- Public health and safety
- Noxious Weeds
- Water and sewer
- Septic systems
- Food safety
- Fire safety
- Tree preservation

4. COMPLIANCE AND ENFORCEMENT PRINCIPLES

The following are the principles that underpin council's approach to the undertaking of regulatory investigations:

a. Accountability and transparency:

- i. acting in the best interests of public health safety and the environment;
- ii. ensuring accountability for decision making;
- iii. acting fairly and impartially and without bias or unlawful discrimination;
- iv. providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust within the community;
- v. ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy;
- vi. acting on any complaints or concerns about the conduct of Enforcement Officers in accordance with Council's Complaints Management Policy and Procedures;
- vii. advising people and organisations subject to enforcement action any avenues available to seek a review of a decision.

b. Consistency

- i. ensuring all compliance and enforcement action is implemented consistently.
- ii. Council staff and/or Enforcement Officers will not consider representations against a penalty infringement notice unless it has been forwarded to them by the NSW State Debt Recovery Office.

c. Proportional

- i. ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach
- ii. taking action to address harm and deter future unlawful activity
- iii. Making cost effective decisions concerning enforcement action (i.e the issuing of a Penalty Infringement Notice, local court action or Land and Environment Court action etc.)

d. Timely

- i. ensuring responses to customer requests alleging unlawful activity are undertaken in a timely manner.

e. Safety

- i. ensuring the safety of Enforcement Officers is paramount at all times

5. RESPONSIBILITY

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections patrols.

Shoalhaven City Council – Enforcement~~Compliance~~ Policy

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy. Enforcement Officers are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

~~4.~~

~~All council staff who deal with written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines.~~

~~All notifications of alleged unlawful activity shall be logged in Council's action requests system and directed to the responsible person.~~

5.6. DEFINITIONS

Enforcement Officer is an employee or contractor of Shoalhaven City Council who is delegated to undertake regulatory investigations and/or actions on behalf of the organisation, for breaches of state legislation, national legislation or Council Codes or Policies. Enforcement Officers will include such roles as Rangers, Parking Officers, Compliance Officers, Building Surveyors, Planners, Environmental Health Officers, Tree Preservation Officers and any other role within the organisation with the delegation to undertake regulatory investigations and/or actions.

Unlawful activity is any activity or work that has been or is being carried out:

- Contrary to the terms or conditions of a development consent, approval, permission or licence.
- Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land.
- Contrary to a legislative provision regulating a particular activity or work.
- Without a required development consent, approval, permission or licence.

~~*Estoppel* means a legal rule barring inconsistency; a legal rule that prevents somebody from stating a position inconsistent with one previously stated, especially when the earlier representation has been relied upon by others.~~

~~*Vexatious* means causing trouble; provoking irritation or anxiety by causing trouble.~~

6.7. INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

7.1 A preliminary assessment of all matters will be made to determine whether investigation is required. If an investigation is warranted, Council will prioritise matters on the basis of risk to public safety, human health or the environment.

Shoalhaven City Council – ~~Enforcement~~ Compliance Policy

- 7.2 Breach Reports will be completed and peer reviewed for all major investigation matters. Examples of where a breach report will be warranted include such scenarios as a dog attack, unauthorised development, illegal tree clearing etc.
- 7.3 Minor matters such as parking offences, littering offences, etc do not necessarily require a breach report or an investigation to prove the offence. In such cases a penalty infringement notice can be issued on the spot.
- 7.4 Council will take no regulatory action if, following a preliminary assessment, it is identified that:
- i. council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised.
 - ii. the report relates substantially to a matter previously investigated by council and no new or compelling information is presented which would warrant council altering a previous decision.
 - iii. the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required)
 - iv. the report is not supported with evidence or appears to have no substance
 - v. the allegation, after a peer review, is proven to be trivial, frivolous or vexatious
 - vi. the relevant manager, director or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.
 - vii. it is not in the public interest, after a peer review, to continue to investigate the alleged unlawful activity.

Not all alleged unlawful activity will warrant investigation. Council will consider a range of factors when deciding whether to investigate. These include:

- ~~▪ Is the matter within the jurisdiction of Council?~~
- ~~▪ Is the investigation premature eg. does it relate to some unfinished aspect of work that is still in progress?~~
- ~~▪ Is the activity or work permissible with or without consent?~~
- ~~▪ If the activity is permissible with consent, is there a consent in place?~~
- ~~▪ Is it possible to determine from the information available to Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?~~
- ~~▪ Is the alleged unlawful activity trivial, frivolous or vexatious?~~
- ~~▪ Has too much time elapsed since the event subject of the alleged activity taking place? i.e. (Procedural fairness/statute of limitations)~~
- ~~▪ Is there another body that is a more appropriate agency to investigate and deal with the matter?~~
- ~~▪ Is the activity having a significant detrimental effect on the environment or does it constitute a risk to public safety?~~
- ~~▪ Does the alleged unlawful activity indicate the existence of a systemic problem eg. if the alleged activity is one of a series, could there be a pattern of conduct or a more widespread problem? eg. clearing in a Threatened Species sensitive area.~~
- ~~▪ Has the alleged person or organisation been the subject of previous allegations?~~
- ~~▪ Does the alleged unlawful activity have special significance in terms of the Council's existing priorities?~~

Shoalhaven City Council – ~~Enforcement~~**Compliance** Policy

- ~~Are there significant resource implications in relation to an investigation and any subsequent enforcement action?~~
- ~~Is it in the public interest to investigate the alleged unlawful activity?~~

7.8. INVESTIGATION PROCESS

All investigations will be conducted in accordance with Councils' current **internal** standard operating procedures, in particular ~~Compliance regulatory based~~ **Operating Procedures** and ~~all regulatory related~~ provisions of the relevant legislation.

8.9. RESPONDING TO ALLEGATIONS OF UNLAWFUL ACTIVITY

Allegations of unlawful activity requiring urgent attention will be actioned within 48 72 hours.

All other allegations of unlawful activity will be actioned, in a timely manner, reflective of the likelihood of risk to the general public and/or environment.

~~All action requests about alleged unlawful activity should be acknowledged in accordance with Councils' Replying to Correspondence Service Level Standard and other customer service targets.~~

9.10. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will use the quickest and most appropriate option to deal with unlawful activity wherever possible. ~~Approaches to be considered will include:~~

Council may, depending on the available evidence, utilise one or more of the following forms of regulatory action in line with Council's internal operating procedures:

a. Referral

- i. Referring the allegation to an external agency for further investigation or prosecution action. i.e. Police, NSW Government Department etc.
- ii. Referring the disputing parties issue to an external mediator. i.e. The Community Justice Centre or NSW Civil & Administrative Tribunal (NCAT).

b. No Action

c. Education

- i. Educating the offender, after they have been identified, as to the requirements of the relevant legislation, Council Policies or Codes

Shoalhaven City Council – Enforcement/Compliance Policy

d. Warnings, Notices, Orders, Directions, Legal Prosecution

- i. Giving a Warning Notice for unlawful activity.
- ii. Giving a Notice/Order/Emergency Order requiring work to be undertaken or the activity to cease.
- iii. Giving an Order requiring work to be undertaken or the activity to cease
- iv. Giving an Emergency Order requiring work to be undertaken or the activity to cease
- v. Giving a verbal and/or written Direction to take action to rectify a breach of legislation
- vi. Issue a Penalty Infringement Notice (PIN)
- vii. Carrying out the work specified in an Order, under delegated authority and transferring the cost of such action to the offender.
- viii. Court attendance notice

9.1 Less Formal Actions:

- Referring the complaint to an external agency for further investigation or prosecution.
- Taking no action on the basis of lack of evidence.
- Counselling the subject of the investigation to educate them on the relevant Council requirements.
- Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.

9.2 More Formal Actions:

- Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice.
- Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation.
- Seeking injunctions from the Land & Environment Court or the Supreme Court.
- Issuing a court attendance notice in the Local Court.
- Issuing a penalty infringement notice (PIN).
- Taking proceedings for an offence against the relevant Act or Regulation.
- Carrying out the works specified in an order under the LG Act at the cost of the person served with the order.

All enforcement action will be monitored and a decision made in relation to non-compliance in accordance with time frames set by the legislation.

11. TAKING ENFORCEMENT ACTION

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public

interest. The following common considerations will assist Council staff in undertaking a review process and determining the most appropriate regulatory response:-

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- whether the offence was committed with intent;
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements or instructions;
- any mitigating or aggravating circumstances demonstrated by the alleged offender;
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter and future unlawful activity;
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- the prospect of success if the proposed enforcement action was challenged in court;
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- what action would be proportionate and reasonable in response to the unlawful activity;
- whether Council is prevented from taking action based on earlier advice given by Council or a previous decision made by Council.

Considerations about the potential for remedy:

- whether the breach can be easily remedied;
- whether it is likely consent would have been given for the activity if it had been sought;
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

10.

~~There are a range of considerations that Council need to take into account when deciding whether or not to take enforcement action. Council will need to consider the circumstances of the case. These may include:~~

- ~~▪ Has the Council created an estoppel situation?~~
- ~~▪ When was the unlawful activity carried out and for how long?~~

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- ~~How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the surrounding properties in the vicinity of the activity and area?~~
- ~~Is the activity permissible within the zone?~~
- ~~Can the breach be easily remedied?~~
- ~~Does the person in breach show cooperation?~~
- ~~Are there any particular circumstances of hardship affecting the person the subject of the unlawful activity?~~
- ~~Has the person the subject of the unlawful activity received a previous warning or other non-coercive approach or has formal legal action been taken?~~
- ~~Would an educative approach be more appropriate than a coercive approach?~~
- ~~What are the costs and benefits of taken formal enforcement action as opposed to taking informal or no action?~~
- ~~Has sufficient evidence been obtained if enforcement action was challenged in court?~~
- ~~What action would be reasonable and proportionate in this case?~~
- ~~What would be in the public interest?~~

~~11. Application of ESD principles~~

~~— This policy supports Council's commitment to ESD principles through social integrity.~~

~~—~~

12. REFERENCES

NSW Ombudsman, Enforcement Guidelines for Councils (~~December 2015~~**June 2002**)

The investigation process and any enforcement actions shall be undertaken in accordance with Council's Compliance – Operating Procedure

SA17.294 Council options for reducing impacts of wood smoke

HPERM Ref: D17/334828

Group: Planning Environment & Development Group

Section: Environmental Services

Attachments: 1. Wood burning heaters and your health (NSW Health) [↓](#)

Purpose / Summary

This report aims to set out options for Council to help address the impacts of wood smoke pollution on the community. This report proposes to prohibit the approval of second hand solid fuel heaters unless they meet new emission standards as well as providing options to Council on the control of back yard burning of waste.

Recommendation (Item to be determined under delegated authority)

That existing policy be amended to tighten controls on the production of wood smoke by:

1. Prior to finalising amend the Draft Local Approval Policy to:
 - a. prohibit the installation of second hand heaters not having a compliance plate stating compliance with the emission requirements of AS/NZS 4013:2014 & AS/NZS 4012:2014.
 - b. Require a timber storage area that is out of the weather so that timber used in solid fuel heaters has a maximum moisture content of 20%.
2. The NSW EPA be notified to change the Shoalhaven City Council's listing under Schedule 8 of the Protection of the Environment Operations (clean Air) regulation 2010 from Part 3 - Areas in which all burning (other than burning of vegetation) is prohibited except with approval or in relation to certain domestic waste to:
 - a. **Schedule 8 Part 1** – Areas in which all burning (including burning of vegetation and domestic waste) is prohibited except with approval.

Options

1. As recommended

Implications: This would assist in addressing some of the impacts of wood smoke pollution on the community.

2. Do not amend the Draft Local Approval Policy to prohibit the installation of old solid fuel heaters.

Implications: the community will continue to have the option to install second hand wood fired heaters potentially increasing the cumulative effects of wood smoke pollution on the community into the future as these heaters further deteriorate.

3. Do not change the council listing under **Schedule 8 Part 3** - Areas in which all burning (other than burning of vegetation) is prohibited except with approval or in relation to certain domestic waste

Implications: The community will continue to be able to burn dry vegetation and domestic rubbish (where a waste service is not provided) across the city. This increases the potential for the community to be impacted by smoke pollution and decreased air quality across the region.

4. Change the Council listing under **Schedule 8 Part 2** - Areas in which burning of vegetation is prohibited except with approval

Implications: The community will not be allowed to burn dry vegetation. The burning of domestic rubbish (where a waste service is not provided) across the city would be permissible.

5. Other direction as Council decide.

Background

Council resolution (MIN17.731 – Notice of Motion – Wood Smoke Compliance/Education) discussed the merits of enhancing education for the community around the health impacts of wood smoke and make available policy on wood smoke.

It was also resolved to provide information to people causing smoke nuisance and take compliance action, such as fines for serial offenders.

The attached fact sheet from NSW Ministry of Health outlines the detrimental health impacts of woodsmoke.

This report outlines three areas where restrictions will go some way to improving regional air quality by reducing the impacts of burning. These recommendations are in the areas of:

1. Prohibiting the installation of second hand wood heaters not complying with AS/NZS 4013 and ensuring people installing wood fires have weatherproof areas to store timber.
2. Control of back yard burning of waste.
3. Fines for burning prohibited articles.

Solid Fuel Heaters

Shoalhaven City Council's Local Approvals Policy is currently being exhibited and details, among other things the criteria for assessment for solid fuel heaters. This currently states that:

- the proposed solid or oil fuelled heater must comply with AS/NZS 2918:2001 *Domestic solid fuel burning appliances – Installation* and the heater must be marked in accordance with AS/NZS 4013:2014 *Domestic Solid Fuel Burning Appliances – Method* for determination of flue gas emission and have a certificate of compliance for that model of heater.
- The flue or chimney is to comply with the Environmental Protection Authority document [Selecting, installing and operating domestic solid fuel heaters](#). This document recommends:
 - The minimum discharge height of the chimney (flue) is to be 1m above any structures within a 15m horizontal radius.

- The flue height shall not exceed 2m above the roof cladding.
- The assessment of the application will include consideration of the location of the chimney (flue) in relation to the surrounding structures, topography and trees.

If supported, it is proposed to amend the Draft LAP to not allow the installation of second hand solid fuel heaters unless they comply with the latest emission standards. All applications to install a solid fuel heater will require a compliance plate indicating compliance with AS/NZS 4013:2014 - Domestic solid fuel burning appliances - Method for determination of flue gas emission and AS/NZS 4012:2014 Domestic solid fuel burning appliances— Method for determination of power output and efficiency.

The purpose of prohibiting solid fuel heaters that do not comply with new emission standards is to ensure that older models of wood heater are not installed. Not only do such heaters not meet new emission standards but more often than not have rusted out baffles that circumvent flue gases being reburnt. It is often these heaters that also have the ability to be damped down restricting the air flow to the fire box which is a well known cause of a lot of smoke nuisance concerns.

Another consideration when assessing the installation of solid fuel heaters is whether people have the ability to store their firewood out of the weather. If timber is exposed to the elements the moisture content of the fuel can be quite high. It is proposed to include a requirement for those installing solid fuel heaters to have a weatherproof area for wood storage to ensure that wood being used is seasoned with a moisture content no greater than 20%. This significantly reduces the smoke generated when burning the fuel whilst also increasing the efficiency and heat output of the heater.

Back Yard Burning

Under the Protection of the Environment Operations (Clean Air) regulation 2010 local government can nominate whether or not to allow backyard burning. There are three categories applicable:

Part 1 – Areas in which all burning (including burning of vegetation and domestic waste) is prohibited except with approval.

Part 2 - Areas in which burning of vegetation is prohibited except with approval.

Part 3 - Areas in which all burning (other than burning of vegetation) is prohibited except with approval or in relation to certain domestic waste.

Shoalhaven City Council is currently listed in Part 3 where all burning (other than burning of vegetation) is prohibited except with approval or in relation to certain domestic waste. This means that people can undertake back yard burns to dispose of dry vegetation and may also burn off their domestic rubbish in areas where a waste collection service is not available.

The increasing community concerns about poor air quality has given rise to the general expectation that people should reuse, recycle, mulch or use other means of disposal such as Councils green waste collection service, disposal at licensed waste depots and composting. Council may consider changing from Part 3 to Part 1 whereby all back yard burning is prohibited except with approval, or consider Part 2 and choose to prohibit burning of vegetation except with approval, thereby allowing domestic waste disposal in areas without a waste service.

If Council choose to nominate for Part 1 or Part 2 then it is likely that permission to burn would be generally be restricted to rural areas and in nominated circumstances. This would assist in supporting the overall intent of such listing ie the restriction the burning of such materials rather than make people undertake a bureaucratic process to obtain approval.

The matters for consideration if issuing approvals to burn must take into consideration:

- The impact on local and regional air quality and amenity,
- Whether alternative means of disposal are available, and
- Likely impacts to the public

It is important to remember that under the Rural Fires Act people can still apply to the NSW Rural Fire Service for hazard reduction certificates to reduce fuel loads from vegetation or to undertake pile burns. The resolutions of Council will not impact on the ability to undertake fire hazard reduction.

Mandatory fines for burning prohibited articles

Under the Protection of the Environment Operations (Clean Air) regulation 2010 it is an offence to burn certain items. These are called 'prohibited articles' and include:

- (a) tyres,
- (b) coated wire,
- (c) paint containers and residues,
- (d) solvent containers and residues,
- (e) timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).

The reason there is a prohibition on burning of such items is due to the toxic nature of emissions. As such authorised Officers may issue on the spot fines for burning these items. These fines are \$500 for individuals and \$1000 for Corporations.

It is recommended that where people are found to be burning prohibited articles that mandatory fines are issued in the first instance.

Policy Implications

The Local Approval Policy is currently on exhibition and a report to Council will be prepared in coming months detailing submissions. If supported, the content of recommendation 1 will be included as a submission.

Financial Implications

There is the potential for some additional income from fines however it is not expected that this will make any significant impact.

Should Council resolves to introduce approvals to burn off. Then it would be expected that there will be an impact on staff resourcing where there has not been in the past but at this time it is an unknown quantity.

Factsheet



Health

Wood burning heaters and your health

- Wood-burning heaters make a substantial contribution to air pollution in NSW.
- Smoke from wood-burning heaters can affect your health. Long-term exposure can cause heart and lung disease while brief exposures can aggravate asthma or worsen pre-existing heart conditions.
- Use of a wood-burning heater will affect the air quality inside your home and the surrounding environment.
- If you use a wood-burning heater, ensure it conforms to Australian Standards, is properly installed and that you operate it correctly.
- Your local council may be able to assist if you are affected by smoke from other people's houses.

Last updated: 11 September 2012

What is in smoke from wood-burning heaters?

Smoke from wood-burning heaters is a complex mixture of particles and gases and contributes significantly to air pollution. The main air pollutants in wood smoke are particulate matter (PM), carbon monoxide, carbon dioxide, nitrogen oxides and a range of other organic compounds like formaldehyde, benzene and polycyclic aromatic hydrocarbons.

Burning inappropriate fuel such as painted or treated wood or domestic waste may produce other toxic chemicals.

Why is wood smoke important?

The NSW Office of Environment and Heritage estimate that in some towns and cities in NSW, around 30% of total annual emissions of fine particulate matter (PM_{2.5}) are emitted from wood-burning heaters. On a winter weekend, wood-burning heaters may be responsible for more than 60% of fine particle pollution.

Further information may be found at [NSW EPA](#)

How does wood smoke affect health?

There is good evidence that long-term exposure to particulate matter decreases lung function and increases the risk of developing heart and lung diseases like angina and chronic bronchitis (Chronic Obstructive Pulmonary Disease).

Short-term exposure (over hours or days) to high levels of wood smoke may cause eye and respiratory tract irritation, aggravate asthma or worsen heart disease.

If you can smell wood smoke you are being exposed and may be at risk of adverse health effects.

Who is most at risk?

Wood smoke can affect anyone. Children, the elderly and people with heart or lung conditions like angina, asthma or emphysema (COPD) are most likely to be affected by wood smoke.

What can you do to reduce the chance of wood smoke affecting your health?

1. Don't use a wood-burning heater in your home
2. If you choose to use a wood-burning heater, follow the recommendations below to minimise air pollution
3. If you have asthma, ensure you follow your asthma management plan
4. If you have chronic heart or lung problems, make sure you take all your medications as prescribed and seek medical advice if your symptoms worsen.

If you are affected by wood smoke from other houses, your council may be able to assist you. Councils are able to issue smoke abatement notices to households with chimneys that appear to be emitting excessive smoke (see [NSW EPA - Smoke abatement notices](#))

What can you do to minimise air pollution from your wood-burning heater?

Consider installing a less polluting form of heating, such as a flued gas or electric heater

If you choose to use a wood-burning heater:

- check your wood-burning heater conforms with the Australian Standard (AS/NZS 4013:1999) and that the heater and chimney are installed in line with any council-specific building requirements
- burn only dry, well seasoned and chemically untreated wood
- adjust the air damper on the wood-burning heater to allow sufficient air flow to provide oxygen for clean combustion
- ensure fresh air enters the room to prevent carbon monoxide build up
- make sure the fire burns brightly to ensure enough heat for complete combustion
- never leave a fire smouldering overnight
- check your chimney - if there is visible smoke from it increase the airflow to the fire
- arrange for regular cleaning of the chimney.

More air pollution is produced during fire start up and when a fire is poorly managed - for example, when airflow to the heater is reduced allowing wood to smoulder. Improperly installed heaters or clogged chimneys may increase the amount of air pollution inside the home and increase the likelihood of health effects. Heaters that conform to Australian Standard 4013, are

Wood burning heaters and your health - Fact sheets

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installed properly, operated correctly and adequately maintained are less polluting and less likely to create a nuisance or adverse health effects.

Related information

- [NSW Environment Protection Authority information on smoke from wood-burning heaters](#)
- [Wood heaters and wood smoke factsheet from the Australian Government Department of Environment](#)
- [NSW Health fact sheet on bush fire smoke](#)

In NSW you can call 1300 066 055 to talk to your local Public Health Unit.

Page Updated: Tuesday 11 September 2012

Page Owner: [Environmental Health](#)

SA17.295 Improving Your Parks and Environment - Shoalhaven River Bank Restoration

HPERM Ref: D17/314591

Group: Planning Environment & Development Group
Section: Environmental Services

Purpose / Summary

Provide information on the grant of \$300,000 to Council from Australian Government – Department of Industry, Innovation and Science for the Shoalhaven River Bank Restoration project on Bolong Road under the Improving Your Local Parks and Environment

Recommendation

That Council support the acceptance of the \$300,000 grant to Council from the Australian Government – Department of Industry, Innovation and Science for the riverbank restoration works on the Shoalhaven River at Bolong Rd and vote the funds accordingly.

Options

1. Council supports the acceptance of the \$300,000 grant offer for the Shoalhaven Riverbank restoration project at Bolong Rd under the Australian Government's Improving Your Local Parks and Environment Program. No contributing funds were required from Council.

Implications: Shoalhaven River Bank restoration works can be undertaken in cooperation with Shoalhaven River watch.

2. Council does not accept the \$300,000 grant offer for the Shoalhaven Riverbank restoration project at Bolong Rd under the Australian Government's Improving Your Local Parks and Environment Program

Implications: Shoalhaven riverbank works cannot be undertaken in cooperation with Shoalhaven Riverwatch.

Background

On March 28, 2017 Council successfully applied to the Australian Government program, Improving Your Local Parks and Environment, for funds to repair and restore a section of the Shoalhaven River bank adjacent to Bolong Road, just south of Broughton Creek.

The project will 'undertake riverbank restoration of 950 metres of the Shoalhaven River Estuary by combining new technologies of river bank revetment and the planting of marine and terrestrial plants to reduce the effects of erosion following minor to moderate floods as well as improve riparian biodiversity within the River.'

The project will be undertaken by Shoalhaven City Council in partnership with South East Local Land Services, Soil Conservation Services and Shoalhaven Riverwatch.

Key activities of the project are

- 950 metres of riverbank revetment, including 13 groynes using new Japanese technology known as Kyowa Filter Units.
- 950 m of stock fencing
- Sand filled geofabric bags to protect the 10,000 plants – Mangroves, Macrophytes & Swamp Oak that will be planted by Riverwatch volunteers.

The work aligns with action 8.13 of the Shoalhaven River Estuary Management Plan Implementation Strategy previously adopted by council.

The total project cost is \$300,000, supplied in full by the Australian Government, with the letter of offer being received on June 16, 2017.

The Australian Government have provided grants for projects identified in the 2016 election campaign to support communities to revitalise, maintain and improve local parks, nature reserves, rivers, coastal areas and community facilities. The Program aims to build environmental awareness and ensure communities have better and more accessible green spaces. This project was identified as a project to be funded as part of this grant program.

The project will begin with the employment of a project officer to project manage the works and is expected to be completed in early December 2019.

Community Engagement

The 950 metres of riverbank is privately owned. On April 5 2017, Council received a letter from the owner expressing support for the project and granting permission for the works to be undertaken on his property.

The community group, Shoalhaven Riverwatch, is a project partner.

Policy Implications

Budget will need to be allocated for maintenance of the riverbank revetment into the future and agreement obtained from the property owner will be required for these works

Financial Implications

Implementation of the project is fully funded by the Australian Government, with no financial contributions from Council. In kind staff support was required to prepare the grant application and will be required to manage the project throughout its duration, including project approval, design and implementation. Project management costs were included in the grant budget, however expert coast and estuary staff resources and time will still be required throughout the project. Expert knowledge from the community, particularly Riverwatch will also be required to guide the project.

The financial implications of asset maintenance, especially following flood events, is unknown.

Risk Implications

This project was an election commitment by Ann Sudmalis MP and Council was asked to manage the project on behalf of the community. Although the project will deliver environmental and community benefit, and is one of the adopted actions from the Shoalhaven River Estuary Management Plan, there will be on-going management and maintenance requirements that cannot be quantified at this time.

SA17.296 CL17.225 - Collingwood Beach Dune Vegetation Management - Deferred from August Ordinary - Ministers Response

HPERM Ref: D17/368902

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments:

1. Outcome of public exhibition - report to Strategy & Assets Committee (under separate cover) ➡
2. Manly Hydraulics Laboratory (MHL) report (under separate cover) ➡
3. NSW Office of Environment & Heritage (OEH) advice (under separate cover) ➡
4. DPI Fisheries - Jervis Bay Marine Park advice (under separate cover) ➡
5. Confidential Report - Legal Advice - Dune Vegetation Management at Collingwood Beach - outcomes of public exhibition and petitions - Strategy & Assets Committee 15 November 2016 (councillors information folder) ➡
6. Confidential Report Updated Attachment - Internal Legal Advice - Councillors' Liability - Collingwood Beach Draft Vegetation Management Plan - Strategy & Assets Committee 15 November 2016 (councillors information folder) ➡
7. Letter from Minister of Environment Gabrielle Upton - Draft Dune Vegetation Management Plan - Collingwood Beach (under separate cover) ➡

SA17.296

Purpose / Summary

Report back to Council, following advice from Minister Upton's Office, for consideration and allow Council to further consider the previous report that was deferred. The purpose of the previous report, which is contained below, was to inform Council on progress on the development of the revised draft Collingwood Beach Dune Vegetation Management Plan.

Recommendation (Item to be determined under delegated authority)

That Council

1. Consider the advice received from the Office of the Hon. Gabrielle Upton MP, Minister for the Environment, Minister for local Government, Minister for Heritage.
2. In view of advice from Manly Hydraulics Laboratory (MHL), Government agencies and NGH Environmental and the objectives of the Coastal Management Act, Council engage NGH Environmental to prepare a revised draft Collingwood Beach Dune Vegetation Management Plan that addresses this advice, the objectives of the Act and:
 - a. Removes all zones and actions relating to vegetation pruning and removal;
 - b. Includes a revegetation plan in accordance with MHL's report;
 - c. Identifies locations for 2 viewing platforms in accordance with MHL's report; and
 - d. Includes a monitoring and evaluation program during the 5-year trial implementation period.

3. Receive a future report containing the revised draft Collingwood Beach Dune Vegetation Management Plan for adoption.
4. The anti-vandalism strategy as outlined in this report be adopted and implemented immediately to mitigate against continuing vandalism.
5. Update the Foreshore Reserves Policy and Compliance Policy to include the adopted anti-vandalism strategy so this becomes a city-wide approach to managing and deterring vegetation vandalism.

Options

1. As recommended.

Implications: The recommended action complies with the Coastal Management Act, advice from NSW government agencies and MHL. The outcomes from all investigations and advice from government agencies, consultants and legal services leads to the conclusion that Council cannot remove or prune vegetation without compromising the integrity of the dune.

2. Council adopt an alternative draft revised plan that includes removal and/or continual pruning of vegetation, which is not strictly in accordance with the Coastal Management Act, advice from NSW government agencies and MHL.

Implications: This action will unlikely comply with the objectives of the Coastal Management Act and is likely to reduce the resilience of the sand dune and therefore place greater risk to public and private assets from coastal hazards. The legal ability to remove vegetation would also need to be established under Biodiversity Conservation legislation. If council did consider that some form of minimal vegetation management was appropriate it needs to be convinced that the integrity of the dune system was not compromised.

3. Alternative recommendation.

Implications: Unknown.

Background

At the Ordinary meeting of Council on 22 August 2017, Council resolved:

That the report be deferred for a month to allow for further discussion and a briefing with staff and the Minister the Hon Gabrielle Upton MP.

A copy of the advice from the Minister's Office is contained in attachment 7 for Council's consideration.

Deferred report

At its meeting on 15 December 2016, the Strategy & Assets Committee received the report contained in attachment 1, which detailed the results of the public exhibition of Council's draft Collingwood Beach Dune Vegetation Management Plan (DVMP) and the Collingwood Beach Preservation Group (CBPG) Alternative Approach. In response to this report the Committee resolved that:

1. Council receive the petitions on this matter for information.
2. Council thank all petitioners and people who made a submissions for their input and careful consideration of this matter.

3. *In view of the petitions and submissions received, Council not adopt either of the two plans that were placed on public exhibition.*
4. *In view of the submissions received and position of relevant Government agencies, Council engage NGH and a coastal expert to review the draft management plan and current approach and to work with and gain endorsement of, key government agencies.*
 - a. *The new revised approach should reflect the new Coastal Management Act hierarchy of management objectives established in section 10.3 of the Act. A further report to council would follow this review.*
 - b. *As part of the review a reasonable balance (as assessed by the consultant) between appropriate vegetation and the vista of Jervis Bay from the cycleway be considered.*
 - c. *Councillors be invited to participate with the consultant in a workshop in order to better understand the dunal environment, and in so doing address the concerns raised by the community in their submissions.*
 - d. *That a report be provided to Council in relation to the draft vegetation management plan for Collingwood Beach by July 2017.*
 - e. *In its consideration Council consider including a revegetation plan for the dune and a strong policy that responds to vandalism*

Workshops

On the 16th of February 2017, Council convened two workshops to discuss the way forward in relation to the draft management plans for dune restoration at Collingwood Beach in accordance with the Council resolution. The workshops were held at the Council offices in Nowra, and designed and facilitated by Danielle Annells, of Danielle Annells Consulting.

Conclusions drawn from the State Government agency workshop were (Danielle Annells Consulting 2017):

- The State Agencies represented at this workshop raised concerns about actions to modify vegetation within Council's draft DVMP and the CBPG alternative approach.
- A greater level of vegetation retention would be seen more favourably, as it will enhance dune stability and defence against major weather events.
- Council can adopt its own plan irrespective.
- To get State Government funding (in the event of damage from a major weather event) Council would have to be able to justify that its management plan complied with the manuals and policy guidelines (such as the *Dune Coastal Management Act*, *Crown Lands Act* and *Dune Management Manual*).
- It would be useful to have the proposed actions in the revised draft DVMP reviewed by a coastal engineering expert to ensure the coastal hazard and erosion risk is not increased.
- As a general principle, State Government funding is available for vegetation regeneration work, but not for vegetation removal.

Councillor workshop

After reviewing the situation, consultation feedback and the advice from State Government agencies, Councillors were asked to review the following possible options for action. This was in order to reach agreement on the preferred approach and clarify the important issues to address. The following table summarises the options and Councillor decision (Danielle Annells Consulting 2017):

Option	Council decision
1. Do nothing	Unacceptable to the community
2. Adopt Council's draft Management Plan	Unacceptable to the community
3. Adopt Collingwood Beach Preservation Group plan	Unacceptable to the community
4. Modify Council's draft Management plan back to original NGH plan. i.e. reinstate the pruning height to 1.5 metres (not 1 metre) in zone 5, 50% of the dune.	Insufficient to meet State Government Agency requirements (vegetation rehabilitation work also needed)
5. Modify Council draft Management Plan further than option 4 to address a wider range of issues	Preferred approach – details of modifications to be made below
6. New approach entirely (e.g. viewing platforms and planting, reserves, a more generic plan that would be applicable to whole of region)	Impractical to meet the June/July deadline for a revised plan, and does not utilise the investment in expertise already present in the current draft Management Plan.

Councillors agreed that the following plan modifications be included as part of Option 5 above (Danielle Annells Consulting 2017).

- Include vegetation rehabilitation work. Taller species to be planted in zone 5, those with a higher crown that do not block lower views.
- Include specific viewing areas at the end of streets perpendicular to the beach and ensure the provision of disabled access.
- Research if any funding is available for disabled access.
- Have the plan assessed by a coastal engineer to determine if it will increase the coastal hazard and erosion risk. It may be necessary to make further modifications to the plan based on this feedback.
- Give further consideration to how the implementation costs of the plan can be funded. Determine, can Council afford this plan, and how?
- Rationalise the use of zones in the plan to see if costs can be reduced by applying the zones more broadly.
- Create a strong policy position, and response to vandalism e.g. signage is not to be removed and surveillance to be installed.
- Consider further if the plan could/should be rolled out first via a trial.

Draft revised approach

Based on the outcome of the workshops, staff proceeded to work through the list of actions and the Council resolution. NGH Environmental was engaged and provided with the outcomes of the workshops and Council resolution and asked to prepare a revised draft DVMP.

The revised approach reduced the number of zones, included a rehabilitation (planting) plan, and included removal of tall shrubs and under-pruning of trees in some zones to create viewing windows.

Review of revised draft plan by State Government agencies

NGH Environmental developed a revised draft DVMP and this was provided to State Government agencies for comment. During this period Council sought to engage a coastal engineering consultancy to review the revised draft DVMP. The revised draft DVMP, State government agency feedback and Council's revised coastal hazard assessment and mapping was provided to the coastal engineer for review.

The feedback from State Government agencies on the revised draft DVMP is summarised below. A copy of NSW Office of Environment & Heritage's (OEH) advice is contained in attachment 3 and DPI Fisheries – Jervis Bay Marine Park is contained in attachment 4.

NSW Office of Environment & Heritage (OEH)

The following is an extract from OEH's advice date June 2017.

- OEH acknowledges the extensive work that Council has undertaken in preparing and revising this Plan, including collaboratively working with the community. Whilst there have been improvements to the Plan, the intent of some of the management responses still do not meet the objectives or principles of the NSW Government's coastal reforms including the Coastal Management Act, Coastal Management State Environmental Planning Policy and the Coastal Management Manual.
- The clearing and modification of dune vegetation, to enhance visual amenity/views, as detailed in the revised Plan is not supported
- The clearing of dune vegetation has the potential to increase the risk of coastal hazards to public and private infrastructure and compromise the long-term viability of dune vegetation. The coastal hazard risk for Collingwood Beach is well documented and identified as significant within Council's Coastal Zone Management Plan (CZMP) and coastal hazard and risk assessments.
- The management responses proposed for management zones 2 within the Plan will not contribute to maintaining the resilience and natural function of the dune system. The key objectives of this management zone are to modify and remove vegetation to enhance visual amenity/views. The proposed management activities for this zone would compromise the viability of dune vegetation and stability and are not supported. The Plan does not clearly highlight any potential impacts to dune vegetation or stability associated with this management approach.
- The management approaches proposed for management zones 1, 4 and 5 are considered to be more appropriate to sustainably manage dune vegetation. For management zone 4, in locations where targeted illegal vegetation clearing has occurred, the primary objective is highlighted as being to "re-establish a vegetation structure that increases the ability of the dune to resist coastal hazards." The management activities to achieve this objective are supported, though, the longer-term objective to manage the vegetation similarly to the management objectives and activities proposed for zones 2 are not supported.
- The Plan is not consistent with the strategies and actions for the location within Council's CZMP.
- The plan does not meet the objectives of the Coastal Management Grant Program and therefore could not attract subsidised funding for implementation.
- The outcomes of the Our Coast Our Lifestyle report regarding community views on the importance of dune management are not entirely reflected in the Plan.
- The proposal to install appropriately positioned and designed public viewing platforms is appropriate to enhance scenic values & provide the visual amenity/views sought by the community.

- The Plan should identify actions to address the issue of illegal clearing including regulation, monitoring and community awareness etc.”

Crown Land

- Improvement on previous draft DVMP.
- Needs anti-vandalism strategy that includes replanting of vandalised vegetation and consideration given to installation of man-made anti vandalism barriers or devices.

DPI Fisheries - Jervis Bay Marine Park

- Acknowledged the extensive work and community consultation Council has undertaken and changes made in an attempt to address previous concerns raised.
- A review of environmental factors (REF) for the proposed activities within the revised draft DVMP would require consultation with DPI Fisheries - Jervis Bay Marine Park and consideration of advice provided.
- Altering dune vegetation has the potential to change the functioning of the dune system, and either directly or indirectly (through the subsequent need to beach scrape and sand nourish) impact on habitat within the marine park.
- The plan would benefit from including further detail on how any detected vandalism will be addressed and how it will influence future vegetation management at the site.
- It is noted on page 28 that " ... felling tall shrubs that occur underneath the canopy of under-pruned trees is unlikely to compromise dune stability as the trees will fulfill the role of the tall shrub species ...". The plan would benefit from including a strategy for maintaining appropriate dune vegetation when an under-pruned tree dies and there are no emergent tall shrubs or trees beneath the canopy to take its place because they have been cleared.
- Page 44 - "... remedial action would be considered including potential importation of sand or (emphasis added) planting of additional vegetation ...". It seems unlikely that importing additional sand would have any lasting impact if it is not also stabilised with additional planting. I also refer to my previous comments in relation to beach scraping and sand nourishment of Collingwood Beach as a result of inadequate vegetation management.

Review of revised draft plan by coastal engineer

NSW Government's Manly Hydraulics Laboratory (MHL) were engaged by Council to undertake a review of the revised draft DVMP (NGH Environmental, Draft v4, April 2017) to assess whether or not the proposed actions within the plan would be likely to compromise the integrity of the dune from a coastal protection perspective and/or increase the risk of coastal erosion. MHL's review included a site visit to understand the scope and extent of the proposed actions within the management plan, while the management plan review included consideration of previous coastal hazard assessments carried out for Collingwood Beach.

A copy of the full report is contained in attachment 2. In summary, the main findings of the review are as follows:

- The public shared pathway and private properties behind the dune are subject to risks related to coastal hazards which are projected to increase over time with ongoing sea level rise
- Maintaining a well vegetated dune system is important for coastal protection primarily via the vegetation's role of trapping sediment to increase the volume of the dune

system, allowing for a degree of mitigation against short term storm erosion demand and providing a buffer against long term beach recession

- A number of proposed actions within the plan have been identified as likely to have an adverse impact on the stability of the dune coastal hazards are projected to increase as a result of sea level rise making the long term stability and resilience of the dune system paramount as a means of protecting both public and private property and beach amenity.
- MHL recommended that SCC seek to further revise the draft management with an increased emphasis on dune stability and coastal hazard mitigation in keeping with the principles and requirements of the NSW Coastal Management reforms.

In zones 2 and 3, the revised draft DVMP proposed to -

- Under-prune Norfolk Island Pine trees
- Under-prune mature trees (those over 4 m)
- Fell all tall shrubs and young tree less than 3 m tall where they occur underneath the canopy of under-pruned trees

In section 3.2 of the report, MHL state that these *“actions would adversely impact the ability of the dune vegetation to influence the wind field over the beach which promotes dune building and maintenance, reducing the overall resilience of the dune in these areas. Furthermore, the felling of tall shrubs and replacement with low shrubs would be expected to reduce the penetration of root systems into the dune and hence reduce the shear strength within the dune structure which presently acts to resist or slow the rate of erosion occurring during wave attack. The stated objective of “maximising low level views by lifting the canopy on mature trees to a height of 3m” is directly opposed to the promotion of a resilient dune system.”*

MHL go on to state that *“by creating a “viewing window” the effect of the secondary and tertiary vegetation in deflecting the wind field upwards may be reduced, negatively impacting the capacity for further dune growth or regrowth following erosion events. Based on the current dune height and existing coastal hazards, the Dune Vegetation Management Plan should aim to increase the height of the dunes to reduce hazards related to wave runup and overtopping of the dune, and increase the volume of the dune to mitigate against projected beach recession as a result of sea level rise. Localised areas where the dune height can presently be found to be lower than the average are ipso facto at greater risk. The current actions as proposed in the plan for Zone 2 and Zone 3 are likely to detrimentally affect the long term stability of the dune and hence would reduce the dunes effectiveness as a means of coastal protection.”*

Where planting of vegetation has been included in the plan, the recommended spacing of 5m *“is considered to be too great to result in any significant improvements in dune stability”* (MHL). Further MHL go on to state that *“from a coastal protection perspective, to achieve the stated objective “to re-establish a vegetation structure that increases the ability of the dune to resist coastal hazards while maintaining filtered views”, the spacing of plantings will need to be sufficiently close to allow the dune vegetation to modify the wind field to a sufficient extent to promote dune building or re-building following erosion.”*

Conclusions and recommendations

Based on the advice provided by MHL and State Government agencies and the requirement for Council to comply with the Coastal Management Act and coastal reforms, further revisions of the plan have ceased until all of this information and report findings were reported back to Council, and future direction confirmed.

The extensive community engagement process indicated a desire from some sectors of the community for viewing windows and opportunities along the length of the dune from private

properties and the shared pathway. The technical advice collated indicates that this is not an option that can be achieved without compromising the safety and long-term integrity of the public and private assets along this strip. Council has also received advice in relation to managing these risks which was contained in a confidential report to Council's Strategy & Assets Committee meeting 15 December 2016. A copy of this confidential report is provided in the Councillor Information Folder.

Based on all of this information and the extensive community engagement process, these investigations have exhausted all options for modification of dune vegetation to provide for views, other than viewing platforms located in accordance with the MHL report. The outcome of the process and investigation and all advice to date from government agencies, consultants and legal services leads to the conclusion that Council cannot remove or prune vegetation without compromising the integrity of the dune and increasing the risk to private and public assets.

In consideration of all of this information and advice, it is recommended that Council engage NGH Environmental to revise the draft DVMP to remove actions relating to modification of dune vegetation and include a planting schedule as well as recommended locations for at least 2 viewing platforms. It is recommended that this revised draft plan be reported to council for adoption.

It is also recommended that the anti-vandalism strategy as outlined below be implemented immediately to mitigate against continuing vandalism. Council's Foreshore Reserves Policy and Compliance Policy should be updated to include the anti-vandalism strategy and be reported back to Council for adoption.

Anti-vandalism strategy

Council's RID squad have developed a successful compliance strategy to regulate and minimise illegal waste dumping. It is recommended that a similar model be implemented with the aim of reducing the frequency, extent and severity of vegetation vandalism along Collingwood Beach and other foreshore locations.

Actions would include both tactical and strategic responses as listed below as part of an all of Council approach.

These actions include:

- Compliance investigation where vandalism is identified.
- A hierarchy of compliance response where the offender is identified including fines, court action and restoration orders, depending upon the severity of the vandalism and environmental harm caused and whether or not it is a first offence.
- Signage - encouraging reporting of vegetation vandalism with a hotline number and/or email address
- Investigate Council being able to offer rewards to witnesses of tree vandalism
- Remote motion detection surveillance cameras
- Regular Ranger patrols
- Replanting and restoration of the dune where vandalism of vegetation occurs
- Installation of larger signs and/or barriers or in the location where vegetation has been vandalised
- Community education and awareness campaign

The strategy is to be referenced in Council's Compliance Policy and Foreshore Reserve Policy to support Council officers in the implementation of the strategy as well as way to communicate and educate the community on Council's response to vegetation vandalism.

This strategy should be implemented immediately to mitigate against continuing vandalism. As vegetation vandalism has continued since the draft DVMP was placed on public exhibition last year.

Community Engagement

Council exhibited the draft Council Dune Vegetation Management Plan for Collingwood Beach and the Collingwood Beach Preservation Group (CBPG) alternative approach from 21st September to 19th October 2016. A report detailing the outcome of the public exhibition is contained in attachment 1.

In summary, 522 submissions and 2 petitions were received during the exhibition period, 74% opposed the Council draft DVMP and 68% opposed the CBPG alternative approach.

These submissions included:

- 3 submissions from State Government Agencies- NSW DPI, NSW Lands and NSW OEH (these submissions are reported separately and are not included in the diagrams shown below)
- 1 submission on behalf of people who signed a petition on change.org with 946 signatories opposing strongly any logging of vegetation (refer attachment 12 for full wording of petition)
- 1 submission on behalf of 1500 Vincentia residents and other users of Collingwood Beach requesting Council *'NOT proceed with the Plans currently on exhibition'* (refer Attachment 13 for full wording of petition.
- 7 submissions from Community groups: Birdlife Shoalhaven, National Parks Association (Illawarra branch), Nature Conservation Council of NSW Inc., Lake Wollumboola Protection Association Inc., Collingwood Beach Preservation Group (CBPG), Vincentia Matters Inc. and Save Collingwood Beach. All submissions but one from the CBPG are strongly objecting to Council's draft plan and CBPG alternative approach.
- 511 individual submissions. These include multiple submissions from same family members (the highest number recorded was for a foreshore resident family with 11 submissions). Individual submissions also include postcards produced by the Greens with individual comments
- Multiple submissions received from the same person were counted as one submission.

Council resolved to investigate an alternative approach due to the number and content of submissions as well as advice from NSW government agencies.

Policy Implications

In order to address vandalism and minimise future vandalism of dune vegetation and the associated risks as a consequence, it is recommended that Council adopt the anti-vandalism strategy as described above and amend its Compliance Policy and Foreshore Reserves Policy to include this strategy.

Financial Implications

The cost of implementing the draft DVMP as publically exhibited was evaluated at approximately \$160,000 initially with annual maintenance cost of approximately \$60,000. The cost of implementing the CBPG alternative approach was evaluated at \$92,000 initially with on-going annual maintenance cost of approximately \$90,000.

The potential decline of Bushcare volunteers who contribute approximately \$256,000 a year of Bushcare work is significant. Currently Council has 3,101 foreshore and bushland reserves to manage, which is 33% of all Council managed land. This amount of land could significantly increase as a result of the current State Government Crown Lands review.

Council relies upon Bushcare workers to manage these areas to meet its obligations under the Crown Land Act and Local Government Act.

The cost to manage coastal erosion because of decreased dune resilience due to vegetation management activities could vary depending on the scale of the storm and its associated impacts. Erosion remediation strategies vary and could include beach scraping and revegetation of the dune, estimated cost of \$300,000, escalating up to the possible construction of a seawall structure (worst case scenario) if severe erosion occurred, which has an estimated cost of \$30 million.

Risk Implications

The risk to Council if a DVMP that included vegetation modification (pruning and removal) is adopted and implemented warrants careful consideration, as Council would have to demonstrate it has acted in good faith. OEH has advised that the draft plans do not comply with coastal legislation and the coastal management manual. Therefore, Council should consider carefully the exemption from liability under section 733 of the Local Government Act. A separate confidential report to Council's Strategy & Assets Committee meeting 15 December 2016, provided more detailed advice on this matter.

Some owners of beach front residences in their submission during the public exhibition of the draft DVMP, clearly opposed the removal of vegetation in front of their property and warned Council of potential litigation should their house be impacted by future storms, others have not raised this concern.

Council is aware through its coastal hazard studies that the area is at risk from coastal storms. Clearing of vegetation has the potential to increase the risks to public and private assets from coastal hazards. Council's significant community engagement program on Coastal Management (Our Coast Our Lifestyle) identified that the community 'strongly value the natural environment', 'expect Council to take a long-term cost effective approach to managing the risk of coastal erosion, based on scientific evidence and expert advice', 'supports soft protection options, and particularly dune management, over hard options, to protect existing assets except in specific circumstances'

SA17.297 Shoalhaven River Levee Flood Damage Restoration 2017 project - Department of Industry - Lands & Forestry Offer of Licence to work at Crown Lands property

HPERM Ref: D17/378616

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments: 1. Advice - Offer of Licence - Proposed Licensee - Crown Land Licence

Purpose / Summary

The purpose of this report is to inform the Committee that an offer of licence has been issued by the Department of Industry – Lands & Forestry and that the Licence needs to be signed by the Mayor and General Manager with inclusion of the use of Council's 'Common Seal'. The licence is to authorise the use of certain Crown lands to undertake levee repair works.

Recommendation

That:

1. Council accept the licence offer from the Minister administering the Crown Lands Act 1989 that allows Council to access Crown Lands for the purposes of undertaking flood levee repairs.
2. Council agrees to be bound by the terms, conditions and provisions of the Licence.
3. The Common Seal of the Council of the City of Shoalhaven be affixed to the signed licence offer and any other documents to be sealed, otherwise the General Manager be authorised to sign any documentation necessary to give effect to this resolution.

Options

1. The committee support the recommendation.

Implications: Nil

2. The committee could choose to provide an alternative recommendation for future consideration by Council.

Implications: Unknown

Background

Shoalhaven City Council is preparing to carry out the 'Shoalhaven River Levee Flood Damage Restoration 2017' project. Council resolved (MIN17.603C.4):

"Commence flood levee restoration Option 1 that is, undertake all flood levee restoration works to repair 2015 and 2016 flood damage repairs with rock protection and 2015 audit high priority defect repairs, progressing on a priority basis and commencing work at Terara levee (P1L2)."

Currently a tender for the project is open, with the tender closing on 23 Nov 2017. It is hoped the contractor can be engaged by December with a possible project start in early 2018.

The levee flood damage occurred during Aug 2015 and June 2016 floods. Defects were also identified in the May 2015 levee audit, in regard to the levee located on three Crown Land properties at Lot 7311 DP 1164941, Lot 380 DP 755952 and Lot 65 DP 755953 (Por 65). These properties are located at Terara and Comerong Island. Council applied for a short-term license to the NSW Department of Industry – Lands and Water on 21 June 2017 to be able to repair levee damages on these properties.

NSW Department of Industry – Lands & Forestry has issued an offer of Licence (attached) for Council to authorise the use or Occupation of these properties on 27 October 2017. The offer will remain open for a period of 40 days. The licence period is from 27th October 2017 to 26th October 2019.

To accept the offer of the licence, the licence document must be signed and witnessed by each party to the application and returned to the Department of Industry within the said period. Where the proposed Holder is a corporation, execution under its common seal is necessary. The counter signee from the department is the Minister, as delegate of the Minister administering the Crown Lands Act 1989.

The licence will be created upon receipt of Council's acceptance letter indicating agreement to be bound by the terms, conditions and provisions of the licence and formal execution on behalf of the Minister.

Accordingly, the offer letter needs to be signed by the Mayor and General Manager including the use of Council's 'Common Seal'.

Community Engagement

Council's floodplain engineers and property unit officers have visited the Crown Land properties and the neighbouring private properties and met with neighbouring property owners to discuss access and levee repair works. The neighbouring property owners are aware of the levee repair works and have signed Deeds of Agreement to allow Council access through their properties to undertake the repair works.

Policy Implications

Council manages levees in the Lower Shoalhaven River area, which are identified in Council's Asset Management Plan for Flood Mitigation Structures'.

Financial Implications

There is no licence fee involved. However, Council shall effect and maintain for the term of this licence a public risk insurance policy (whereby the Minister must be noted on the policy as an interested party) for an amount of twenty million dollars.

Risk Implications

If Council does not accept the offer, Council will not be able to undertake the flood levee repair works and the flood levee system is likely to sustain further erosion during future flood events and may not provide full protection to adjoining properties as designed.



Department
of Industry

Lands & Forestry

File Reference: 17/06747
Account No: RI 586208

Shoalhaven City Council
Received

- 2 NOV 2017

File No. _____
Referred to: GK

PO Box 2215, DANGAR NSW 2309
Phone: 1300 886 235
Fax: (02) 4925 3517
cl.licences@crowmland.nsw.gov.au
www.crowmland.nsw.gov.au

27 October 2017

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

Dear Sir/Madam

Re: OFFER OF LICENCE PROPOSED LICENSEE: Shoalhaven City Council

I refer to previous correspondence concerning the grant of a licence. An offer of a licence is now made to authorise the use or occupation of land. The purpose and conditions are set out in the licence offer document herewith and the offer will remain open for a period of 40 days from the date of this letter.

To accept the offer of the licence, the licence document must be signed and witnessed by each party to the application in the spaces provided on the front page (or where the proposed Holder is a corporation, execution under its common seal) and returned (in full) to this office within the period of 40 days. If you fail to respond within that period the offer will lapse.

In considering the terms and conditions set out in the licence offer it is suggested that you should have particular regard to clauses making provision for the purpose, term and revocation. Also, your specific attention is invited to clauses (if any) included in the licence relating to insurance, and any special conditions that may be included at the end of the licence.

Please note that acceptance of the licence offer does not constitute the creation of a licence. The licence is not granted until after receipt of the signed licence offer documents indicating agreement to be bound by the terms, conditions and provisions of the licence and formal execution on behalf of the Minister. The licensee's copy of the licence offer document will be returned for record purposes and compliance with the terms and conditions.

Please be advised that undertaking any activities not authorised by this licence, may result in regulatory action. If you have any queries in relation to your application please use the above contact details.

Yours faithfully

Donna Basham
Department of Industry - Lands and Forestry Business Centre

TNOFFB01

SA17.297 - Attachment 1

File reference: 17/06747

Licence: RI 586208

L I C E N C E

Crown Lands Act 1989 – Section 34A

The Minister administering the Crown Lands Act 1989, (hereinafter referred to as the Minister) grants to **SHOALHAVEN CITY COUNCIL City Administration Centre Bridge St NOWRA NSW 2541** (licensee hereinafter referred to as You) a Licence pursuant to the provisions of Section 34A of the Crown Lands Act 1989 in respect of the land described hereunder in Parts 1 and 2.

DESCRIPTION OF LANDS

PART 1

Local Govt. Area	SHOALHAVEN		
County	ST VINCENT		
Parish	NOWRA, NUMBAA		
Locality	NOWRA, COMERONG ISLAND, TERARA		
Status:	Lot	Section	DP
Crown land being	7311		DP: 1164941
Crown land being	380		DP: 755952
Crown land being part	65		DP: 755953

PART 2

Plan/diagram: Schedule 3	Area: 6.159ha
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TEXT DESCRIPTION: Lot 7311 DP 1164941 (part Regional Crown Reserve 755952 for future public requirements notified 29 June 2007, part Reserve 56146 from sale or lease generally, notified 11 May 1923 and part Reserve 1011268 for future public requirements notified 3 February 2006), Lot 380 DP 755952 (Reserve 45715 for access, public recreation notified 31 August 1910) and part Lot 65 DP 755953 (Reserve 12 for water supply notified 31 May 1872, part Reserve 56146 from sale or lease generally, notified 11 May 1923 and part Reserve 1011268 for future public requirements notified 3 February 2006), unidentified Crown Land adjoining Lot 200 DP 1034968 as shown by red colour on Schedule 3.

EXECUTION

Dated this _____ day of _____ 20____

THE MINISTER

as delegate of the Minister
administering the Crown Lands Act
1989

name and position

THE LICENSEE

In consideration of the grant of this Licence I / We agree to be bound by the terms, conditions and provisions of the Licence.

Certified on behalf of the corporation named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Corporation: SHOALHAVEN CITY COUNCIL ABN 59 855 182 344

Authority: Section 127 of the Corporation Act 2001

Signature of authorised

person: _____

File reference: 17/06747

Licence: RI 586208

Name of authorised person: _____

Office held: _____

Signature of authorised
person: _____

Name of authorised person: _____

Office held: _____

File reference: 17/06747

Licence: RI 586208

The parties acknowledge and agree that the Licence is subject to Schedule 1, Schedule 2, and any additional Schedules or documents referred to in Schedule 1 and the following conditions;

1. This Licence is subject to the provisions of the Crown Lands Act 1989.
2. You must pay Crown Lands the licence fees specified in Item 6 of Schedule 1 on or prior to the date that this licence commences.
3. The Licence remains in force for the period specified in Item 5 of Schedule 1. The Minister may in his absolute discretion revoke this Licence at any time by serving on You a notice in writing revoking this Licence. You will not be entitled to any compensation costs or damages in respect of the revocation of this Licence.
4. You must not interfere with any other person authorised by the Minister to use the licensed area or any part thereof.
5. You must not use the land specified in the licensed area except for the purpose(s) authorised by this licence as set out in Item 4 of Schedule 1.
6. You shall comply with all the special conditions set out in Schedule 2.
7. Any notice provided for in this licence shall be deemed to be validly served on You if;
 - a. it is personally served on You or where You are a corporation or association, on an officer of the corporation or association; or
 - b. it is sent by prepaid ordinary mail addressed to You at the address shown in Item 1 of Schedule 1.
8. You acknowledge and agree that the Minister does not make or give any warranty, promise or covenant to You for quiet enjoyment of the licence area and does not grant You any interest in the land.
9. You shall keep the said licensed area and buildings on the licensed area clean and tidy and all papers and other rubbish shall be collected and removed. You shall control noxious weeds. You shall immediately repair and make good, damage occasioned by Your use of the licensed area.
10. You shall indemnify and keep indemnified the Minister against all actions, suits, claims, debts, obligations and other liabilities that may arise from the activities of You during the currency of the Licence. You release the Minister from all actions, suits, claims, debts, obligations and other liabilities by You or anyone claiming through You that may arise from the activities of the licensee under the Licence or in relation to the licensed area.
11. You shall effect and maintain for the term of this licence a public risk insurance policy (whereby the Minister must be noted on the policy as an interested party) for the amount specified in Item 7 of Schedule 1 for any one claim relating to liability for death or bodily injury or damage to property arising out of Your use and occupation of the licensed area and the matters referred to in clause 10. You shall provide evidence of such insurance whenever requested by any employee of the Department of Industry - Lands and Forestry.
12. You shall maintain all other insurances as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of You on the licensed area.
13. You acknowledge and agree that no relationship of landlord and tenant is or is intended to be created between the parties hereto by virtue of this Licence or in any way whatsoever.
14. You must comply with the Work Health and Safety Act 2011 (NSW), the Work Health and Safety Regulation 2011 (NSW) and all other requirements of any other legislation or statutory authority in this regard whilst on the licensed area.
15. The Minister reserves the right to remove from or refuse entry to the licensed area any person regardless of any arrangements or contract with You.
16. All improvements, erections and fixtures ("Improvements") now or hereafter to be erected on the licensed area are acknowledged by You to be absolute property of the Minister, but You shall maintain and repair such Improvements during the period of this licence to the same condition that the Improvements were in on the date that this Licence commenced.
17. You shall not sublet, assign or otherwise deal with this Licence or the licensed area.
18. Despite anything else in this Licence, this Licence shall terminate in the event that the Minister or a

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court determines that the licensed area is claimable Crown land under Aboriginal Land Rights Act 1983. You will not be entitled to any compensation, costs or damages in respect of the termination of this Licence by operation of this clause.

19. You must comply on time with all laws and requirements of authorities in connection with this Licence, the licensed area, the purposes approved by this Licence and the use or occupation of the licensed area.
20. You must not contaminate, pollute or increase toxicity in the licensed area, any building in the licensed area or their environment or do anything in or around the licensed area which may be dangerous or offensive.
21. You must ensure that Your employees, agents, contractors and invitees comply with the licensee's obligations under this Licence.
22. You must not carry out any works in or on the licensed area without the Minister's written approval (which may be conditioned).
23. On the last day of the term of this Licence You must vacate the licensed area, remove all items You have brought onto the licensed area, repair any damage You have done to the licensed area and must leave the licensed area in a clean and tidy condition.

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Schedule 1

Item	Column 1 (description of variable particulars)	Column 2 (particulars)
1	Licensee's Address for service of notices	City Administration Centre Bridge St NOWRA NSW 2541
2	Minister's Address for service of notices	Department of Industry - Lands and Forestry PO Box 2185 DANGAR NSW 2309
3	Address for payment of Licence Fee	Department of Industry - Lands and Forestry PO Box 2155 Dangar NSW 2309
4	Purpose for which the licensed area may be used	You shall have the use of the area described in Part 1 and Part 2 and as shown by red colour on the diagram attached as Schedule 3 for the purpose of Environmental Rehabilitation - restoration of levee banks and rock protection works (hereinafter called "the licensed area")
5	Licence Period	The licence period shall be from 27th October 2017 to 26th October 2019. The Minister reserves the right to terminate the Licence without prior notice if there is a breach by You of any of the licence conditions.
6	Licence Fee	\$0.00
7	Insurance - Public Risk	Twenty Million Dollars (\$20,000,000.00)
8	Additional special terms and conditions	Annexed as Schedule 2

***** End of Schedule 1 *****

SA17.297 - Attachment 1

File reference: 17/06747

Licence: RI 586208

Schedule 2

ADDITIONAL TERMS AND CONDITIONS

1. Environmental Assessment

This licensee must undertake all activities associated with the restoration of levee and rock protection works along levees on Crown land in accordance with the Environmental Assessment prepared and determined by Shoalhaven City Council under Part 5 of the Environmental Planning and Assessment Act 1979.

2. Licence granted subject to Native Title

Restrictions on the grant of this Licence

1.1 Notwithstanding any other provision in this Licence, this Licence does not permit or authorise any of the following:

- (i) the excavation or clearing of any of the land or waters except for:
 - a. excavation or clearing that is reasonably necessary for the protection of public health or public safety; or
 - b. tree lopping, clearing of noxious or introduced animal or plant species, foreshore reclamation, regeneration or environmental assessment or protection activities; or
- (ii) mining (other than fossicking by using hand-held implements); or
- (iii) the construction or placing on the land, or in the waters, of any building, structure, or other thing (other than fencing or a gate), that is a fixture; or
- (iv) the disposal or storing, on the land or in the waters, of any garbage or any poisonous, toxic or hazardous substance; or
- (v) the conferral of a right of exclusive possession over any of the land or waters.

Termination of this Licence upon approved determination of native title

1.2 This Licence terminates immediately on the making of an approved determination under the Native Title Act 1993 (Commonwealth) ("NT Act") that native title exists in relation to the licensed area, in part or in whole, without any further notice or action.

Indigenous Land Use Agreement - New Licence

1.3 The parties agree that, if, prior to an approved determination under the NT Act that native title exists over the licensed area (in part or in whole):

- (a) an indigenous land use agreement ("ILUA") is registered on the Register of Indigenous Land Use Agreements and the area of land described in the ILUA includes the whole or the part of the licensed area of this Licence, and

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(b) the ILUA expressly provides that a new licence on the same or similar terms and conditions as this Licence is valid,
then a new licence will take effect on the same terms and conditions as this Licence, without the need for the parties to enter into any further documentation or take any other action, except that:

- (i) the commencement date of the new licence will be the date the ILUA is registered on the Register of Indigenous Land Use Agreements;
- (ii) (if applicable) the new licence will only be over that part of the licensed area of this Licence affected by the ILUA;
- (iii) clauses 1.2, 1.3, 1.4 and 1.5 of this special condition will not be terms of the new licence.

Terms of Native Title Determination - New Licence

1.4 The parties agree that if:

- (a) an approved determination under the NT Act is made that native title exists over the licensed area (in part or in whole); and
- (b) The terms of the approved determination under the NT Act expressly provides that a new licence on the same or similar terms and conditions as this Licence is valid,

then a new licence will take effect on the same terms and conditions as this Licence, without the need for the parties to enter into any further documentation or take any other action, except that:

- (i) the commencement date of the new licence will be the date the determination is made;
- (ii) (if applicable) the new licence will only be over that part of the licensed area of this Licence affected by the terms of the determination; and
- (iii) clauses 1.2, 1.3, 1.4 and 1.5 of this special condition will not be terms of the new licence.

Avoidance of Doubt

1.5 For the avoidance of doubt, if a new licence takes effect due to the operation of clauses 1.3 or 1.4, the fact that the licence takes effect without the need for the parties to enter into any further documentation or take any other action includes that the licence takes effect without the Licensee being required to make a new licence application and without a new licence being issued.

3. Fisheries Management Act 1994

Works must be in accordance with Fisheries Management Act 1994. The Holder acknowledges that they are required to hold during the duration of this licence, a current permit under Part 7 of the Fisheries Management Act 1994 issued by the Department of Primary Industries and that the Holder will comply with all terms and conditions as instructed.

4. Land Subject to Aboriginal Land Claim (ALC)

Part or all of the land(s) is subject to a claim(s) pursuant to the Aboriginal Land Rights Act 1983 (ALRA). Should investigations reveal that the land(s) was claimable Crown land within the meaning of the ALRA when the claim was made the land will be granted to the relevant Aboriginal Land Council and the licence will be terminated

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from the date of the grant.

Except as may be expressly provided for in this licence the Holder acknowledges and agrees that the Holder will not be entitled to any compensation, costs or damages, in respect of the termination/variation of this licence by operation of this clause.

5. Approvals

The Holder must ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the event. No condition of this Licence removes the obligation for the Holder to obtain, renew or comply with such licences, permits or approvals. The Holder must ensure that a copy of this Licence and all relevant approvals are available during the Licence term. The requirements of all relevant approvals including consent issued by local government must be met by the Holder.

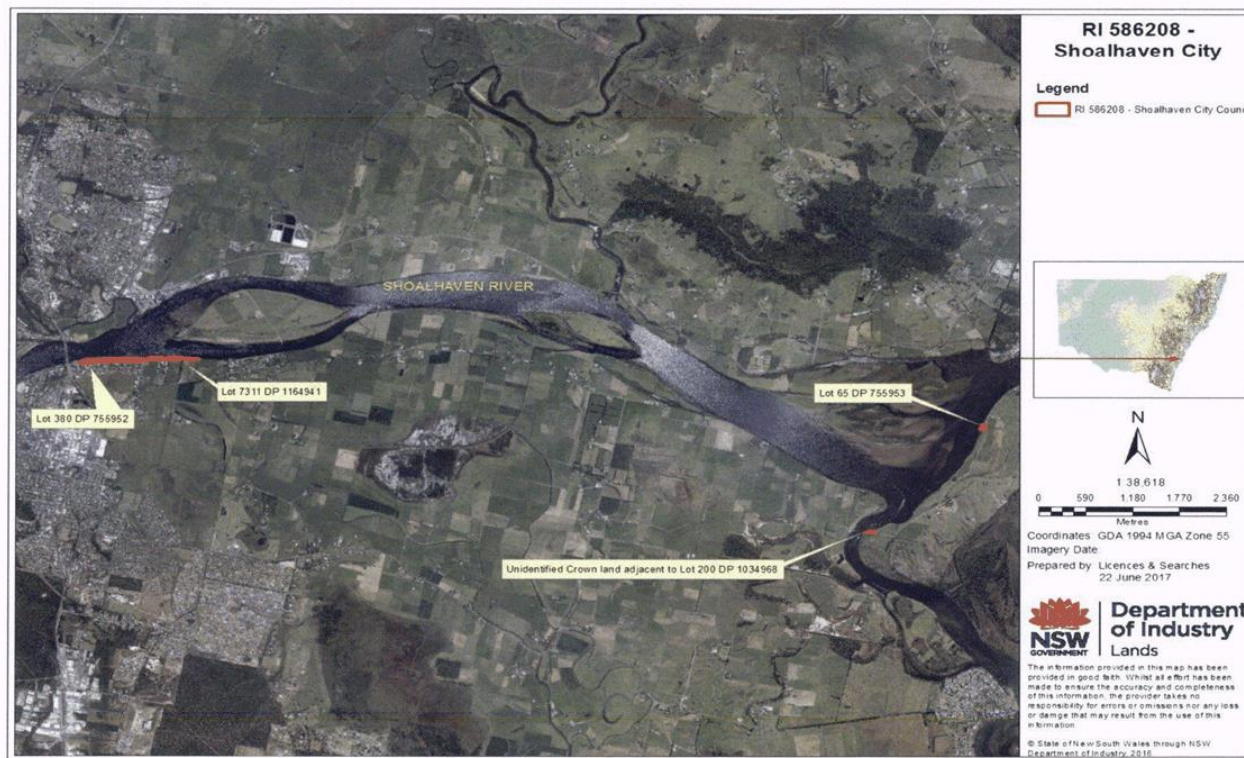
6. Occupational, Health and Safety Risks

The Holder is responsible for safety induction of all persons onto the site. The Holder is responsible at all times for ensuring safe systems of work and that the site poses no occupational, health or safety risks to workers or the public. All persons engaged in the event relative to this approval must be qualified, trained or appropriately experienced or supervised in the running of the event including the safe operation of associated equipment, tools or machinery. Relevant advice should be obtained from NSW WorkCover.

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Licence: RI 586208

Schedule 3



***** End of Schedule 3 *****

SA17.298 Acquisition of Sewerage Easement at 300 Kings Point Drive Ulladulla

HPERM Ref: D17/352466

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. Easement plan DP1109183 [↓](#)

Purpose / Summary

This report is submitted to seek Council approval to acquire a Sewerage Easement 10 wide and variable over Lot 18 DP805460, No. 300 Kings Point Drive Ulladulla from Ocean Point Assets Pty Ltd.

Recommendation

That:

1. Council resolve to acquire a Sewerage Easement 10 wide and variable over Lot 18 DP805460, No. 300 Kings Point Drive Ulladulla, as shown by cross hatching on easement plan DP1109183, attached.
2. Council pay compensation of \$5,000 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.
3. Compensation and costs associated with the acquisition be met from Council's Sewer Fund.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

Options

1. Resolve as recommended. The easement is required to formalise tenure over existing pipelines on the subject property.
2. Not resolve as recommended and provide further directions to staff.

Background

A sewer rising main and reclaimed water pipeline were constructed by Shoalhaven Water in 2005 over the subject property. An easement for the pipelines is outstanding and is now to be acquired.

A valuation undertaken on behalf of Council by Walsh & Monaghan Pty Ltd assessed compensation for the easement at \$5,000, excluding GST. A conditional offer at that amount, plus GST if applicable, and reasonable legal costs was submitted to the owner Company.

By email dated 20 October the Company representative advised that the offer is acceptable.

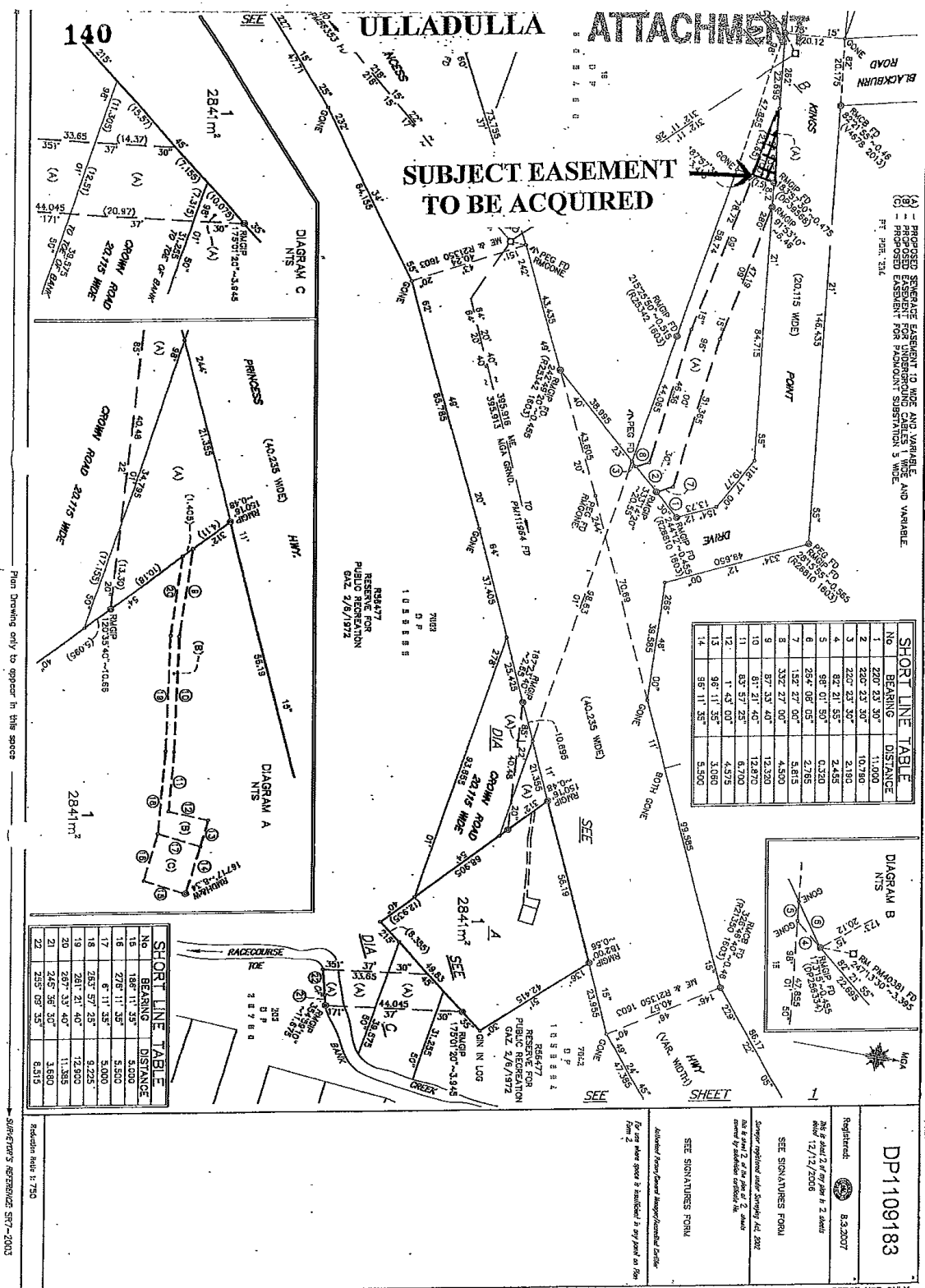
The property has recently obtained Development Consent for conversion of existing tourist sites and construction of new tourist sites. In discussions regarding the easement the Company agreed to amend its development plans to avoid construction of car parking spaces and placement of a large tree over the pipelines.

Financial Implications

The compensation and reasonable legal costs associated with the acquisition are to be funded from Council's Sewer Fund. The Company has confirmed it is liable for GST on the transaction.

Risk Implications

Acquisition of the easement is necessary to secure Shoalhaven Water's access for the operation and maintenance of essential public infrastructure.
The proposed action is administrative and has no environmental impact.



SA17.299 Grant of electricity easement over Council land at Terara

HPERM Ref: D17/365047

Group: Shoalhaven Water Group
Section: Water Asset Planning & Development

Attachments: 1. Draft survey plan - electricity easement [↓](#)

Purpose / Summary

To seek approval to grant an Easement for Overhead Powerlines 9 wide, delineated (E) and highlighted yellow on the attached survey plan, over Council land Lot 1 DP1224568 and Lot 4 DP634042 at Terara Road, Terara. The easement is to be granted in favour of Endeavour Energy for new power lines servicing the Nowra Sewerage Treatment Plant.

Recommendation

That:

1. Council grant an Easement for Overhead Powerlines 9 wide over Council land Lot 1 DP1224568 and Lot 4 DP634042 at Terara Road, Terara. The easement is delineated (E) and highlighted yellow on the attached draft survey plan.
2. Costs associated with the transaction are to be met from Council's Sewer Fund. The Easement and Restriction are to be granted at \$nil consideration.
3. The Common Seal of the Council of the City of Shoalhaven to be fixed to any document required to be sealed.

Options

1. Resolve as recommended. Grant of the easement is required to meet standard requirements for new electricity infrastructure on Council land.
2. Not resolve as recommended and provide further directions to staff.

Background

New power lines have been constructed on the Council land along a realigned section of the access road to the Nowra Sewerage Treatment Plant. The work was associated with the upgrade of the treatment plant.

In accordance with standard Endeavour Energy requirements the easement is to be granted at \$nil consideration to formalise the arrangements to supply power to the treatment plant.

Council approval is required for execution of a Transfer Granting Easement under seal to register the dealings on the titles for the land.

Financial Implications

Costs associated with the transactions are to be met from Council's Sewer Fund.

Risk Implications

The dealings are necessary for the operation of Shoalhaven Water's essential public infrastructure.

The proposed action is administrative and has no environmental impact.



SA17.300 NSW Local Government Aboriginal Network Conference 2017

HPERM Ref: D17/361632

Submitted by: Cllr John Levett

Attachments: 1. Conference report [↓](#)

Purpose / Summary

To provide a report (Attachment 1) from Cllr John Levett on the NSW Local Government Aboriginal Network Conference held in Albury on 13-15 September 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

Recommendation (Item to be determined under delegated authority)

That Council receive the report from Cllr John Levett on the NSW Local Government Aboriginal Network Conference 2017 for information.

Options

1. Receive the report for information
2. Request further information on the conference

Note: The Report on the conference was also discussed at the Aboriginal Advisory committee meeting 6 November 2017.

Report on the NSW Local Government Aboriginal Network Conference 2017 Albury 13-15 September 2017

The Albury/Wodonga area has a total urban population in excess of 90,000 people. Albury was established in 1839, fifteen years after explorers Hume and Hovell first arrived at what their maps called “Crossing Point” over what the Wiradjuri people called Millewa, now known to Europeans as the Murray River. The original surveyor of the town suggested it be named ‘Bungambrewatha’ which was the Wiradjuri name for the area, but in the Government Gazette of April 1839 the name Albury was adopted which was a village in Kent, England.

The NSW Aboriginal Network has been operating since 1988 and offers the opportunity for information exchange and acts as a forum for discussion on Local Government issues relating to Aboriginal communities, business and the wider Australian community. The theme of the Conference was “Yindyamarra” meaning respect, go slow, take responsibility.

The Conference MC was John Murray who handled the role with great skill and humour. He was born and raised in Albury and spent three years from 2013 as Albury Council Aboriginal Community Development Officer. He is an avid sports fan and says it has taught him many lessons in life. A proud Yorta Yorta man, his Nan took part in the 1939 Cummeragunga Mission Walk Off, a protest against the repressive policies of the NSW Aborigines Protection Board.

DAY ONE began with a welcome to country in Wiradjuri language by Aunty Ruth Davies. Yindyamarra is at the heart of Wiradjuri culture and lifestyle and was also the title of an animated film work by artist Bernard Sullivan and narrated by Uncle Stan Grant (father of the TV presenter).

Albury City Mayor Kevin Mack stressed the importance of NAIDOC Week as he opened the Conference and spoke with pride about the Wagirra Trail and Yindyamarra Sculpture Walk, a fifteen kilometre Murray River pathway linking Wonga Wetlands with the South Albury Trail.

Clr Dominic Wy-Kanak, President of the NSW Local Government Aboriginal Network, gave an impressive plea for “respect of spirituality” and called for a better understanding of the massive impact on aboriginal people of “invasion and colonisation”.

James Jenkins, Chair of the Wonga Wetlands Committee spoke about the importance of projects like the Wagirra Trail which for eight years has been providing meaningful employment and training for indigenous youth and at the

same time providing an opportunity to reconnect to culture. He introduced members of the team who spoke individually of the pride and personal development they achieved from being involved in construction and land conservation tasks such as the Kremur Street Boat Ramp and Oddies Creek adventure playground.

These projects sit within the Murray River Experience Master Plan (2007), the main aim of which is to strengthen the relationship between the community and the Murray River and to promote and develop a diversity of experiences.

Nova Peris through the telling of her family story gave testimony to the resilience of aboriginal women with a charismatic speech.

Nova was the first Aboriginal Australian to win Gold at an Olympics (Hockey in 1996). She changed to sprinting and won two gold medals at the 1998 Commonwealth Games in Kuala Lumpur. She served as a Labor Party Senator from 2013 to 2016.

She told of her grandfather, born in Broome, then stolen and taken to Beagle Bay Mission, 170km north. Her grandmother told her stories of the hardships growing up on missions in the East Kimberley and Tiwi Islands. Her mother survived through keeping a positive outlook but still refuses to eat mangoes because they remind her of the Tiwi Island Mission.

Nova noted that in the twenty years since the 700 page “Bringing Them Home” report into the Stolen Generations was tabled only 10 of the 54 recommendations have been implemented.

The next speaker was Heather McGregor, Director of Aboriginal Learning Circle at TAFE which now runs customised programs for aboriginal people in areas such as health care, community services, education support, tour guiding, aged care, construction and policing.

The afternoon was taken up with field trips to the Yindyamarra Walking Trail followed by a Welcome Function and Dinner at the Wonga Wetlands on the banks of the Murray River.

DAY TWO

The morning began with speakers on mental health. Marie Edwards of Newcastle Council read her moving poem about a breakdown she’d suffered and her road to recovery.

Then ex First Grade Rugby League player, Wayne Wigham (Balmain Tigers) told of his ongoing battle with depression which started in childhood. After

seven years working with the Black Dog Institute Education Team he now spreads his message in NSW regional areas with another ex league colleague Percy Knight as part of the Act-Belong-Commit initiative. Wayne's story was as riveting as it was bleak and he warned that mental illness can effect anyone and its shadow can be cast over us very early. Sport saved him from suicide and he is strong on the importance of exercise which produces endorphins that can lift your mood by 10 percent. Suicidal thoughts are the red light and people must seek help. It's an illness and can be a lifelong battle, forgive yourself and others, try to think good things about yourself and celebrate the wins was his advice.

Before morning tea we heard from Gabrielle Sullivan the CEO of Indigenous Art Code – Ethical Art. The purpose of the Code is to establish standards for dealings between dealers and artists to ensure: fair and ethical trade in artwork; transparency in the process of promotion and sale of artwork; and that disputes arising under the Code are dealt with efficiently and fairly. It is a set of rules and guidelines that seeks to protect Aboriginal and Torres Strait Islander artists from exploitation. Artists, dealers and other supporting organisations can become members.

Art Code and the Arts Law and Copyright Agency Viscopy have developed the 'Fake Art Harms Culture' campaign to lobby the Australian Government to address the proliferation of fake Aboriginal and Torres Strait Islander art and products often manufactured for the tourist industry. The 'Fake Industry': misappropriates culture, denies income and opportunity, deceives, and disadvantages people in businesses who are doing the right thing.

There was vigorous discussion around this issue. The Australian House of Representatives has a Standing Committee on Indigenous Affairs which is currently inquiring into the proliferation of Fake Art and a report is due soon. Australian law does not acknowledge indigenous intellectual property but some protection is provided under Consumer Law through the false and misleading advertising provisions.

Our local elder and artist, Uncle Noel Wellington said that Governments need to do more to protect the income of indigenous artists and also recognise that Aboriginal Art is far broader than just Western Desert dot painting. He used as an example his wood carving technique called 'Mullina'. He said that Aboriginal artists should not be penalised by governments in an income assessment sense when they are producing and selling work to foster their own culture.

Councils should have procurement policies in place which look into the supply chain when accessing services and purchasing Indigenous Art for visitor's centres, galleries and Council events. Leichhardt Council (now Inner West)

has a program called Starting the Conversation – Ethical Trade in Indigenous Art. If we're not already, SCC could become a supporter member of the Indigenous Art Code.

Next up was Bunurong man Bruce Pascoe whose book "Dark Emu, Black Seeds" won the NSW Premier's Literary Award for 2016. Through sound argument 'Dark Emu' questions the notion that pre-colonial aboriginal people were simple hunter gatherers. His evidence comes from the records and diaries of early explorers such as Thomas Mitchell and Charles Sturt and is so compelling that Bruce is quite happy to brand the hunter gatherer tag as "a convenient lie". Aboriginal people right across Australia were intensively cultivating, irrigating, harvesting and storing grain, seed and "Mernong" or yams. They baked bread 36,000 years ago, 18,000 years before the Egyptians. They built villages of substantial huts and engineered sophisticated fish traps including those at Brewarrina which could be the oldest human constructions on earth.

Pascoe has taken a number of career paths; teacher, fisherman, farmer, fencing contractor, lecturer, Aboriginal language researcher and he's been the Director of the Australian Studies Project for the Commonwealth Schools Commission and Professor of Indigenous Knowledge at UTS. He began to write because the real history of Aboriginal dispossession and its ramifications had not been told. His call to governments is to provide the protection of the law and institutions so that aboriginal people can develop and cultivate traditional foods and make a living from it...."then governments should just get out of the way".

Bruce Pascoe's presentation was for me the stand out of the Conference....it was well researched, inspirational and delivered with passion.

After lunch Dean Widders, Ambassador for the National Aboriginal Sports Corporation, explained how he used rugby league as a vehicle for self improvement and later as a mentor, encouraged others to use sport in the same way. Born in Inglegar, 40km north of Warren he later moved to Armidale where he discovered the joy of playing football. During his eight year NRL career he played lock or second row for the Roosters and Eels and spent his final year at the Rabbitohs before moving to England for three years with the Castleford Tigers.

Widders started the NRL Indigenous players camps and focused on building self esteem through connection with culture rather than just teaching playing skills. He encouraged players to be a positive influence and to be mindful that actions have consequences and an effect on your mob.

The last speaker for Day 2 was Lloyd Dolan, Course Director School of Indigenous Australian Studies at Charles Sturt University. He told the story of the creation of the 2,000 word New Wiradjuri Dictionary by Stan Grant Snr

and John Rudder which was completed between 1993 and 2010. Rudder earned his doctorate studying Aboriginal Anthropology and knew the Yolngu language from his teaching days in Arnhem land. He and Grant, an elder of the Wiradjuri people, set about reconstructing Wiradjuri, which at that point in time was effectively dead. Grant was the last known person to have heard the language spoken, mainly by his grandfather in the late 1940's. They have established training sessions to teach the language and the number of speakers of the language is growing. This has been the impetus for recognition of the Wiradjuri as a cultural group within the wider society.

At the evening Conference Dinner and awards, Shoalhaven City Council and the Jerinja Aboriginal Land Council were presented with the Partnership/Community Award for their work at the Orient Point Community. The award was proudly accepted by Margaret Simoes, SCC Aboriginal Liaison Officer.

DAY THREE

A welcome and wrap of Day Two was followed by an address by Victoria Nolan of the Office of Environment & Heritage on the development of new legislation to guide the management and conservation of Aboriginal cultural heritage in NSW. The draft reform model released in September 2013 received general support but contrasting views exist on how it should evolve.

Currently, the National Parks and Wildlife Act 1974 is the only legislation that determines policy in this area. Three new bills are being drafted: the Aboriginal Cultural Heritage Bill, the First Languages Bill and the Aboriginal Land Rights Bill.

Public consultation will continue until 18 December 2017 and is now entering the phase of consultation on the draft legislation. After the legislation is passed an Authority will be established to thrash out the details and the new policy in place by 2021. The aim is that the new legislation largely be determined by Aboriginal people themselves.

Go to www.environment.nsw.gov.au/aboriginal-cultural-heritage-consultation

One of the Gold Sponsors for the Conference was the NSW EPA which is helping to fund site clean up projects with Indigenous Communities and replanting programs.

The Muli Muli Community on Githabul Country, north west of Kyogle in Northern NSW took on a project to improve rubbish management and clean up country on an old tip site. With this goes an education program to explain about the potential health issues with toxic substances that can leach from

dumped rubbish. Tash Morton from the EPA was assisted in this effort by Salome Green, Community Engagement Advisor for the Muli Muli Community. To help get the message across a rap video was produced....it's pretty catchy.... google 'githabul next generation breaking habits'

We divided into small groups for the final session before the close of the Conference at midday. Our table discussed ways of improving employment prospects for the young indigenous in regional areas.

I went to the Conference keen to get a better understanding of Aboriginal people, their history, culture and the modern challenges facing them... I wasn't disappointed. I heard emotional accounts of hardship arising from past policies but no bitterness. I came away with a heightened respect for the resilience of our first people, their pride in and love of country, the humour with which they approach life, the respect they show, their sense of community and the way they look after each other. *Yindyamarra*.

Clr John Levett
1st November, 2017

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.