

## Strategy and Assets Committee

**Meeting Date:** Tuesday, 23 January, 2018  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

**Membership** (Quorum - 5)  
Clr John Wells - Chairperson  
All Councillors  
General Manager or nominee

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

## Agenda

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5. **Deputations and Presentations**
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## 8. Confidential Reports

Nil

## 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, 12 December 2017  
**Location:** Council Chambers, City Administrative Centre, Bridge Road, Nowra  
**Time:** 5.00pm

The following members were present:

Clr John Wells - Chairperson  
Clr Joanna Gash  
Clr Amanda Findley  
Clr Patricia White  
Clr Kaye Gartner  
Clr Nina Cheyne  
Clr Annette Alldrick  
Clr John Levett  
Clr Mitchell Pakes  
Clr Greg Watson – left 6.38pm  
Clr Mark Kitchener  
Clr Bob Proudfoot  
Mr Russ Pigg - General Manager

### Apologies / Leave of Absence

Apologies were received from Clr Guile

### Confirmation of the Minutes

**RESOLVED** (Clr Gash / Clr Cheyne) MIN17.1050

That the Minutes of the Strategy and Assets Committee held on Tuesday 21 November 2017 be confirmed.

CARRIED

**Declarations of Interest**

Clr Alldrick – “SA17.308 – Proposed Lease – 39 Holloway Road, Nowra – Illawarra Shoalhaven Local Health District” – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “she is an employee of the Illawarra Shoalhaven Local Health District”.

**NOTICES OF MOTION / QUESTIONS ON NOTICE****SA17.302 Notice of Motion - Shoalhaven Heads Surf Lifesaving Club****HPERM Ref:  
D17/400105****Recommendation (Item to be determined under delegated authority)**

That

1. Council undertake urgent work to re-shape and lower the height of the sand dune that has developed between the Shoalhaven Heads Surf Lifesaving Club (S.H.S.L.C) and the patrolled section of the beach
2. The General Manager identify and recommend a funding source for the required works;
3. Council develop a Dune Management Plan for the immediate area surrounding the Surf Club and the car park, such area to preserve clear view lines to enhance public safety, and environmental appreciation by the public from the viewing platforms and picnic facilities at this location.

Clr Gartner raised a Point of Order against Clr Pakes regarding his comments on the attendance of the Mayor and comments made at the Councillor Briefing. The Chair ruled as a Point of Order. Clr Pakes was asked to withdraw his comments and speaking in a way that is disruptive to the meeting.

Clr Pakes declined to withdraw his comments on the briefing.

Clr Findley raised a Point of Order against Clr Pakes regarding his comments which had nothing to do with the motion on the paper. The Chairperson ruled and accepted the Point of Order and asked Clr Pakes to withdraw previous comments which in accordance with his previous request.

Clr Pakes withdrew his comments.

**RESOLVED** (Clr Wells / Clr Proudfoot)**MIN17.1051**

That:

1. Council undertake urgent work to investigate re-shaping and lowering of the height of the sand dune that has developed between the Shoalhaven Heads Surf Lifesaving Club (S.H.S.L.C) and the patrolled section of the beach
2. The General Manager identify and recommend a funding source for the required works;
3. Council develop a Dune Management Plan for the immediate area surrounding the Surf Club and the car park, such area to preserve clear view lines to enhance public safety, and environmental appreciation by the public from the viewing platforms and picnic facilities at this location.
4. The General Manager submit a report to the next Council meeting (December Ordinary) in relation to part 1 above.

**CARRIED**

**SA17.303 Notice of Motion - New Years Eve Celebrations****HPERM Ref:  
D17/400158****Recommendation**

That

1. Council undertake a City-Wide review of its support of New Years Eve Celebrations incorporating fireworks displays and in so doing applies the principles of equity, convenience of access, public safety and community well-being and budget, in determining resourcing levels to each of these events, and
2. Having reviewed its distribution and allocation of funding contributions under its Donations Policy, Council determine, if appropriate, a revised level of support for these events.
3. For the 31 December 2017 event proposed for the Shoalhaven Heads community Council provide support to the extent of \$5000.
4. For other communities that either do not have public celebrations or hold celebrations which are privately funded, Council undertake a public consultation early in 2018 to determine the appetite and capability of particular communities to stage such celebrations and if warranted, determine a level of support.

**MOTION (Clr Wells / Clr Pakes)**

That:

1. Council undertake a City-Wide review of its support of New Years Eve Celebrations incorporating fireworks displays and in so doing applies the principles of equity, convenience of access, public safety and community well-being and budget, in determining resourcing levels to each of these events, and
2. Having reviewed its distribution and allocation of funding contributions under its Donations Policy, Council determine, if appropriate, a revised level of support for these events.
3. For the 31 December 2017 event proposed for the Shoalhaven Heads community Council provide support to the extent of \$5000.
4. For other communities that either do not have public celebrations or hold celebrations which are privately funded, Council undertake a public consultation early in 2018 to determine the appetite and capability of particular communities to stage such celebrations and if warranted, determine a level of support.

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

AGAINST: Clr Gash, Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Findley, Clr Levett and Russ Pigg

LOST

**FORESHADOWED MOTION (Clr Gartner / Clr Cheyne)**

That:

1. Council undertake a City-Wide review of its support of New Years Eve Celebrations incorporating fireworks displays and in so doing applies the principles of equity, convenience of access, public safety and community well-being and budget, in determining resourcing levels to each of these events, and
2. Having reviewed its distribution and allocation of funding contributions under its Donations Policy, Council determine, if appropriate, a revised level of support for these events.
3. For other communities that either do not have public celebrations or hold celebrations which are privately funded, Council undertake a public consultation early in 2018 to determine the

appetite and capability of particular communities to stage such celebrations and if warranted, determine a level of support.

FOR: Clr Gartner, Clr Cheyne, Clr Alldrick, Clr Findley and Clr Levett

AGAINST: Clr Wells, Clr Gash, Clr White, Clr Pakes, Clr Watson, Clr Kitchener, Clr Proudfoot and Russ Pigg

FORESHADOWED MOTION LOST

SECOND FORESHADOWED MOTION (Clr Gash / Clr Alldrick)

That:

1. Council undertake a City-Wide review of its support of New Years Eve Celebrations incorporating fireworks displays and in so doing applies the principles of equity, convenience of access, public safety and community well-being and budget, in determining resourcing levels to each of these events, and
2. Having reviewed its distribution and allocation of funding contributions under its Donations Policy, Council determine, if appropriate, a revised level of support for these events.
3. For the 31 December 2017 event proposed for the Shoalhaven Heads community Council provide support to the extent of \$1,500.
4. For other communities that either do not have public celebrations or hold celebrations which are privately funded, Council undertake a public consultation early in 2018 to determine the appetite and capability of particular communities to stage such celebrations and if warranted, determine a level of support.

FOR: Clr Gash, Clr Gartner, Clr Alldrick, Clr Findley, Clr Levett and Russ Pigg

AGAINST: Clr Wells, Clr White, Clr Cheyne, Clr Pakes, Clr Watson, Clr Kitchener and Clr Proudfoot

SECOND FORESHADOWED MOTION LOST

Note: Following the consideration of this Item, Councillors Watson, Proudfoot, Kitchener and Pakes submitted a Notice of Rescission. In accordance with Clause 4.8(3) of the Code of Meeting Practice the proposed replacement Motion will be listed as a Notice of Motion on the Business Paper of the Ordinary Meeting of 19 December 2017.

**SA17.304 Rescission Motion - SA17.294 Council options for reducing impacts of wood smoke**

**HPERM Ref:  
D17/400199**

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

That

1. Council rescind the following adopted recommendation (SA17.294 part 2)
  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.*
2. A briefing be held to properly inform Councillors of the implication should the change to Schedule 8 Part 1 be imposed.



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

MIN17.1052

That:

1. Council rescind the following adopted recommendation (SA17.294 part 2)
  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.**
2. A briefing be held to properly inform Councillors of the implication should the change to Schedule 8 Part 1 be imposed.

CARRIED

## REPORTS

### Procedural Motion - Bring Item Forward

**RESOLVED** (Clr Wells / Clr White)

MIN17.1053

That the matter of item SA17.314 – Outcomes of Exhibition and Proposed Finalisation – Draft Local Approvals Policy be brought forward for consideration.

CARRIED

### SA17.314 Outcomes of Exhibition and Proposed Finalisation - Draft Local Approvals Policy

HPERM Ref:  
D17/360794

Note: Clr Watson left the meeting.

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

That Council:

1. Adopt the draft Shoalhaven Local Approvals Policy at Attachment 1 with the noted changes.
2. Obtain approval of the Chief Executive of the NSW Office of Local Government for Part 1 of the draft Shoalhaven Local Approvals Policy prior to finalisation.
3. Give public notice of the adoption of the Shoalhaven Local Approvals Policy as per legislative requirements, following finalisation.
4. Rescind the following policies when the Shoalhaven Local Approvals Policy becomes effective:
  - a. POL16/268 – Local Approvals Policy On-site Sewage Management.
  - b. POL16/229 - Caravan Parks in Flood Prone Areas Policy (DCP / LAP).
  - c. POL16/240 - Local Approvals Policy Mobile Food Stalls/Vehicles and Temporary Food Premises.
5. Notify relevant stakeholders and submitters of this resolution and again following finalisation of the Shoalhaven Local Approvals Policy.

**RESOLVED** (Clr Gartner / Clr White)

MIN17.1054

That Council:

1. Adopt the draft Shoalhaven Local Approvals Policy at Attachment 1 with the noted changes.
2. Obtain approval of the Chief Executive of the NSW Office of Local Government for Part 1 of the draft Shoalhaven Local Approvals Policy prior to finalisation.
3. Give public notice of the adoption of the Shoalhaven Local Approvals Policy as per legislative requirements, following finalisation.
4. Rescind the following policies when the Shoalhaven Local Approvals Policy becomes effective:
  - a. POL16/268 – Local Approvals Policy On-site Sewage Management.
  - b. POL16/229 - Caravan Parks in Flood Prone Areas Policy (DCP / LAP).
  - c. POL16/240 - Local Approvals Policy Mobile Food Stalls/Vehicles and Temporary Food Premises.
5. Notify relevant stakeholders and submitters of this resolution and again following finalisation of the Shoalhaven Local Approvals Policy.

CARRIED

**SA17.305 2018 Australian Local Government Women's Association NSW (ALGWA) State Conference - 15-17 March 2018 - Cootamundra-Gundagai Regional Council**

**HPERM Ref: D17/300421**

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

That Council:

1. Notes the details of the 2018 Australian Local Government Women's Association NSW (ALGWA) State Conference scheduled for Thursday 15 March – Saturday 17 March 2018 in Gundagai.
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 Pakes / Clr Cheyne)

MIN17.1055

That Council:

1. Notes the details of the 2018 Australian Local Government Women's Association NSW (ALGWA) State Conference scheduled for Thursday 15 March – Saturday 17 March 2018 in Gundagai.
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

**SA17.306 Community Facilities - Use and Hire for Commercial Activities - Policy Update**

**HPERM Ref:  
D17/402723**

Note: Cllr Watson returned to the meeting.

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

That Council adopt the Community Facilities – Use and Hire for Commercial Activities Policy.

**RESOLVED** (Cllr Gartner / Cllr White)

MIN17.1056

That Council adopt the Community Facilities – Use and Hire for Commercial Activities Policy.

CARRIED

**SA17.307 Public Policies for Review - Asset Management - December 2017**

**HPERM Ref:  
D17/373959**

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

That:

1. The draft Asset Management Policy be adopted
2. The Road Sealing Contributions Policy be adopted

**RESOLVED** (Cllr Gash / Cllr White)

MIN17.1057

That:

1. The draft Asset Management Policy be adopted
2. The Road Sealing Contributions Policy be adopted

CARRIED

**SA17.308 Proposed Lease - 39 Holloway Road, Nowra - Illawarra Shoalhaven Local Health District**

**HPERM Ref:  
D17/375143**

Cllr Alldrick – less than significant non pecuniary interest declaration – will remain in the room and will take part in discussion and vote – “she is an employee of the Illawarra Shoalhaven Local Health District”.

**Recommendation**

That Council:

1. Enter into a lease agreement in accordance with Council’s Occupation of Council Owned and Managed Land Policy (POL16/150) with Illawarra Shoalhaven Local Health District for the use and occupation of 39 Holloway Road, Nowra for a term of five (5) years at a commencing rental of \$13,850.00 per annum plus GST;
2. List the subsidies applied of \$18,572 plus GST, as assessed using the Rental Assessment Framework with annual CPI increases as a recognised donation in Council’s Annual Report each year for the term of the lease agreement;
3. Authorise the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.

# **RECOMMENDATION** (Clr Cheyne / Clr Gartner)

That Council:

1. Enter into a lease agreement in accordance with Council's Occupation of Council Owned and Managed Land Policy (POL16/150) with Illawarra Shoalhaven Local Health District for the use and occupation of 39 Holloway Road, Nowra for a term of five (5) years at a commencing rental of \$13,850.00 per annum plus GST;
2. List the subsidies applied of \$18,572 plus GST, as assessed using the Rental Assessment Framework with annual CPI increases as a recognised donation in Council's Annual Report each year for the term of the lease agreement;
3. Authorise the General Manager to finalise the lease terms that may not yet be determined and to sign any documentation necessary to give effect to this resolution.

CARRIED

## **SA17.309 Proposed Licence from Crown Lands - Admiralty Cr, Huskisson Jetty**

**HPERM Ref:  
D17/386961**

### **Recommendation**

That Council:

1. Enter into a licence agreement with the Department of Industry – Lands & Forestry for the Admiralty Cr, Huskisson jetty, for an indefinite term with an initial annual rent of \$524.70 (Including GST) with annual CPI increases and a market review period at 3 years;
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of Shoalhaven to all documentation required to be sealed.

# **RECOMMENDATION** (Clr Pakes / Clr Proudfoot)

That Council:

1. Enter into a licence agreement with the Department of Industry – Lands & Forestry for the Admiralty Cr, Huskisson jetty, for an indefinite term with an initial annual rent of \$524.70 (Including GST) with annual CPI increases and a market review period at 3 years;
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of Shoalhaven to all documentation required to be sealed.

CARRIED

## **SA17.310 Right of Carriage Way - Closed Section of North Street, Berry**

**HPERM Ref:  
D17/389070**

### **Recommendation**

That Council:

1. Approve the creation of a right of carriage way over proposed Lot 1 being the section of North Street, Berry to be closed in accordance with MIN17.143 to benefit Lot 202 DP1115404;
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

**RECOMMENDATION** (Clr Proudfoot / Clr White)

That Council:

1. Approve the creation of a right of carriage way over proposed Lot 1 being the section of North Street, Berry to be closed in accordance with MIN17.143 to benefit Lot 202 DP1115404;
2. Authorise the General Manager to sign all documentation required to give effect to this resolution and to affix the Common Seal of the Council of the City of Shoalhaven to all documentation required to be sealed.

CARRIED

**SA17.311 Acquisition of Part Lot 2 DP1170503 - 124 Princes Highway, South Nowra**

**HPERM Ref: D17/395531**

**Recommendation**

That Council:

1. Acquire part of Lot 2 DP1170503 at South Nowra consisting of 582.4m<sup>2</sup> for the agreed sum of \$52,000 exc GST and pay reasonable costs incurred by the owner as a result of this acquisition in accordance with the Land Acquisition (Just Terms) Compensation Act (1991);
2. Funds to cover the cost of this acquisition be voted from S94 Project 01ROAD2143 (\$21,375.88) with the balance of \$35,000 voted from the Strategic Property Reserve;
3. The Strategic Property Reserve be reimbursed by future Section 94 contributions from Project 01ROAD2143;
4. Dedicate the acquired land as road pursuant to S10 of the Roads Act 1993;
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

**RECOMMENDATION** (Clr Gash / Clr White)

That Council:

1. Acquire part of Lot 2 DP1170503 at South Nowra consisting of 582.4m<sup>2</sup> for the agreed sum of \$52,000 exc GST and pay reasonable costs incurred by the owner as a result of this acquisition in accordance with the Land Acquisition (Just Terms) Compensation Act (1991);
2. Funds to cover the cost of this acquisition be voted from S94 Project 01ROAD2143 (\$21,375.88) with the balance of \$35,000 voted from the Strategic Property Reserve;
3. The Strategic Property Reserve be reimbursed by future Section 94 contributions from Project 01ROAD2143;
4. Dedicate the acquired land as road pursuant to S10 of the Roads Act 1993;
5. Affix the Common Seal of the Council of the City of Shoalhaven to any documentation requiring the Seal to be affixed, otherwise the General Manager be given delegated authority to sign any documentation necessary to give effect to this resolution.

CARRIED

**SA17.312 Acquisition 333 Illaroo Road North Nowra****HPERM Ref:  
D17/397823****Recommendation**

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

**RECOMMENDATION** (Clr Proudfoot / Clr Cheyne)

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

CARRIED

**SA17.313 ISJO Regional Waste Strategy****HPERM Ref:  
D17/403117****Recommendation (Item to be determined under delegated authority)**

That Council

1. Endorse the Regional Waste Strategy 2017 – 2021 report as a high level framework for setting priorities and a long term direction for improved management of wastes and recycling in the region. and
2. Note that many of the actions and initiatives within the strategy are already supported by current staffing arrangements and if there is any additional funding required by the strategy this will be the subject of specific budget consideration by Council.

**RESOLVED** (Clr Pakes / Clr White)

MIN17.1058

That Council:

1. Endorse the Regional Waste Strategy 2017 – 2021 report as a high level framework for setting priorities and a long term direction for improved management of wastes and recycling in the region; and
2. Note that many of the actions and initiatives within the strategy are already supported by current staffing arrangements and if there is any additional funding required by the strategy this will be the subject of specific budget consideration by Council.

CARRIED

**SA17.314 OUTCOMES OF EXHIBITION AND PROPOSED  
FINALISATION - DRAFT LOCAL APPROVALS POLICY****HPERM REF:  
D17/360794**

Item dealt with earlier/later in the meeting see MIN17.1054.

**SA17.315 2016/17 State of the Environment Report****HPERM Ref:  
D17/393655**

Note: Cllr Watson left the meeting at 6:38pm.

Note: Cllr Gash left the meeting.

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

That the report be received for information.

**RESOLVED** (Cllr Proudfoot / Cllr Gartner)

MIN17.1059

That the report be received for information.

CARRIED

**SA17.316 Tenders - Human Waste Removal Services****HPERM Ref:  
D17/369959****Recommendation**

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

**RESOLVED** (Cllr White / Cllr Gartner)

MIN17.1060

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

CARRIED

**SA17.317 Acquisition and sale of land at Huskisson****HPERM Ref:  
D17/371168**

Note: Cllr Gash returned to the meeting.

**Recommendation**

That Council resolve to:

1. Acquire part of Lot 100 DP1222232 at Huskisson, shown highlighted yellow on the attached draft survey plan, for an amount of \$19,500 plus GST.
2. Sell part of Lot 5 DP544758 at Huskisson, shown highlighted blue on the attached draft survey plan, for an amount of \$2,500 plus GST.
3. Reimburse the owner's reasonable legal costs in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund. Proceeds from the sale of the Council land are to be paid to that fund to partially offset the acquisition costs.
4. Classify the acquired land as Operational land in accordance with Section 31(2) of the Local Government Act.
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**RECOMMENDATION** (Clr Proudfoot / Clr White)

That Council resolve to:

1. Acquire part of Lot 100 DP1222232 at Huskisson, shown highlighted yellow on the attached draft survey plan, for an amount of \$19,500 plus GST.
2. Sell part of Lot 5 DP544758 at Huskisson, shown highlighted blue on the attached draft survey plan, for an amount of \$2,500 plus GST.
3. Reimburse the owner's reasonable legal costs in accordance with the Land Acquisition (Just Terms Compensation) Act 1991, from Council's Sewer Fund. Proceeds from the sale of the Council land are to be paid to that fund to partially offset the acquisition costs.
4. Classify the acquired land as Operational land in accordance with Section 31(2) of the Local Government Act.
5. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

CARRIED

**SA17.318 Payment of Dividend from Shoalhaven Water 2016-17****HPERM Ref:**  
**D17/389075****Recommendation**

That Council determines that "substantial compliance" of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the water fund to the general fund for the 2016/2017 budget year.

**RECOMMENDATION** (Clr Gartner / Clr Cheyne)

That Council determines that "substantial compliance" of the criteria in the Best Practice Management of Water Supply and Sewerage Guidelines has been achieved and a dividend will be paid from the water fund to the general fund for the 2016/2017 budget year.

CARRIED

**SA17.319 Tenders - Construction of Workshop & Offices for Shoalhaven Water at Deering St Ulladulla****HPERM Ref:**  
**D17/389867****Recommendation**

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

**RESOLVED** (Clr White / Clr Gartner)

MIN17.1061

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

CARRIED



## CONFIDENTIAL REPORTS

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

No members of the public made representations.

**RESOLVED** (Clr White / Clr Proudfoot)

MIN17.1062

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

CSA17.17 Acquisition 333 Illaroo Road North Nowra

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

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

CSA17.18 Tenders – Human Waste Removal Services

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

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

CSA17.19 Tenders - Construction of Workshop & Offices for Shoalhaven Water at Deering St Ulladulla

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

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

CARRIED

The meeting moved into confidential the time being 6.44pm.

The meeting moved into open session, the time being 6.49pm.

## REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

### **CSA17.18 Tenders – Human Waste Removal Services**

**HPERM Ref:**  
**D17/371473****RESOLVED** (Clr Findley / Clr Pakes)

MIN17.1063C

That:

1. Council accept the Tender from Staples Bros. (Nowra) Pty Ltd for Human Waste Removal Services at a total estimated annual cost of \$1,151,946 (excluding GST) for a period of three (3) years commencing 1 March 2018 and ending 28 February 2021 with an option to extend the Contract for one further term of up to two (2) years.
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager (Director Shoalhaven Water).

CARRIED

### **CSA17.19 Tenders - Construction of Workshop & Offices for Shoalhaven Water at Deering St Ulladulla**

**HPERM Ref:**  
**D17/376437****RESOLVED** (Clr Gash / Clr Gartner)

MIN17.1064C

That

1. Council accept the Tender from TERENO Pty Ltd for Construction of Workshop & Offices for Shoalhaven Water at Council's Southern Depot – Deering St Ulladulla at a total cost of \$1,079,892.00 (excluding GST).
2. The contract documents and any other associated documents be executed on behalf of the Council in accordance with cl165 of the Local Government Regulation by the General Manager (Director - Shoalhaven Water).

CARRIED

There being no further business, the meeting concluded, the time being 6.50pm.

Clr Wells  
CHAIRPERSON

## **SA18.1 Notice of Motion - Council Policy Review - New Years Eve Fireworks**

**HPERM Ref:** D17/425612

**Submitted by:** Cllr Kaye Gartner

### **Purpose / Summary**

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

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

That Council review the policy on New Year's Eve Fireworks.

### **Background**

Council voted to donate \$5,000 to Shoalhaven Heads for NY Eve 2017.

At that time, the opportunity to review this policy was discussed. This review should cover the budget for NY Eve celebrations, location of NY Eve celebrations, and method for distribution of funds and accounting for expenditure of those funds.

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

If the Motion is adopted staff will report back to council with the current Policy and options for consideration.

## SA18.2 Notice of Motion - Hyams Beach

HPERM Ref: D18/16365

Submitted by: Cllr Mitchell Pakes

### Purpose / Summary

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

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

That Council organise an urgent meeting to discuss the issues that have been identified over the 2016/2017 Christmas holidays in the village of Hyams Beach

1. Meeting to take place as soon as possible.
2. Meeting to include, General Manager, Councillors, Compliance Staff, Asset Management Staff, Tourism Staff, Hyams Beach Villages Association, Hyams Beach business owners.
3. General Manager to invite any other relevant staff he thinks may need to attend.

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## SA18.3 Notice of Motion - Tomerong Quarry

HPERM Ref: D18/17076

Submitted by: Cllr John Levett

### Purpose / Summary

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

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

That the General Manager provide a detailed report to the Council with respect to the operations of Tomerong Quarry at Lot 4 DP775296, Parnell Rd Tomerong. The report is to include explanations, answers and assurances on the following points:

1. Details of enforcement action and the issuing of infringements for breach of consent conditions since the commencement of Quarry operations, including reasons as to why the issue of infringements:
  - a. Were determined under delegated authority and with minimal community consultation thereby attracting concerns from the Community about the transparency of the decision making;
  - b. Were not applied to each individual breach; and
  - c. Did not amount to the greatest possible financial penalty available.
2. Assurance to the Community that Council has applied the same standard of scrutiny to the Tomerong Quarry as it has to similar operations such as the SCCCR Quarry at South Nowra.
3. Assurance that the following consent conditions in relation to DA90/1912 have been adhered to:
  - a. (6b) Base level quarrying is to keep pace with overburden stripping;
  - b. (6c) Overburden to be used to revegetate the quarry walls; and
  - c. (6d) Revegetation and rehabilitation to keep pace with quarrying activities.
4. Details of any instances Council is aware of where significant tonnage of overburden set aside for rehabilitation has been sold off for profit by the proprietors of the Quarry and if this material has been purchased by the Council.
5. Assurance that Quarry rehabilitation that occurs on the site:
  - a. Will require a Development Application to allow for Community consultation and will consider the impact on local residents, and
  - b. Will not be at the expense of Shoalhaven Ratepayers.
6. An explanation as to why after 14 months the Council has not determined the Section 96 Amendment Application (DS16/1532) for the site.
7. An explanation as to why the Mining Operation Plan D13MOP has still not been assessed by the Council, despite being lodged over 5 years ago.
8. Advice as to whether the record of non-compliance of the current Quarry Operators will be taken into account by Council when it assesses any future Development Applications

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submitted for the site.

9. Details of any plan known to the Council of the NSW Government transporting stockpiled excavation material from the M5 WestConnex Project from the old Marrickville Tip to the Tomerong Quarry for disposal.

### **Background**

I have been increasingly concerned with the operation of the Tomerong Quarry and I am seeking support of Councillors in calling for a detailed report from the General Manager in response to a number of significant issues on which I have received compelling representations from the Community with regard to planning approvals, operation of the quarry and the compliance action taken by the Council in response to breaches of consent conditions.

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

The information requested in the recommendation could be provided in a report to Council.

## **SA18.4      Eco-Cities Summit 2017 - Shoalhaven District Liaison Committee - Emergency Response - Natural Disaster Events - Bushfire Risk Education - EMPLAN - Bushfire Fuel Reduction - Climate Adaption Plans**

**HPERM Ref:**      D18/9900

**Group:**            General Manager's Group

**Section:**        Executive Strategy

### **Purpose / Summary**

This report provides further information and details in response to the conference report submitted to Council by Clr Kitchener on his attendance at the Eco- Cities Summit. This report also responds to the subsequent resolution from this report that Council:

1. Work with the Shoalhaven District Liaison Committee to identify new partnerships and collaborations for creating improved integrated approaches to emergency response during natural disaster events and to illuminate ways to further improve bushfire risk education in the Shoalhaven Community.
2. Further review its policy statements on the EMPLAN, Bushfire Fuel Reduction, Climate Adaption Plans and any other policy connected to climate change, protecting the environment or emergency management, to identify synergies and create new co-operations to ensure there is no doubling up of responsibilities and the community further develop a wide ranging understanding of bushfire risk in the Shoalhaven.

### **Recommendation**

That Council receive the report of the General Manager regarding Eco-Cities Summit 2017 attended by Clr Kitchener for information

### **Options**

1. Adopt recommendation
2. Proposed an alternative recommendation

### **Background**

Clr Kitchener's detailed report on the Eco-Cities Summit already highlights a number of strategies that Council is currently undertaking to protect the environment and to prepare for possible climate change events.

Council also works within the existing Emergency Management Framework, to ensure that

the City is prepared for the impacts of climate change and bushfire risk. There are a number of existing projects, partnerships and frameworks that are already in place to meet the requirements of the Council resolution. These are detailed below.

### **Emergency Management Framework**

The State Emergency & Rescue Management Act 1989 (SERM Act) provides the legal framework and governance for emergency management in NSW including the EMPLAN which sets out a comprehensive approach to emergency management at State, Region and Local level.

Shoalhaven EMPLAN was endorsed by the Illawarra South Coast Regional Emergency Management Committee in April 2016. EMPLAN is currently being reviewed and updated to reflect minor changes and will be submitted to the Local Emergency Management Committee in February 2018 for endorsement of the minor changes.

The major change to Shoalhaven EMPLAN follows an auditing process and discussions with all identified evacuation centres within the Shoalhaven. Three main evacuation centres have been identified within EMPLAN with other centres identified as venues which could be initially used as assembly areas and if required upgraded to be used as an evacuation centre if the situation calls for.

The EMPLAN further identifies risks within the Shoalhaven and the LEMC undertakes development of Consequence Management Guides which are detailed processes on how partners in emergency management assist the agency responsible for the incident in Control, Command, Coordination, Strategies, Actions and Recovery.

Agencies operating under EMPLAN promote disaster resilience, engaging communities by sharing risk information in the development of plans and thus increasing community capabilities.

### **Bushfire Management and Collaboration**

Council has a bushfire management internet page which links to RFS pages including the Shoalhaven District Bushfire Risk Management Plan, Bush Fire maps for urban release areas and Neighbourhood Safer Places.

Council's Bushfire Mitigation Program covers 100 sites maintained as part of Council's Annual Bushfire Mitigation Program. The program includes sites such as active and passive recreational reserves, operational land, road reserves and infrastructure installations.

There are already a number of exiting partnerships and collaboration opportunities that are in place and being worked on to continue to improve Shoalhaven's readiness for a disaster.

Council is already actively working with the RFS on promotion and educational opportunities for our community and will continue to do this through existing partnerships and connections.

Council has active partnerships and is working on projects with organisations such as the NSW SES, Bureau of Meteorology, Wollongong, Shellharbour and Kiama Councils, Office of Environment & Heritage, RMS, Ambulance NSW, Fire & Rescue, RFS and Local Land Services. For example the development of Flash Flood Warning Systems within the Illawarra South Coast.

### **Sustainability/Climate Change**



Council developed the Sustainability Action Plan in 2011 – 2016 which includes sections on Climate Change, Biodiversity, Waste, Water, Energy, Transport and Sustainable purchasing.

Council has formed the Sustainable Futures Committee and has acknowledged the Cities Power Partnerships with five pledge actions to be undertaken within the next six months.

Council staff have been involved in the Enabling Regional Adaption project to identify adaption pathways that build resilience to climate extremes and minimise impacts on local communities. This project explores the potential impacts of climate change on government service and operations, what vulnerabilities occur, the capacity of different areas to respond and potential measures to improve resilience of the local community.

The University of Wollongong and the Bushfire & Natural Hazards Co-operative Research Centre has developed a research project into recent fire conditions across NSW urging residents to take part. The research focuses on community preparedness and actions taken across summer of 2016/2017 that saw the worst ever fire conditions in NSW with several areas affected by Catastrophic fire dangers and some impacted by significant fires. This research will help the RFS to understand the community's perception of bush fire risk and how people prepare. It also investigates people's perception of information and warnings prior to and during fires and to see if there are ways of improving how the public is informed.

### **Local Emergency Management Committee**

The Shoalhaven LEMC and the Jervis Bay Emergency Management Committee liaise and work closely together during times of emergencies to ensure community safety. The Shoalhaven Rural Fire Service have in place a service level agreement with Jervis Bay Territory to provide assistance during fires as recently experienced with the major fire at Booderee, strengthening partnerships.

### **Emergency Management Health Check**

Council recently participated in the Emergency Management Health Check for Local Government which is a tool to help councils track and evaluate their emergency preparedness and to identify areas for improvement in capacity and capability to prevent or respond to major emergencies or disasters.

The Health Check is an annual process which will enable councils to measure their progress over a period of time. The Health Check focuses on 4 groups showing the overall score out of 5 for these areas.

The following is a guide to the results scale:

- 5 = Highly Effective – Demonstrates best practice in capability and the capacity to sustain and continuously improve.
- 4 = Effective – Processes and procedures meet expectations and should continue to be regularly reviewed to maintain assurance of effective capability at all times.
- 3 = Adequate– Isolated gaps in processes and procedures mean a consistent, effective and coordinated approach cannot be assured.
- 2 = Limited – Major gaps in capability exist which may lead to financial or operational loss, safety or compliance breach or community, environmental or reputation impact.

- 1 = Poor – Capability is absent or not effective posing extreme risks. Potential for significant adverse financial, operational, safety, community, environmental or reputational. Impacts.

Council Results Four Focus Groups:

| Focus Area                                     | Council Score |
|--|---------------|
| Managing Risks                                 | 3.92          |
| Planning for emergencies and disasters         | 3.93          |
| Building Capability to respond effectively     | 3.67          |
| Providing assurance of capability and capacity | 4             |

| Key Areas   | Council Score |
|---|---------------|
| Risk management   | 3.67          |
| Collaborating with stakeholders to reduce risk                            | 5             |
| Considering risks and hazards in land use planning                        | 3.5           |
| Emergency planning management and policy                                  | 4.6           |
| Emergency management roles and responsibilities                           | 3.5           |
| The role of the Local Emergency Management Committee (LEMC)               | 4.25          |
| The role of the Local Emergency Management Officer (LEMO)                 | 4             |
| Identifying and preparing vulnerable communities and individuals          | 4             |
| Informing and engaging the community                                      | 3.67          |
| Considering emergency management risks within asset management programs   | 3.75          |
| Business continuity planning for council and the broader community        | 3.25          |
| Maintaining Local Emergency Operations Centres                            | 4.5           |
| Resourcing for recovery   | 3             |
| Emergency management training and exercising to build response capability | 3.67          |
| Reviews and reporting to provide assurance and capacity                   | 4             |

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As can be seen from the Local Government Health Check Council has achieved adequate to effective results in all areas (in some cases even achieving highly effective scores). This shows that Council is already well placed to deal with emergency management within our region and highlights areas for continued improvement. This will be tracked over future years to determine trends and identify areas for improvement.

**Policy Implications**

As can be seen from the outline of specific projects, benchmarking activities, partnerships and programs, Council is well placed to respond to emergencies and bushfire risk. There are always opportunities for improvement and the suggestions contained within the report and subsequent Council resolution will continue to be included in any future policy reviews.

At this time, the existing policy direction and existing planning documentation does not require immediate update.

A number of existing partnerships are already in place and have been considered in line with the existing resourcing available. Future opportunities will be considered in line with the resource requirements, at the time they become available, to determine whether implementation could proceed.

**Financial Implications**

There are no financial implications for the recommendation presented in this report. If Council adopts an alternative recommendation then financial impacts will need to be considered.

## SA18.5 Ulladulla Blessing of the Fleet Festival Continuation

**HPERM Ref:** D17/424380

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

**Attachments:** 1. Blessing of Fleet - Festival - Budget 2015-2017 [↓](#)

### Purpose / Summary

To put before Council a request by the committee running the Ulladulla Blessing of the Fleet for additional funding of \$5000 per year to assist with the continuation of the annual festival.

### Recommendation

That Council

1. Commit an additional \$5000 to the Blessing of the Fleet Committee for the 2018 Festival
2. That the sponsorship/donation to the Blessing of the Fleet Festival be considered in the current review of donations and sponsorships.

### Options

1. Adopt the recommendations as set out

Implications: This will permit the Festival organisers to continue with the preparation of the Festival for 2018. The recommendation will also provide longer term clarity to the organisers and the community of future donations/sponsorships following completion of the review.

2. Amend the recommendations

Implications: The implications will be dependent on the actual recommendations adopted.

### Background

The Shoalhaven City Council have supported this festival throughout the years, with an automatic \$10,000 grant issued each year. Council also waive hire fees of the Ulladulla Civic Centre, amounting to approximately \$2,000.

The festival could not survive without this sponsorship and in fact is still struggling financially.

The growing expenses of organising such a large festival have been difficult for the Milton Ulladulla Rotary Club to cover. In fact, the MURC have steadily lost money over the past three years and lost \$11,000 in 2017.

The festival itself cost over \$94,000 to put together, with some funds coming back through the Princess Ball, stall holders and jumping castle.

The organisers have contacted accommodation houses in the region to appeal for sponsorship, with little success.

The Blessing of the Fleet Committee are appealing to the Shoalhaven City Council to increase our yearly grant from \$10,000 to \$15,000. They have provided a breakdown of their income and costs for the past 3 years which is attached.

The Blessing of the Fleet Festival is steeped in history (commencing in 1956) and is synonymous with Ulladulla and an important part of its culture, identity and economy, attracting 10,000 - 15,000 people each Easter.

### **Community Engagement**

The request for additional funding has come from the Organisers

### **Financial Implications**

The recommendations will add \$5000 to the existing Council deficit in the 2017/18 year. Future funding will be subject to the review of donations and sponsorships that has commenced.

### **Risk Implications**

There is some risk to the 2018 event if sufficient funding cannot be sourced to cover the costs.

| BLESSING OF THE FLEET BUDGETS 2015 - 2017 |          |           |      |           |           |                                     |          |           |  |
|---|----------|-----------|------|-----------|-----------|-------------------------------------|----------|-----------|--|
| 2015                                      |          |           | 2016 |           |           | 2017                                |          |           |  |
|   | \$ COST  | \$ INCOME |      | \$ COST   | \$ INCOME |                                     | \$ COST  | \$ INCOME |  |
| BALL                                      |          |           |      |           |           | BALL                                |          |           |  |
| Meals 307 @ \$39.50                       | 12126.50 |           |      | 14129.50  |           | Meals 307 @ \$39.50                 | 12949.48 |           |  |
| Invited Guests (23)                       | 908.50   |           |      |           |           | Invited Guests (23)                 |          |           |  |
| Decorations                               | 1862.00  |           |      | 1210.00   |           | Decorations                         | 2000.00  |           |  |
| DJ  | 600.00   |           |      | 600.00    |           | DJ                                  | 600.00   |           |  |
| Wine                                      |          |           |      | 126.00    |           | Wine                                | 0.00     |           |  |
| Printing                                  | 646.00   |           |      |           |           | Printing                            | 0.00     |           |  |
| Princess Sashes                           | 762.35   |           |      | 738.35    |           | Princess Sashes                     | 796.35   |           |  |
| Photography                               | 1590.00  |           |      | 150.00    | 1000.00   | Photography                         | 3450.00  | 0.00      |  |
| Hall Bond                                 | 1000.00  | 1000.00   |      |           |           | Hall Bond                           |          |           |  |
| Hall cost                                 | 2845.00  | 2845.00   |      |           |           | Hall cost                           |          |           |  |
| Princesses/Sponsors 29 @ \$380            |          | 11020.00  |      |           | 10920.00  | Princesses/Sponsors 32 @ \$390      |          | 12480.00  |  |
| Dept Fair trading                         | 0.00     |           |      |           |           | Dept Fair trading                   |          |           |  |
| Princess prizes                           | 1000.00  |           |      | 1000.00   |           | Princess prizes                     | 1000.00  |           |  |
| Flowers                                   | 341.00   |           |      | 419.50    |           | Flowers                             | 337.70   |           |  |
| Lunches & drinks for judges               | 236.70   |           |      |           |           | Lunches & drinks for judges         |          |           |  |
| Sale of Ball Tickets (191)                |          | 14325.00  |      |           | 14180.00  | Sale of Ball Tickets (191)          |          | 15384.00  |  |
| Princess Tiaras                           | 270.30   |           |      |           |           | Princess Tiaras                     | 197.34   |           |  |
| Milton Ulladulla Publishing               | 259.98   |           |      |           |           | Milton Ulladulla Publishing         |          |           |  |
| Brian Morrison costs                      | 0.00     |           |      | 286.56    |           | Brian Morrison costs                | 262.30   |           |  |
| Misc Stationary                           | 389.85   |           |      | 202.85    |           | Misc Stationary                     |          |           |  |
| Margaret Whitford                         |          |           |      | 134.91    |           |                                     | 0.00     |           |  |
| Refunds                                   |          |           |      | 780.00    |           | Refunds                             | 0.00     |           |  |
| TOTAL                                     | 24838.18 | 29190.00  |      | 19777.67  | 26100.00  | TOTAL                               | 21593.17 | 27864.00  |  |
| PARADE                                    | \$       |           |      |           |           | PARADE                              |          |           |  |
| Site fee returns                          |          |           |      | 150.00    |           | Site fees                           | 0.00     | 0.00      |  |
| Judges x 3 Food & Water                   |          |           |      |           |           | Judges x 3 Food & Water             |          |           |  |
| Public Address Systems                    | 6600.00  |           |      | 6600.00   |           | Public Address Systems              | 6600.00  |           |  |
| Licences - Dept of Lands                  | 32.80    |           |      | 100.00    |           | Licences - Dept of Lands            | 0.00     |           |  |
| NSW RMS Maritime                          | 110.00   |           |      |           |           | NSW RMS Maritime                    | 191.00   |           |  |
| Portable Toilets x 10                     | 1780.00  |           |      | 1773.00   |           | Portable Toilets x 10               | 1773.00  |           |  |
| Variable Signage Boards                   | 0.00     |           |      |           |           | Variable Signage Boards             |          |           |  |
| McConnell Steel                           |          |           |      | 189.74    |           | McConnell Steel                     | 0.00     |           |  |
| Traffic Control & Commentary stands       | 15016.91 | 1500.00   |      | 15423.00  |           | Traffic Control & Commentary stands | 16250.00 |           |  |
| Stationary & Incidentals                  | 167.00   |           |      |           |           | Stationary & Incidentals            |          |           |  |
| ALBOS barriers                            | 0.00     |           |      | 982.55    |           | ALBOS barriers                      | 0.00     |           |  |
| Float Prizes                              | 1000.00  |           |      | 1000.00   |           | Float Prizes                        | 1000.00  |           |  |
| Hardware                                  | 100.00   |           |      |           |           | Hardware                            |          |           |  |
| Trophies                                  | 100.00   |           |      |           |           | Trophies                            | 115.00   |           |  |
| St John                                   | 800.00   |           |      | 800.00    |           | St John                             | 800.00   |           |  |
| PO Box                                    | 115.00   |           |      | 121.00    |           | PO Box                              | 124.00   |           |  |
| Postage                                   | 75.00    |           |      | 0.00      |           | Postage                             | 77.44    |           |  |
| Gold Coin Donation                        |          | 40.00     |      |           |           | Gold Coin Donation                  |          |           |  |
| APRA                                      |          |           |      | 82.50     |           | APRA                                |          |           |  |
| TOTAL                                     | 25896.71 | 1540.00   |      | 27221.79  | 0.00      | TOTAL                               | 26930.44 | 0.00      |  |
| ENTERTAINMENT                             | \$       |           |      |           |           | ENTERTAINMENT                       |          |           |  |
| Civic Centre hire fees                    | 1200.00  | 1200.00   |      | 1510.00   |           | Civic Centre hire fees              | 0.00     | 0.00      |  |
| Prize money for events                    | 1500.00  |           |      | 900.00    |           | Prize money for events              | 0.00     |           |  |
| 35deg South - circus                      | 800.00   |           |      | 800.00    |           | 35deg South - circus                | 800.00   |           |  |
| Hire Stages & Seating                     | 6642.90  |           |      | 6642.90   |           | Hire Stages & Seating               | 6642.00  |           |  |
| Incidentals                               | 100.00   |           |      |           |           | Incidentals                         |          |           |  |
| Donations to entertainers                 | 2200.00  |           |      | 2710.00   |           | Donations to entertainers           | 3200.00  |           |  |
| Red Shell Music                           |          |           |      | 2500.00   |           | Donations to entertainers           | 800.00   |           |  |
| Council Bins                              |          |           |      |           |           | Council Bins                        |          | 0.00      |  |
| Income from sites/Refunds                 |          | 8020.00   |      | 250.00    | 10640.00  | Income from sites/Refunds           | 0.00     | 0.00      |  |
| Marching Bands                            | 2000.00  |           |      | 2000.00   |           | Marching Bands                      | 2000.00  | 0.00      |  |
| Suez - waste disposal                     | 180.04   |           |      | 193.44    |           | Suez - waste disposal               | 193.62   | 0.00      |  |
| Transfer Gold Coin to Rotary              | 0.00     |           |      | 132.00    |           |                                     |          |           |  |
| Jumping Castle money to Rotary            |          |           |      | 1180.55   |           |                                     |          |           |  |
| TOTAL                                     | 14622.94 | 9220.00   |      | 18818.89  | 10640.00  | TOTAL                               | 13635.62 | 0.00      |  |
| CEREMONY                                  | \$       |           |      |           |           | CEREMONY                            |          |           |  |
| Stage, seats & tent hire                  | 0.00     |           |      |           |           | Stage, seats & tent hire            |          |           |  |
| Flowers                                   | 0.00     |           |      |           |           | Flowers                             |          |           |  |
| Catholic Church                           | 1000.00  |           |      | 1000.00   |           | Catholic Church                     | 1000.00  |           |  |
| TOTAL                                     | 1000.00  | 0.00      |      | 1000.00   | 0.00      | TOTAL                               | 1000.00  | 0.00      |  |
| FIREWORKS                                 | \$       |           |      |           |           | FIREWORKS                           |          |           |  |
| Extreme Fireworks                         | 11000.00 |           |      | 11000.00  |           | Extreme Fireworks                   | 11000.00 |           |  |
| Security                                  | 877.80   |           |      | 858.00    |           | Security                            | 1002.01  |           |  |
| TOTAL                                     | 11877.80 | 0.00      |      | 11858.00  | 0.00      | TOTAL                               | 12002.01 | 0.00      |  |
| PROMOTION & ADVERTISING                   | \$       |           |      |           |           | PROMOTION & ADVERTISING             |          |           |  |
| Radio 2ST & Power FM                      | 4375.80  |           |      | 3850.00   |           | Bendigo bank token                  | 20.00    |           |  |
| Times Newspaper                           | 300.00   |           |      | 2128.60   |           | Radio 2ST & Power FM                | 4950.00  |           |  |
| Marketing & Promotions                    | 3070.00  |           |      | 3370.00   |           | Times Newspaper                     | 3068.36  |           |  |
| Markets & Fairs                           | 0.00     |           |      | 135.00    |           | Marketing & Promotions              | 3370.00  |           |  |
| Program & Brochure printing               | 0.00     |           |      |           |           | Markets & Fairs                     | 234.00   |           |  |
| TV  |          |           |      |           |           | Program & Brochure printing         | 0.00     |           |  |
| South Coast Leisure Times                 | 450.00   |           |      |           |           | TV                                  |          |           |  |
| Imag South Coast                          | 320.00   |           |      |           |           | South Coast Leisure Times           |          |           |  |
| 2ST                                       | 0.00     |           |      | 55.00     |           | Imag South Coast                    |          |           |  |
| Signs & Banners                           | 0.00     |           |      | 165.00    |           | 2ST                                 | 0.00     |           |  |
| Domain name                               | 215.00   |           |      | 220.00    |           | Signs & Banners                     | 0.00     |           |  |
| Parents Guide                             | 0.00     |           |      | 49.00     |           | Domain name                         | 0.00     |           |  |
| Easter guide                              | 0.00     |           |      |           |           | Parents Guide                       | 0.00     |           |  |
| East Coast Radio                          | 668.80   |           |      |           |           | Business name                       | 80.00    |           |  |
| Internet                                  | 900.00   |           |      | 55.00     |           | East Coast Radio                    |          |           |  |
| Canberra Radio                            | 3425.40  |           |      |           |           | Internet                            | 0.00     |           |  |
| TOTAL \$                                  | 13725.00 |           |      | 10027.60  | 0.00      | Repay Ex-Servos                     | 7500.00  |           |  |
| GRAND TOTAL \$                            | 91960.63 | 39950.00  |      | 88703.95  | 36740.00  | TOTAL \$                            | 19222.36 | 0.00      |  |
| GRAND TOTAL \$                            | 91960.63 | 39950.00  |      | 88703.95  | 36740.00  | GRAND TOTAL \$                      | 94383.60 | 27864.00  |  |
| SPONSORS                                  | AMOUNT   |           |      | AMOUNT    |           | SPONSORS                            | AMOUNT   |           |  |
| SCC                                       | 10000.00 |           |      | 10000.00  |           | SCC                                 | 10000.00 |           |  |
| Coles                                     | 10000.00 |           |      | 10000.00  |           | Coles                               |          |           |  |
| Ex-Servos                                 | 7500.00  |           |      | 7500.00   |           | Ex-Servos                           | 15000.00 |           |  |
| Horizon Credit Union                      | 5000.00  |           |      | 5000.00   |           | Horizon Credit Union                | 5000.00  |           |  |
| Ulladulla Fishermans Co-op                | 5000.00  |           |      | 5000.00   |           | Ulladulla Fishermans Co-op          | 5000.00  |           |  |
| ALBOS Traffic Control                     | 2000.00  |           |      | 2000.00   |           | ALBOS Traffic Control               |          |           |  |
| Milton Ulladulla Bowling Club             | 2000.00  |           |      | 2000.00   |           | Milton Ulladulla Bowling Club       |          |           |  |
| Mollymook Golf Club                       | 2000.00  |           |      | 2000.00   |           | Mollymook Golf Club                 |          |           |  |
| Telstra                                   | 2000.00  |           |      | 2000.00   |           | Telstra                             | 2000.00  |           |  |
| Funland                                   | 2000.00  |           |      | 2000.00   |           | Funland                             |          |           |  |
| Rowans Arcade                             | 500.00   |           |      | 500.00    |           | Rowans Arcade                       |          |           |  |
| Ulladulla Plaza                           | 1000.00  |           |      | 1000.00   |           | Ulladulla Plaza                     |          |           |  |
|   | 49000.00 |           |      | 49000.00  |           | Amusement rides                     | 100.00   |           |  |
|   |          |           |      |           |           | Amusement rides                     | 135.00   |           |  |
|   |          |           |      |           |           | Stalls                              | 592.00   |           |  |
|   |          |           |      |           |           | Interest                            | 54.69    |           |  |
|   |          |           |      |           |           |                                     | 47324.69 |           |  |
| TOTAL SPONSORSHIP                         | \$       | 49000.00  |      | 49000.00  |           | TOTAL SPON\$                        | 47324.69 |           |  |
| INCOME FROM BALL etc                      |          | 40550.00  |      | 36740.00  |           | INCOME FROM BALL etc                | 27864.00 |           |  |
| OTHER                                     |          | 0.00      |      | 159.00    |           | OTHER                               | 0.00     |           |  |
| TOTAL INCOME                              |          | 89550.00  |      | 85,899.00 |           | TOTAL INCOME \$                     |          | 75,188.69 |  |

## SA18.6 Rescind Tree Planting - Schools Policy

**HPERM Ref:** D18/6809

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

**Attachments:** 1. Tree Planting - School Grounds [↓](#)

### Purpose / Summary

The purpose of this report is to recommend that the Tree Planting – Schools Policy (POL12/215) be rescinded.

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

That Council rescind the Tree Planting - Schools Policy (POL12/215).

### Options

1. Adopt the recommendation.

Implications: Council through the Assets and Works Group's Operational Budget will still support community tree planting activities. This will ensure that the Minor Park Improvement Budget within Social Infrastructure and Planning is used for critical park improvements.

2. Adopt the recommendation with an amendment.

Implications: Unknown until amendment is determined.

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

Implications: Unknown until alternate direction is known.

### Background

The Tree Planting – Schools Policy was adopted in January 2005. The Policy was developed to assist and encourage Shoalhaven schools to participate in the annual National Tree Day by assisting in the selection and provision of appropriate tree species to the value of up to \$200. Funding for this was from the then Community & Operations Minor Park Improvement Programme.

The Policy was reviewed in 2009 and amended in 2013. The Policy has not been amended since and the Schools Tree Planting programme has not been utilised by schools or the community for several years.

Council's support for tree planting initiatives are now supported through the Assets and Works Group's Operational Budget on a variable amount based on participation rates – usually approx. \$3,000 to \$4,000 per year.

**Community Engagement**

Not required.

**Policy Implications**

Rescind POL12/215.

**Financial Implications**

The Minor Park Improvement Programme budget allocation is \$380,000 per annum. This is spent on improvements such as seats, BBQ's, fencing, bollards, pathways etc. Rescinding of this Policy will ensure the allocated budget is utilised for these purposes.





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

For more information contact the Assets and Works Group

## TREE PLANTING - SCHOOLS

**Policy Number:** POL12/215 • **Adopted:** 25/01/2005 • **Amended:** 12/05/2009, 21/06/2013 • **Minute Number:** MIN05.21, MIN09.572, MIN13.602 • **File:** 18685E • **Produced By:** Assets and Works Group • **Review Date:** 1/12/2016

### 1. PURPOSE

To encourage Shoalhaven schools to participate in annual National Tree Days.

### 2. STATEMENT

This policy statement was reaffirmed by Council by Minute 05.21 of 25<sup>th</sup> January 2005 and is based on the following Council Minutes:

- Minute No. 86.1694 - Tree Planting in School Grounds
- Minute No. 93.2719- Request for Assistance - St Mary's School

### 3. PROVISIONS

- 3.1 Council assists Shoalhaven schools participating in National Tree Day by assisting in the selection of appropriate tree species to the value of up to \$200, these plants are to be planted on Council owned or managed land.
- 3.2 Provision of trees for each Shoalhaven school participating in National Tree Day be funded from the Minor Park Improvement Programme budget allocation.
- 3.3 Council staff to assist schools with technical advice and planting.

### 4. IMPLEMENTATION

The Assets and Works Group will administer this Policy.

### 5. REVIEW

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

### 6. APPLICATION OF ESD PRINCIPLES

Biodiversity – Encouraging the planting of vegetation native to the Shoalhaven.

## **SA18.7 Bay and Basin Community Hub - Draft Master Plan Exhibition Complete - Request for Detailed Design Phase**

**HPERM Ref:** D17/311244

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

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

### **Purpose / Summary**

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

SA18.7

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

That Council:

1. Adopt the Draft Bay & Basin Master Plan, with minor wording changes to the report as outlined in the submission table.
2. During development of detailed design Council incorporate additional Learn to Swim/Therapy Pool.
3. Continue the licence with the Department of Education for the existing building at Sanctuary Point and staff liaise with the local community and user groups to determine its best use.

### **Options**

1. Adopt the recommendation.

Implications: This will allow finalisation of the plan and be able to progress to detailed design so the project is shovel ready and proceed to development phase and enable consultation to take place with the Sanctuary Point Community in relation to the future use of the existing library building.

2. Adopt the recommendations with amendment(s).

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

## Background

In response to population growth in the Bay & Basin area, Council has recognised the potential to further develop the Bay & Basin Leisure Centre and surrounding lands. To recognise this potential, Council engaged consultants Group GSA to develop a Master Plan for the site. The Draft Bay & Basin Community Hub Master Plan was established and presented to Council's Strategy and Assets Committee meeting on 21 February 2017 (SA17.36). At that meeting under delegated authority, MIN17.102 was adopted:

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

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

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

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

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

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

In line with item four (4) of the resolution, Council wrote to all Councillors and Community Consultative Bodies in Vincentia, Huskisson, Tomerong Wandandian, Hyams Beach and Bay and Basin, the user groups (i.e. rugby, netball, soccer, AFL, Vincentia High School), to request their participation and attendance as part of a subcommittee. Council received notification from two (2) CCBs and one (1) Councillor, unfortunately one (1) of the CCBs was unavailable on the day set to hold the meeting. Council staff facilitated the meeting with one (1) Councillor and one (1) representative from the Vincentia CCB, the submissions received during the exhibition were discussed at the meeting. It was determined to report back to Council supporting the Draft Bay & Basin Master Plan and requesting to move forward to progress to the detailed design stage.

Council held a briefing on 19/09/2017 in line with Council MIN 17.501 stating:

*“That this matter be deferred to a future meeting of Strategy and Assets meeting in August and that this matter be the subject of a Councillor Workshop/Briefing”.*

After this briefing it was determined that a further workshop be held. This took place on 07/12/2017 and discussion was had regarding the intended colocation of the library with the Bay & Basin Leisure Centre and its central location to the community as a whole. The impact that this would have on the Sanctuary Point community, where the current library is situated, was also discussed. It was decided that staff would research the options for the library building to remain in its current location and be used to provide services to the community. Staff would liaise with local community groups and members of the local population to determine its best use. It should be noted that Council has a licence to use the land, owned the by NSW Department of Education, upon which the current Sanctuary Point Library is located.

Following the briefing and workshop this report is put to Council, the recommendations stand with an additional recommendation to add the 20x15 metre Learn to Swim/Therapy pool to allow for additional learn to swim programs which will free up space in the existing pool areas, and to retain the existing licence over the department of education land and building.

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

### **Community Engagement**

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

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

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

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

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

### **Financial Implications**

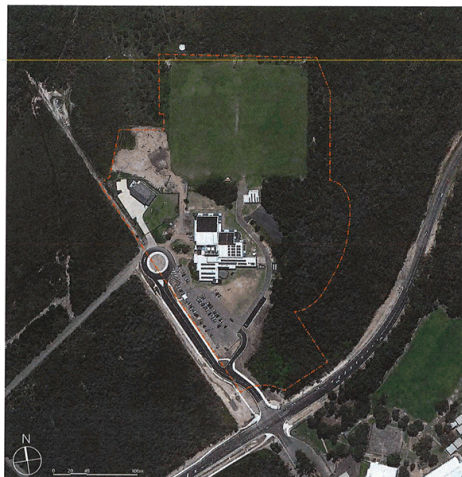
Funding of \$700,000 to continue advancement of the detailed design so the project can be shovel ready for grant funding / project delivery is currently allocated in the 2017/18 financial year budget.

Further funding towards to project is allocated in the LTFP in 2019/2019 - \$4.15 million and funding of \$650,000 for the regional skate park facility in 2018/19.

The inclusion of this funding in the Council LTFP will assist in supporting applications for grant funding as Council has identified funding to contribute to the project, and the ability to fund undertaking detailed design and obtain DA approval.

## BAY & BASIN COMMUNITY HUB: OVERVIEW

### PROJECT BACKGROUND + OVERVIEW



AERIAL VIEW OF SITE (SOURCE: GOOGLE EARTH)

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

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

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

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

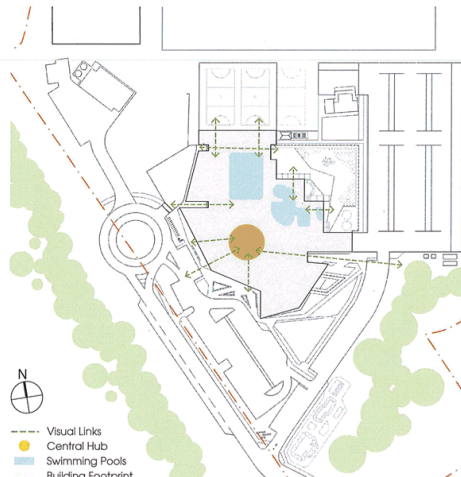
#### THE PROPOSAL

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

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

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

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



KEY CONCEPTS

#### KEY MASTER PLAN PRINCIPLES

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

### PROPOSED DEVELOPMENT VISION



### THE PROCESS

#### 1 COMMUNITY INFRASTRUCTURE STRATEGIC PLAN

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

#### 2 DRAFT MASTERPLAN

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

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

#### 3 PUBLIC EXHIBITION

#### WE ARE HERE

#### 4 REVIEW THE DRAFT MASTER PLAN

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

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

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

#### 6 COUNCIL APPROVES THE MASTER PLAN

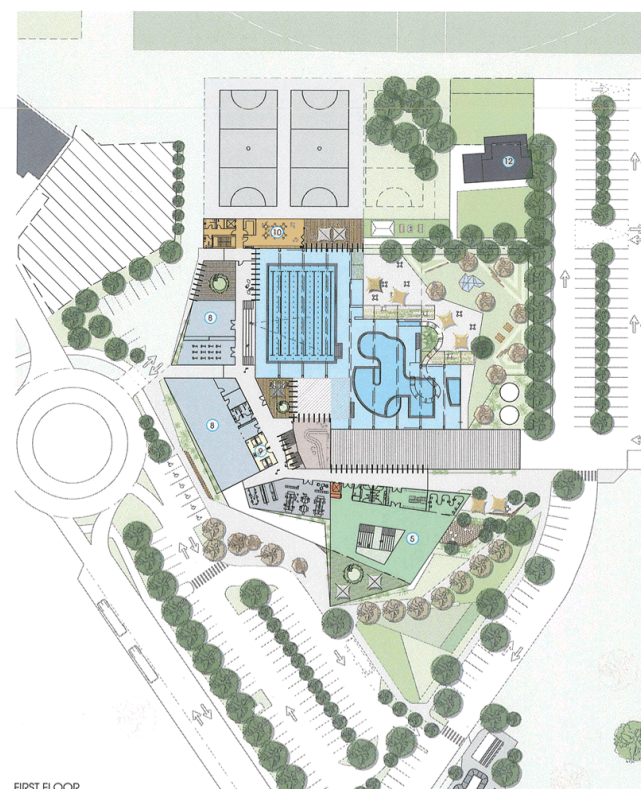
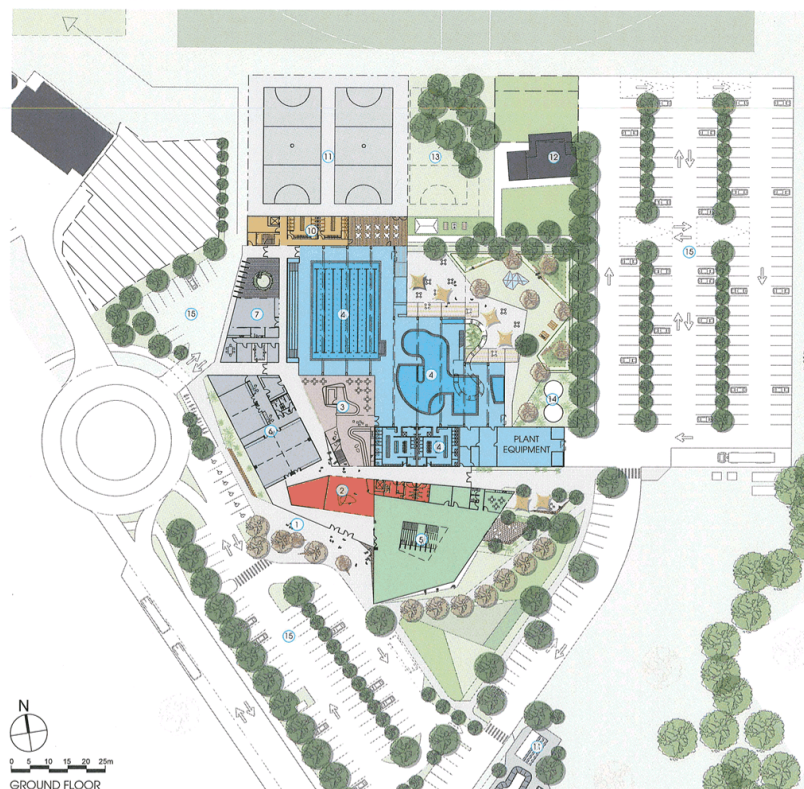
Once approved, the Master Plan provides a 'roadmap' for the Council to deliver the expanded centre in accordance with priorities.

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

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



## BAY & BASIN COMMUNITY HUB: THE BUILDING



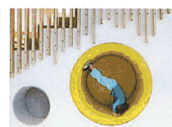
### POTENTIAL CHARACTER



3. CAFE



3. PLAY AREA WALL TREATMENT



3. KIDS AREA



5. LIBRARY



5. LIBRARY



6. COMMUNITY SPACE



7. CRÉCHE



8. FITNESS ACTIVITY ROOM



10. CHANGE ROOM



## BAY & BASIN COMMUNITY HUB: PUBLIC DOMAIN

### LANDSCAPE MASTER PLAN

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



ENTRY FORECOURT



LIBRARY READING GARDEN



COMMUNITY GARDEN



OUTDOOR SPACE FOR THE POOL



SKATE PARK

### ACTIVATION ZONE AND USES

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





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



THE NEW COMMUNITY HUB ENTRANCE



THE LIBRARY AND COMMUNITY GARDEN



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

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

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

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

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

## SA18.8 Successful Grant Funding - Community Building Partnership Grants 2017

HPERM Ref: D17/428349

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

### Purpose / Summary

To advise Council of the successful application for Community Building Partnership Grants 2017 - \$30,000 'Ulladulla Civic Centre Amenities Refurbishment'

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

That Council

1. Accept the NSW Government Community Building Partnership Grants 2017 - \$30,000 'Ulladulla Civic Centre Amenities Refurbishment' and vote the funds.
2. Write to the Hon. Shelley Hancock, Member for South Coast accepting and thanking her for the grant funding.

### Options

1. Council adopt the recommendation as printed

Implications: This will allow the refurbishment of the Ulladulla Civic Centre Amenities.

2. Council reject the recommendation and provide an alternative.

Implications: If the funding offer is declined then the refurbishment will not proceed.

### Background

An application of \$30,000 was submitted for the refurbishment of the lower floor amenities at the Ulladulla Civic Centre. The current toilet facilities on the lower ground floor are the toilets from the original building, which was completed in 1969. These toilets were not included in the refurbishment of the Centre in early 2014 and whilst still serviceable they are not commensurate with the rest of the facility and require ongoing maintenance to continue to operate. Since re-opening the Ulladulla Civic Centre numerous comments have been received about the poor quality of the toilet facilities. This enhancement will provide more modern, environmentally and user friendly facilities that will benefit many members of the community who use the Centre.

### Community Engagement

The matter is considered to be a local area low impact issue as detailed in Council's Community Engagement Policy and handbook. No community engagements have taken place.

**Policy Implications**

There are no policy implications.

**Financial Implications**

The \$30,00 will cover a portion of the total cost and Council's asset maintenance budget will provide the additional \$55,000 required.

**Risk Implications**

The necessary risk assessments will be conducted when completing this project.



## **SA18.9      Amendment of POL16/186 Investment Policy**

**HPERM Ref:**      D18/8724

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

**Attachments:**    1. INVESTMENT POLICY\_Amended\_2018 [↓](#)

### **Purpose / Summary**

To adopt a more prudent approach to management of Council's investment portfolio, highlighting preservation of capital as the prime consideration, as Council's use of its cash funds increases over the short to medium term.

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

That Council adopt POL16/186 Investment Policy, as amended.

### **Options**

1. Adopt the recommendation, as written.

Implications: Nil

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

Implications: Staff will need to redraft the affected policy

### **Background**

At the Strategy and Assets Committee Meeting of 15 August 2017, Council adopted amended finance policies, including POL16/186 Investment Policy (MIN17.701).

The amended policy included changes to reflect the resolution adopted at Council's Ordinary Meeting (MIN17.221) held Tuesday 28 March 2017:

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

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

In addition, changes recommended by CPG Research and Advisory Pty Ltd were made to section 4(d) Credit Quality Limits of the Policy, namely: the adoption of consensus rating in the event of a split rating, where possible; and an increase to the portfolio holding limit from 30% to 40% for the BBB category to address the dual impact of a downgrade to second-tier banks, due to increased property risk.



In November 2017, Council submitted a Loan Facility Application to TCorp for the following works:

|  |                     |
|--|---------------------|
| Roads and other infrastructure for Verons Estate   | \$2,130,000         |
| Reclaimed Effluent Management System (REMS)        | \$50,000,000        |
| Expansion of memorial gardens at Worrigee cemetery | \$200,000           |
| Shoalhaven Indoor Sports Complex                   | \$4,600,000         |
| Chris Creek shared user path bridge                | \$640,000           |
| Huskisson town centre service lanes                | \$150,000           |
|  | <b>\$57,720,000</b> |

In response to Council's application, TCorp requested that Council review its Investment Policy to limit its exposure to individual BBB rated Authorised Deposit-taking Institutions (ADIs) and to unrated ADIs. The loan application is scheduled to be considered at TCorp's Credit Committee meeting on 18 January 2018.

Following a staff review of POL16/186 Investment Policy, the following changes are proposed:

1. Council return to the rating portfolio profile it had before the downgrade of second-tier banks in the first half of 2017,
2. No further investment be made with unrated institutions,
3. An additional compliance requirement be added to ensure that Council's investment does not represent a significant part of an ADI's net assets, such that the counterparty limit not exceed the smaller of 10% of the portfolio or 2% of the institution's net assets.

These changes are shown in the amended Investment Policy. Feedback on these changes was requested from CPG Research and Advisory Pty Ltd in December 2017 but none has been received to date.

Council will continue its existing practice of reviewing investments according to return, risk, compliance with Council's Investment Policy and liquidity requirements. In particular, additional green investment products are expected to be marketed by higher-rated ADIs over the short to medium term and these will be assessed against Council's policy position.



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For more information contact the Finance Corporate & Community Services Group

## INVESTMENT POLICY

**Policy Number:** POL16/186 • **Adopted:** 19/06/2001 • **Reaffirmed:** 28/09/2004 • **Amended:** 26/09/2006, 7/10/2008, 1/02/2011, 23/04/2013, 14/10/2014, 24/05/2016, 15/08/2017 •  
**Minute Number:** MIN01.788, MIN04.1165, MIN06.1217, MIN08.1339, MIN11.55, MIN13.368, D14/268858, MIN16.380, MIN17.221, MIN17.701 • **File:** 23767E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:** 1/12/2018

### 1. OBJECTIVES

The purpose of this policy is to provide a framework for making decisions concerning the appropriate investment of Council's funds, at the most favourable rate of interest available to it at the time to maximise returns, whilst having due consideration of risk, liquidity and security for its investments.

The policy establishes a series of limits within which Council officers must operate in the planning and process of investing Council monies. In setting these limits, Council is determining the general level of risk that is acceptable for monies managed on trust for the community of Shoalhaven.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity and the return of investment. Council, therefore, has several primary objectives for its investment portfolio:

- Compliance with legislation, regulations, the prudent person tests of the Trustee Act and best practice guidelines;
- Preservation of the amount invested;
- To ensure there is sufficient liquid funds to meet all reasonably anticipated cash flow requirements;
- To generate income from the investment that exceeds the performance benchmarks mentioned later in this document;
- To give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment;
- Where financial institutions are otherwise included on fossil fuel exposure lists, to exempt covered bonds and similar securitisations that specifically exclude any fossil fuel loans, and designated Green bonds.

### 2. LEGISLATIVE REQUIREMENTS

All investments are to comply with the following:

- Local Government Act 1993;

- Local Government (General) Regulation 2005;
- Ministerial Investment Order;
- The Trustee Amendment (Discretionary Investments) Act (1997) – Section 14;
- Local Government Code of Accounting Practice and Financial Reporting;
- Australian Accounting Standards;
- Office of Local Government Investment Policy Guidelines; and
- Office of Local Government Circulars.

### **3. AUTHORITY**

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investment portfolio to the Responsible Accounting Officer and/or other Finance staff who must ensure adequate skill, support and oversight is exercised in the investment of Council funds.

Officers' delegated authority to manage Council's investments shall be recorded and they will be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

### **4. RISK MANAGEMENT**

Investments obtained are to be considered in light of the following key criteria:

- Preservation of capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – the requirement to place investments in a broad range of products so as not to be overexposed to a particular sector of the investment market;
- Credit risk – the risk that a party or guarantor to a transaction will fail to fulfil its obligations. In the context of this document, it relates to the risk of loss due to the failure of an institution/entity with which an investment is held to pay the interest and/or repay the principal of an investment;
- Market risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices or benchmark returns will unexpectedly overtake the investment's return;
- Liquidity Risk – the risk an institution runs out of cash, is unable to redeem investments at a fair price within a timely period and, thereby, Council incurs additional costs (or, in the worst case, is unable to execute its spending plans);
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities; and
- Rollover Risk - the risk that income will not meet expectations or budgeted requirement because interest rates are lower than expected in future

The following indicates the limitations to be applied so as to avoid these risks:

#### **a) Authorised Investments**

All investments must be denominated in Australian Dollars. Authorised Investments are limited to those allowed by the Ministerial Investment Order and include:

- Commonwealth / State / Territory Government securities, e.g. bonds;
- Interest bearing deposits / senior securities issued by an eligible authorised deposit-taking institution (ADI);
- Bills of Exchange (< 200 days duration) guaranteed by an ADI;
- Debentures issued by a NSW Council under Local Government Act 1993;
- Deposits with TCorp &/or investments in TCorp Hour-Glass Facility; and
- Existing investments grandfathered under the Ministerial Investment Order.

**b) Prohibited Investments**

This investment policy prohibits the following types of new investment:

- Derivative based instruments<sup>1</sup>;
- Principal only investments or securities that provide potentially nil or negative cash flow;
- Stand-alone securities issued that have underlying futures, options, forwards contracts and swaps of any kind;
- Mortgage of land;
- Investment trusts, even where the trusts fully adhere to the Minister's Order, with the exception of TCorp Hour-Glass Facilities; and
- Any other investment written out of the Minister's Order.

This policy also prohibits the use of leveraging (borrowing to invest) an investment. However, nothing in the policy shall prohibit the short-term investment of loan proceeds where the loan is raised for non-investment purposes and there is a delay prior to the expenditure of loan funds.

**c) Liquidity and Maturity**

Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment. Therefore, the maturity dates of each investment must be carefully chosen and reviewed to ensure that cash levels are sufficient to fulfil these estimated requirements.

**d) Credit Quality Limits**

The portfolio credit guidelines to be adopted will reference the Standard & Poor's (S&P) ratings system criteria and format - however, references to the Minister's Order also recognises Moody's and Fitch Ratings and any of the three ratings may be used, where available.

In the event of disagreement between agencies as to the rating band ("split ratings"), the consensus rating will be considered the overall credit rating. Where there is not a consensus, Council shall use the higher rating in assessing compliance with portfolio policy limits but, for conservatism, shall apply the lower in assessing new purchases.

<sup>1</sup> Prohibited investments are not limited to the list above and extend to any investment carried out for speculative purposes.

However, the primary control of credit quality is the prudential supervision and government support and explicit guarantees of the ADI sector, not ratings.

Where interest rates are comparable between similar potential eligible investments, preference shall be given to the institution or investment with the higher credit quality and/or the ADI that does not invest in, or finance, the fossil fuel industry. Council must also ensure that the relevant counterparty limits are not exceeded.

The maximum holding limit in each rating category for Council's portfolio shall be:

| Long-Term Rating Range             | Maximum % of Portfolio<br>from 1 July 2017 | Maximum % of Portfolio<br>from 1 July 2018 |
|------------------------------------|--|--|
| AAA category                       | 100%                                       | 100%                                       |
| AA category or highly rated banks* | 100%                                       | 100%                                       |
| A category                         | 60%  | 60%  |
| BBB category                       | 40%  | 30%  |
| Unrated category**                 | 10%  | 2%   |

\* For the purpose of this Policy, "highly rated banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups:

- Australia and New Zealand Banking Group Limited;
- Commonwealth Bank of Australia;
- National Australia Bank Limited; and
- Westpac Banking Corporation (including ADI subsidiaries, such as Bankwest, whether or not explicitly guaranteed, and brands, such as St George).

Similarly, with other ADI groups (such as Bendigo & Adelaide Bank) own multiple banking licences, rating categories are based on the parent bank, even if the subsidiary is not explicitly rated.

Council may ratify an alternative definition from time to time.

\*\* No further investment will be made with Unrated institutions, the maximum of 2% from 1 July 2018 is in place for our current investments until they mature, after which the maximum allocation will be 0%.

#### e) Counterparty Limits

Exposure to individual counterparties/financial institutions will be restricted by their rating so that single entity exposure is limited, as detailed in the table below. No further investment will be made with Unrated institutions. The table excludes any government guaranteed investments.

Limits do not apply to Federal or NSW-guaranteed investments, which are uncapped. It should be noted that the NSW Government does not guarantee the capital value or unit price of the TCorp Hour-Glass Facilities. This table also does not apply to any grandfathered managed fund where it is not possible to identify a single counterparty exposure.

| Individual Institution or Counterparty Limits |                            |   |
|---|----------------------------|---|
| Long-Term Rating Range                        | Not exceed the smaller of: |   |
|   | Maximum % of Portfolio     | % of institution or counterparty's net assets |
| AAA category*                                 | 40%                        | n/a   |
| AA category of highly rated banks**           | 30%                        | n/a   |
| A category                                    | 15%                        | n/a   |
| BBB category***                               | 10%                        | 2%  |
| Unrated category****                          | 5%                         | 2%  |

\* 100% Commonwealth Government and Government-guaranteed deposits are included in this category, but without any upper limit applying to the government as counterparty.

\*\* For the purpose of this Policy, "highly rated banks" are currently defined as the ADI deposits or senior guaranteed principal and interest ADI securities issued by the major Australian banking groups: See list above.

\*\*\* It should be noted that some existing BBB investments do not meet the new limit; invested funds in these institutions will be brought into compliance with this policy as the instruments mature.

\*\*\*\* This category includes unrated ADIs such as some Credit Unions and Building Societies to the extent not Commonwealth-guaranteed. No further investment will be made with Unrated institutions.

#### f) Term to Maturity Limits

Council's investment portfolio shall be structured around the time horizon of investment to ensure that liquidity and income requirements are met.

Once the primary aim of liquidity is met, Council will ordinarily diversify its maturity profile as this will ordinarily be a low-risk method of obtaining additional return as well as reducing the risks to Council's income. However, Council always retains the flexibility to invest as short as required by internal requirements or the economic outlook. Judgment of the state of domestic and global economic circumstances should also be carefully taken into account when making decisions on the terms of an investment.

The factors and/or information used by Council to determine minimum allocations to the shorter durations include:

- Council's liquidity requirements to cover both regular payments as well as sufficient buffer to cover reasonably foreseeable contingencies;
- Medium term financial plans and major capital expenditure forecasts;
- Known grants, asset sales or similar one-off inflows; and
- Seasonal patterns to Council's investment balances.

| Investment Horizon Description | Maturity Date | Maximum % of Portfolio |
|--------------------------------|---------------|------------------------|
| Working Capital Funds          | 0-3 months    | 100%                   |
| Short-Term Funds               | 3-12 months   | 100%                   |
| Short-Medium Term Funds        | 1-2 years     | 70%                    |
| Medium-Term Funds              | 2-5 years     | 50%                    |
| Long-Term Funds                | 5-10 years    | 25%                    |

Within these broad ranges, Council relies upon assumptions of expected investment returns and market conditions that have been examined with its investment advisor.

#### **5. THIRD PARTY SUPPLIERS AND DEALERS**

Council will structure its affairs in order to be economical in its investment management costs, favouring dealing direct in its fixed interest, where possible (or, where intermediated, arrangements that result in a rebate of brokerage).

At times, it will be advantageous to deal with third parties that are remunerated on a transaction rather than retainer basis. Council will use such suppliers where to its advantage and have regard to the “best execution” test in its Investment Policy. Specifically, Council will have regard to:

- Administrative cost savings;
- Ability to access higher (retail) rates where exceeding the direct transaction costs;
- Access to ADIs that would not normally have an institutional direct channel;
- Limited access or initial offering deals, or other secondary market opportunities that are only available from specific sources; and
- The costs of other distribution channels that do not involve transaction remuneration.

Council will take steps to ensure that:

- Any suppliers used are appropriately licensed, reputable and capable;
- Funds and identification data are sufficiently secured;
- Third party arrangements do not materially worsen Council’s credit risks by creating exposure to the dealer as counterparty;
- Council maintains ownership of investments facilitated by a third party at all times; and
- Remuneration arrangements are reasonable and transparent, whether paid by Council or by the issuer directly.

#### **6. INVESTMENT ADVISOR**

Council’s investment advisor is appointed by the Council and must be licensed by the Australian Securities and Investment Commission (ASIC). The advisor must be independent and must confirm in writing that they have no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of investment policy. This includes receiving no commissions or other benefits in relation to the investments being recommended or reviewed, unless such remuneration is rebated 100% to Council.

#### **7. ACCOUNTING**

Council will comply with appropriate accounting standards in valuing its investments and quantifying its investment returns.

In addition to recording investment income according to accounting standards, published reports may show a break-down of its duly calculated investment returns into realised and unrealised capital gains and losses, and interest.

Other relevant issues will be considered in line with relevant Australian Accounting Standards, such as discount or premium, designation as held-to-maturity or on a fair value basis and impairment.

#### 8. SAFE CUSTODY ARRANGEMENTS

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments;
- Adequate documentation is provided, verifying the existence of the investments at inception, in regular statements and for audit;
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems; and
- The Institution or Custodian recording and holding the assets will be:
  - The Custodian nominated by TCorp for Hour-Glass Facilities;
  - Austraclear;
  - An institution with an investment grade Standard and Poor's, Moody's or Fitch rating; or
  - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

#### 9. PERFORMANCE BENCHMARK

The performance of each investment will be assessed against the benchmarks listed in the table below.

It is Council's expectation that the performance of each investment will be greater than, or equal to, the applicable benchmark by sufficient margin to justify the investment taking into account its risks, liquidity and other benefits of the investment.

It is also expected that Council will take due steps to ensure that any investment is executed at the best pricing reasonably possible.

| Investment   | Performance Benchmark   | Time Horizon  |
|--|---|---|
| 11am accounts, short dated bills, deposits issued by financial institutions of appropriate term.   | Official RBA Cash Rate (Net of Fees and Expenses)                               | 3 months or less  |
| Term Deposits of appropriate remaining term, FRNs nearing maturity.                                | AusBond Bank Bill Index (Net of Fees and Expenses)                              | 3 months to 12 months   |
| Term Deposits with a maturity date between 1 and 2 Years, FRNs.                                    | AusBond Bank Bill Index (Net of Fees and Expenses)                              | 1 to 2 yrs  |
| FRNs, Bonds, Term deposits with a maturity date between 2 and 5 Years. Grandfathered Income Funds. | Bloomberg AusBond Composite 2-5 Year Bank Bill Index (Net of Fees and Expenses) | 2 to 5 yrs  |
| TCorpIM Managed Funds  | Fund's Internal Benchmark (Net of Fees and Expenses)                            | 3 yrs (M/T Growth and unlisted growth sector funds)<br>5+ yrs (L/T Growth and listed growth sector funds) |



Grandfathered investments (i.e., managed funds and securities) are allocated to the appropriate horizon based on expected or average maturity date and should be taken into account when allocating the rest of the portfolio.

The decision on when to exit such investments are based on a range of criteria specific to the investments – including but not limited to factors such as:

- Returns expected over the remaining term
- Fair values
- Competing investment opportunities
- Costs of holding
- Liquidity and transaction costs
- Outlook for future investment values

In general, it is expected that professional advice will be sought before transacting in “grandfathered” investments. This policy does not presume disposal; however, the removal of an asset from the Minister’s Order would warrant a review of its suitability for retention.

#### **10. REPORTING AND REVIEWING OF INVESTMENTS**

Documentary evidence must be held for each investment and details thereof maintained in an investment register.

The documentary evidence must provide Council legal title to the investment.

For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council’s behalf at 30 June each year and reconciled to the investment register.

All investments are to be appropriately recorded in Council’s financial records and reconciled at least on a monthly basis. The report will detail the investment portfolio in terms of holdings and impact of changes in market value since the previous report and the investment performance against the applicable benchmark. Council may also nominate additional content for reporting.

A monthly report will be provided to Council detailing the money invested as required by clause 212 of the Local Government (General) Regulations 2005.

#### **11. DUTIES AND RESPONSIBILITIES OF COUNCIL OFFICERS**

The Trustee Act 1925 requires Councils to “exercise the care, diligence and skill that a prudent person would exercise in investing council funds. A prudent person is expected to act with considerable duty of care, not as an average person would act, but as a wise, cautious and judicious person would.”

As trustees of public monies, officers are to manage Council’s investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

When exercising the power of investment, the Council officer should consider the following issues:

- The risk of capital or income loss;
- The likely income return and the timing of income return;
- The length of term of the proposed investment;
- The liquidity and marketability of the proposed investment;

- The likelihood of inflation affecting the value of the proposed investment; and
- The costs (such as commissions, fees, charges and duties) of making the proposed investment.

## 12. ETHICS AND CONFLICTS OF INTEREST

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also to declare that they have no actual or perceived conflicts of interest and receive no inducements in relation to Council's investments, as outlined more fully in the Investment Advisor section.

## 13. IMPLEMENTATION

The Finance Section within the Finance Corporate & Community Services Group has responsibility for implementation of this policy.

## 14. REVIEW

This policy shall be reviewed annually and as required in the event of legislative change or as a result of significantly changed economic/market conditions. Any proposed amendments to the Investment Policy must be approved by a resolution of Council.

## 15. APPLICATION OF ESD PRINCIPLES

In keeping with ESD principles, Council will give preference to investing funds with financial institutions that do not invest in, or finance, the fossil fuel industry where the investment rate of interest is equivalent to other similar investments that may be on offer to Council at the time of investment.

Council will inform affected institutions of the preference against fossil fuel lenders.

However, unaffected by this section are assets that are not exposed to fossil fuels, such as:

- **Covered bonds**, which securitise only residential mortgage loans
- **Green bonds**, the proceeds of which are specifically quarantined for new lending for renewable energy or other similar environmentally-friendly uses

as well as any other complying investments of comparable ESD credentials.

## SA18.10 Compulsory Acquisition of Right of Access for Bushfire Vehicles at Jerberra Estate - Lot 66 DP11629, Invermay Ave, Tomerong

**HPERM Ref:** D17/346793

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

**Attachments:** 1. Plan of Right of Access for Bushfire Vehicles [↓](#)

### Purpose / Summary

Council has resolved to negotiate the acquisition of a right of access for bushfire vehicles over part of Lot 66 DP 11629, known as Lot 66 Invermay Ave, Tomerong (Jerberra Estate).

This report allows Council to consider the compulsory acquisition of the access under the Land Acquisition (Just Terms) Compensation Act 1991 as the negotiation process has failed to reach agreement.

The right of access for bushfire vehicles will be 6 metres wide and variable over Lots 66-69 DP11629. Refer Attachment 1 – Plan of Right of Access for Bushfire Vehicles;

SA18.10

### Recommendation

That Council:

1. Resolve to compulsorily acquire a right of access for bushfire vehicles over part of Lot 66 DP11629, known as Lot 66, Invermay Ave, Tomerong (Jerberra Estate).
2. Pay compensation for the acquisition including all ancillary costs, in accordance with the determination of the Valuer General under the terms and conditions of the Land Acquisition (Just Terms) Compensation Act 1991 from job number 85291;
3. Approve the making of the necessary applications to the Minister for Local Government and the Governor; and
4. Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed and that otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.

### Options

1. Do Nothing – Decide not to proceed with the acquisition of the access.

Implications: The fire trail will not be completed and adjoining property owners (of Lot 66) will not be able to obtain development consent.

2. Continue to negotiate the purchase of the entire property or part thereof (right of access) noting that any settlement potentially could be above the market valuation.

Implications: The purchase of the entire property is not required, but rather would be a step in the process to obtain the right of access over Lot 66 prior to on-selling the property. It should be noted that there is a high risk Council will not recover its purchase prices and associated costs.

### 3. Compulsory acquisition of the right of access

Implications: Council will be able to complete the project objective of a right of access for bushfire vehicles across all properties between Lot 66s to 69 inclusive.

### Background

Council at its Ordinary meeting held on the 5<sup>th</sup> August 2014 (reconvened from 29<sup>th</sup> July) resolved to (MIN14.520):

- a) *approve the acquisition of a fire trail approximately 6 metres wide and variable under the Land Acquisition Act 1991 in favour of the Rural Fire Service, over Lots 66 to 69 DP11629, Invermay Avenue, Jerberra Estate, Tomerong for nil compensation.*
- b) *Agree to pay the effected land owners of Lots 66 to 69 DP 11629 reasonable legal costs and any other reasonable ancillary costs associated with the acquisition from job no. 85286; and*
- c) *Approve that the Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed, otherwise the General Manager is authorised to sign any documentation necessary to give effect to the resolution.*

Set out below in chronological date order is an account of Council's attempts to obtain a mutually agreeable resolution to acquiring the Right of Access by agreement:

In 2015, the owner of Lot 66 agreed to grant the right of access to Council for fire trail purposes over part of their property without monetary compensation on the basis that the owners of the adjoining Lot 67 would be purchasing Lot 66 affected by the right of access for a sum agreeable to the owners of each lot.

Subsequent to the above, also in 2015, the owner's (Lot 66) solicitor advised Council there had been a disagreement between the owners of Lot 66 and Lot 67 in relation to the consolidation of their lots. Whilst the owner of Lot 66 was willing to sell, the owners of Lot 67 were unwilling to purchase Lot 66.

In early 2016, legal advice revealed Council could not force the owner of Lot 67 to purchase Lot 66, nor could Council force the consolidation of the two lots. As an alternative, Council made an offer to acquire not just the right of access over the land, but the entire Lot 66 offering to pay market value based on an independent valuation.

On 15 September 2016, a letter of offer to purchase was sent to the property owner (Lot 66), as per a valuation obtained from Opteon Property Group.

On 7 October 2016, the owner (Lot 66) phoned Council refusing the offer stating it was not high enough given neighbouring lots have sold for much more.

On 21 February 2017, at the owner's (Lot 66) request, a meeting was organised to discuss their development options. The owner cancelled this meeting prior to the date stating it would be fruitless as they have previously had discussions with Council's Project Manager responsible for the implementation of the fire trails.

On 10 March 2017, the owner's (Lot 66) solicitor phoned requesting reconsideration of the offer as neighbouring properties had been sold in excess of the amount offered. The solicitor was advised the offer was based on a valuation provided by Opteon Property Group reflecting the inability to obtain development consent.

On 14 September 2017, a letter was sent to the property owner (Lot 66) advising approval to a compulsory acquisition of the right of access would be sought and requesting the owner's acceptance of Council's wish to proceed on the basis of agreement – response requested by 13 October 2017.

On 3 October 2017, the property owner's solicitor phoned arguing their case for more money, upwards of more than four times what Council was offering, and advising the property was going to be listed for sale. It is noted the property was not listed for sale as advised nor has it been listed to date.

On 20 October 2017, a written request was received from the owner's solicitor proposing that Council purchase Lot 66 at its market value as a way of resolving the issue.

On 23 October 2017, an email reply was sent to the owner's solicitor advising Council had offered to purchase the entire property which was refused by the property owner.

On 7 November 2017, Council sent a letter to the owner's solicitor advising Council's offer to purchase the entire Lot was withdrawn and an approval would be sought from Council to commence the compulsory acquisition process in relation to the right of access.

The owners of Lots 67, 68 and 69 have previously agreed to the acquisition, however are unable to move forward with further development of their land until the Right of Access is registered on title of all four properties.

Given the above, it is clear that Council's efforts to obtain the agreement of all affected property owners have been thwarted by the objections of one property owner (Lot 66) for greater than six months (the stipulated minimum negotiation time frame in the Land Acquisition (Just Terms) Compensation Act) and Council is therefore justified in seeking to progress to compulsory acquisition.

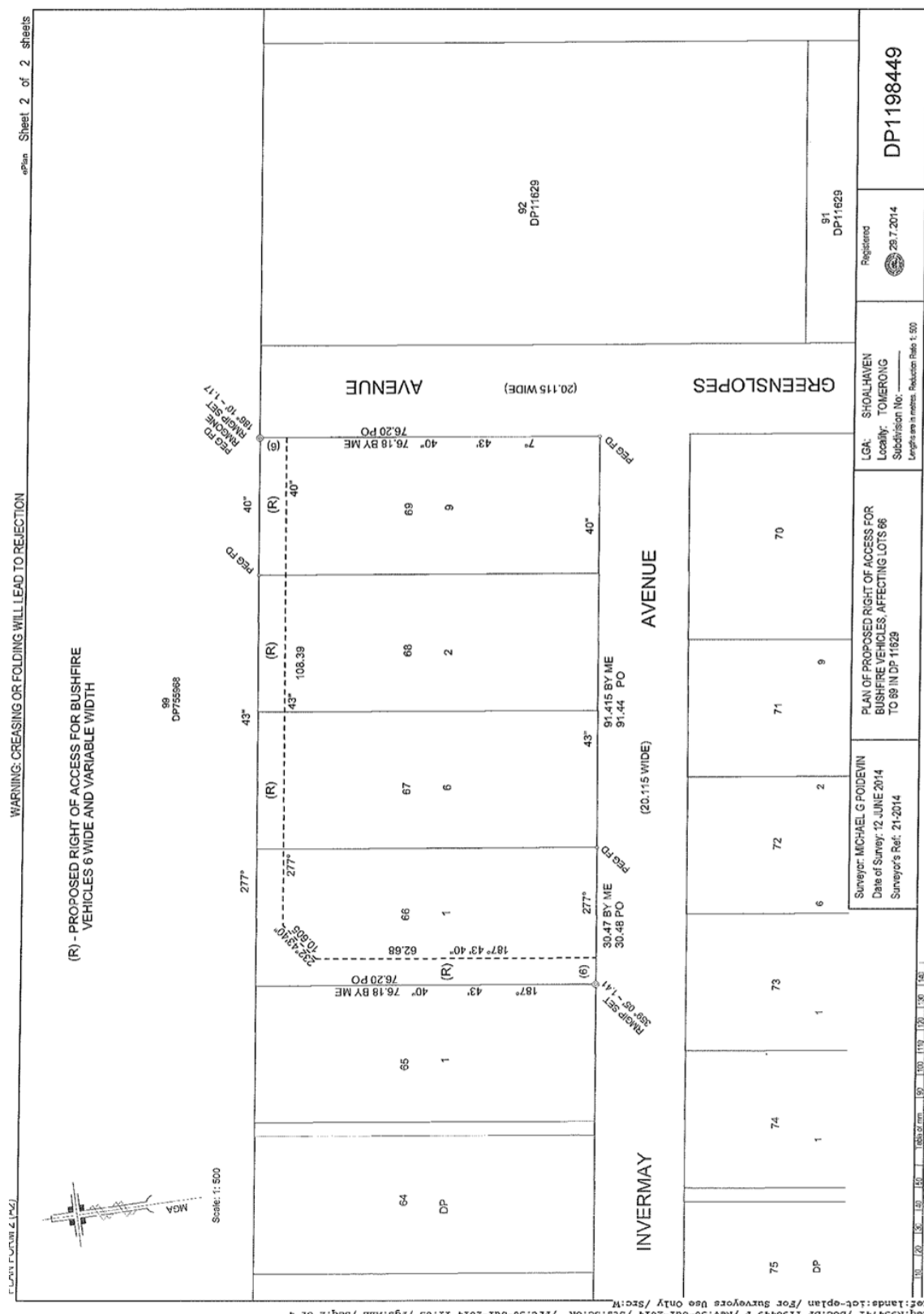
Notwithstanding, it is always Council's first option to acquire interests in land by agreement, by doing so can result in a protracted time frame, which is the case in this instance. The time frame associated with this particular acquisition has been uncharacteristically long, mainly due to the owner's (Lot 66) unrealistic expectation as to the value of their property.

### **Community Engagement**

The matter is considered to be a local area low impact issue as outlined in Council's Community Engagement Policy and Handbook. The affected land owners only have been consulted with in relation to the land matters.

### **Financial Implications**

By undertaking the acquisition via the compulsory acquisition process, compensation will be determined in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 by the Valuer General. The costs associated with the fire trail project are sourced from Job Number 85291, Jerberra Estate Fire Trails, which the Project Manager has advised contains sufficient funds to cover this acquisition.



## SA18.11 Classification of Land - Lot 140 DP11629 Inglewood Crescent Tomerong

**HPERM Ref:** D17/398369

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

**Attachments:** 1. Plan of Lot 140 [↓](#)

### Purpose / Summary

To seek a resolution to classify the land described as Lot 140 DP11629 Inglewood Crescent Tomerong as Operational Land (Attachment 1).

### Recommendation

That Council resolve to classify the land described as Lot 140 DP11629 Inglewood Crescent Tomerong as Operational Land.

### Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose. Should any objections be received prior to the close of submission on 4 January 2018 Council will be notified at its meeting on 23 January 2018.

2. Not resolve as recommended.

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

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

### Background

Lot 140 DP11629 Inglewood Crescent Tomerong was transferred to Council in lieu of unpaid rates and charges in accordance with MIN07.283. A transfer has been executed and was lodged with the Land Titles Office for registration in November 2017.

At Council's Ordinary meeting on the 27<sup>th</sup> February 2007 it was resolved in part (MIN07.283) that:

- a) *Council accept the transfer of land in accordance with Section 570 of the Local Government Act 1993 within the Heritage Estates COI investigation areas in lieu of unpaid rates and charges or accrued interest, if requested to do so by land owners and/or their representatives;*

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

There are two Classification available:

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

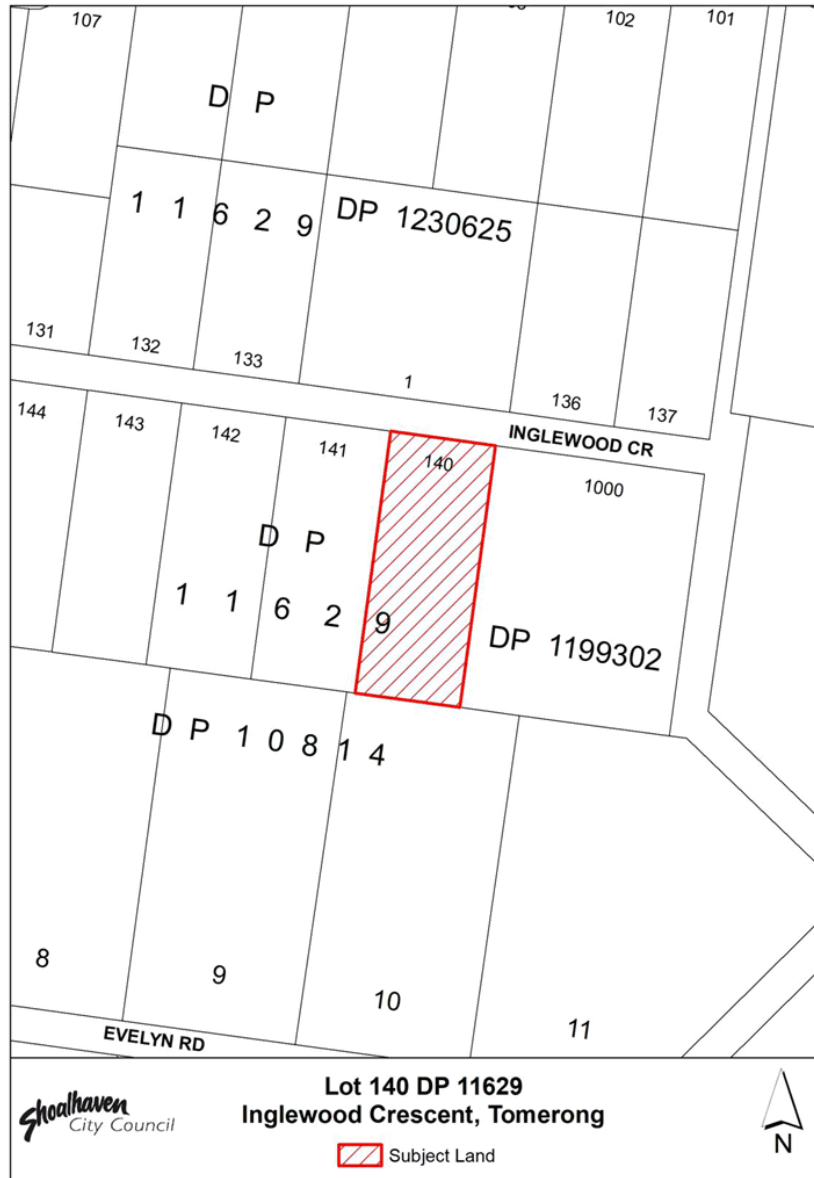
A resolution of Council, within the time frame prescribed in LGA93, is required to finalise the classification of land as Operational. Should the classification process not be completed, the land will default to Community Land.

### **Community Engagement**

In accordance with Section 34 of LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 6 December 2017 allowing 28 days for written submissions, closing 4 January 2018. At the time of writing this report no submissions have been received, however any submissions received prior to the closing time will be reported to the Council meeting in January.



**Attachment 1**



## SA18.12 Classification of Land - Lot 1 & 2 DP721820, Lot 194 DP658421, Lot 197 DP658422 and Lot 1 DP722982 Woollamia

**HPERM Ref:** D17/398787

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

**Attachments:** 1. Plan of identified lots [↓](#)

### Purpose / Summary

To seek a resolution to classify the land described as Lot 1 & 2 DP721820, Lot 194 DP658421, Lot 197 DP658422 and Lot 1 DP722982 Woollamia as Operational Land (Attachment 1).

### Recommendation

That Council resolve to classify the land described as Lot 1 & 2 DP721820, Lot 194 DP658421, Lot 197 DP658422 and Lot 1 DP722982 Woollamia as Operational Land.

### Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose. Should any objections be received prior to the close of submission on 4 January 2018 Council will be notified at its meeting on 23 January 2018.

2. Not resolve as recommended.

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

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

### Background

Lot 1 & 2 DP721820, Lot 194 DP658421, Lot 197 DP658422 and Lot 1 DP722982 Woollamia was transferred to Council in lieu of unpaid rates and charges in accordance with MIN07.283. A transfer has been executed and in November 2017 was lodged in the Land Titles Office for registration.

The matter has been delayed as a result of changes in ownership. The transfer has been made possible as a result of a willingness to finalise the matter having been expressed by the previous owner, Oneway Christian Fellowship.

At Council's Ordinary meeting on the 27<sup>th</sup> February 2007 it was resolved in part (MIN07.283) that:

- a) *Council accept the transfer of land in accordance with Section 570 of the Local Government Act 1993 within the Heritage Estates COI investigation areas in lieu of unpaid rates and charges or accrued interest, if requested to do so by land owners and/or their representatives;*
- b) *Council apply (a) above to land in small lot rural subdivisions identified by the attached maps;*

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

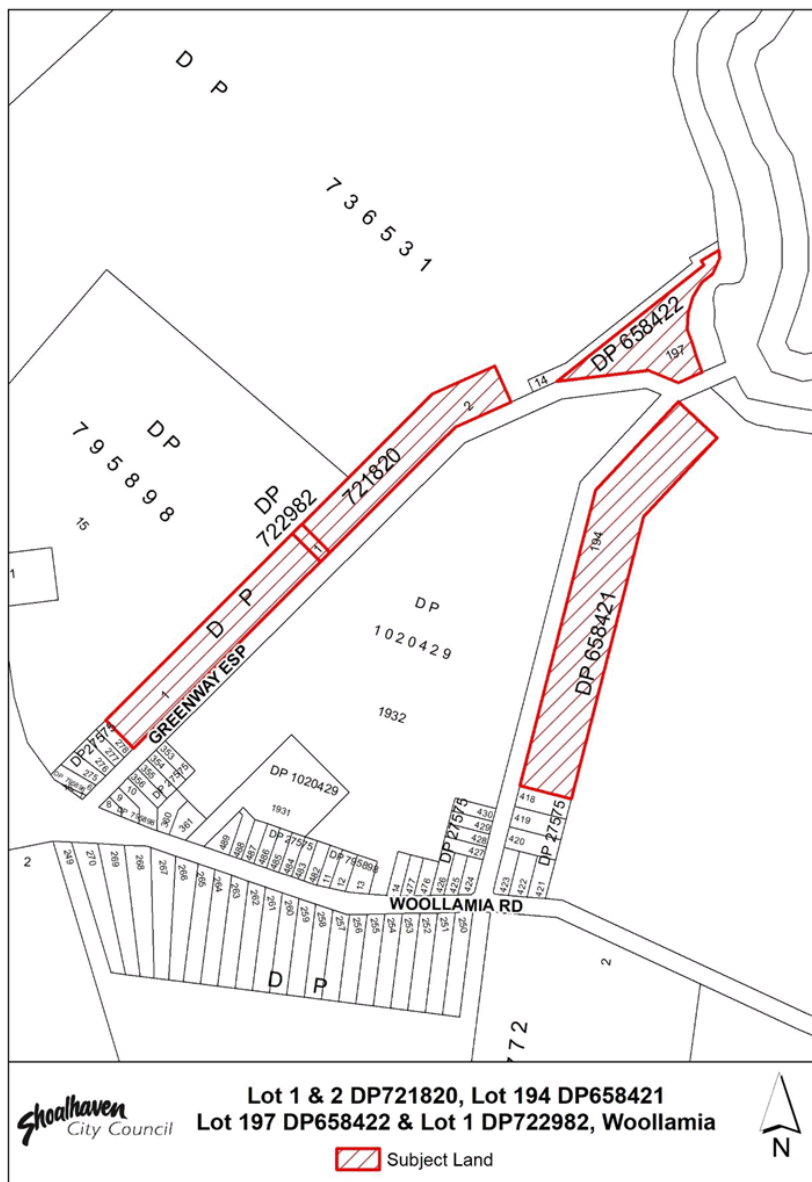
There are two Classification available:

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

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

### **Community Engagement**

In accordance with Section 34 of LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 6 December 2017 allowing 28 days for written submissions, closing 4 January 2018. At the time of writing this report no submissions have been received, however any submissions received prior to the closing time will be reported to the Council meeting in January.



## SA18.13 Classification of Land - Lot 550 DP1237093 Quinns Lane, South Nowra

**HPERM Ref:** D17/401721

**Group:** Assets & Works Group

**Section:** Business & Property

**Attachments:** 1. Plan - Lot 550 DP1237093 Quinns Lane South Nowra [↓](#)

### Purpose / Summary

To classify the land described as Lot 550 DP1237093 Quinns Lane South Nowra as Operational Land (Attachment 1).

### Recommendation

That Council resolve to classify the land described as Lot 550 DP1237093 Quinns Lane South Nowra as Operational Land.

### Options

1. Resolve as recommended.

Implications: The land will be able to be used for its intended purpose (drainage reserve). Should any objections be received prior to the close of submissions on 11 January 2018 Council will be notified at its meeting on 23 January 2018.

2. Not resolve as recommended.

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

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

### Background

Lot 550 DP1237093 Quinns Lane South Nowra was dedicated for drainage reserve under SF 9181.

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

There are two Classification available:

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

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

**Community Engagement**

In accordance with Section 34 of LGA93, a public notice of Council's intention to classify the land as Operational was placed in the local press 13 December 2017 allowing 28 days for written submissions, closing 11 January 2018. At the time of writing this report no submissions have been received, however any submissions received prior to the closing time will be reported to the Council meeting in January.



## SA18.14 Proposed Lease - Ulladulla Children's Centre - 31 Hollywood Avenue, Ulladulla

HPERM Ref: D17/400043

Group: Assets & Works Group  
Section: Business & Property

### Purpose / Summary

To afford Council the opportunity to consider an approval to enter into a lease agreement with Ulladulla Children's Centre Incorporated for the continued use and occupation of 31 Hollywood Avenue, Ulladulla as a not-for-profit community preschool and long day care centre.

### Recommendation

That Council:

1. Advertise its intent to enter into a lease agreement with Ulladulla Children's Centre Incorporated for the property at 31 Hollywood Avenue, Ulladulla;
2. Provided no objections are received within the submission period, enter into a 5 year lease agreement with a 5 year option period with Ulladulla Children's Centre Incorporated for the use and occupation of Lots 97, 98 and 99 in Deposited Plan 26132 and Lot 1 in Deposited Plan 785819 known as 31 Hollywood Avenue, Ulladulla with incremental increases in rent for the first three years as follows:
  - a. Year 1 - \$2,836 plus GST;
  - b. Year 2 - \$5,672 plus GST; and
  - c. Year 3 - \$8,509 plus GSTand with rental increases to CPI from year 3 to year 5 and continual CPI increases annually from commencement of the option period;
3. Approve the allocation of rent received under the lease agreement into the Property Reserve restricted account;
4. 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 Ulladulla Children's Centre Incorporated will continue to operate providing a valuable community service.
2. Not resolve as recommended and place the property on the open market for lease.  
Implications: Ulladulla Children's Centre Incorporated operates a long day care centre which 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 could be found in the short term.



3. Not resolve as recommended and renegotiate lease terms.

Implications: The proposed lease terms are in accordance with Council's adopted Occupation of Council Owned and Managed Land Policy;

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

## Background

Ulladulla Children's Centre has been operating on a monthly holding over on a \$1pa basis since its lease expired on 9 October 1996.

Council has been in lease negotiations with Ulladulla Children's Centre Incorporated for the past 4 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 any remaining outstanding issues relative to each organisation and/or property.

The co-operative group included:

- Berry Community Preschool;
- Milton Ulladulla Community Preschool;
- Ulladulla Children's Centre;
- Shoalhaven Community Preschool;
- Lyrebird Community Preschool;
- Culburra & District Preschool; and
- Bomaderry Community Preschool;

Negotiations with Ulladulla Children's Centre Incorporated have now concluded and an agreement has been reached as outlined below:

|  |   |
|--|---|
| <b>Lessee</b>                                | Ulladulla Children's Centre Incorporated  |
| <b>Lessor</b>                                | Shoalhaven City Council   |
| <b>Premises</b>                              | Lots 97, 98 and 99 in Deposited Plan 26132 and Lot 1 in Deposited Plan 785819, also known as 31 Hollywood Avenue, Ulladulla |
| <b>Term</b>                                  | 5 years   |
| <b>Option</b>                                | 5 years   |
| <b>Assessed Market Rent</b>                  | \$62,400 plus GST per annum   |
| <b>Annual Rent Payable</b>                   | \$8,509 plus GST per annum, payable monthly in advance from year 3  |
| <b>Application of Rent Assessment Policy</b> | Rental subsidy = 86.36%   |

|                                |  |
|--------------------------------|--|
| <b>Rent Review</b>             | Fixed increases for the first three years and then annually by CPI thereafter  |
| <b>Percentage of Outgoings</b> | 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. |
| <b>Permitted Use</b>           | The operation of a community based Long Day Care Centre and all activities incidental thereto.   |
| <b>Public Risk Insurance</b>   | 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 \$62,400 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.

Ulladulla Children's 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 day care centre provides, it was determined that a rental subsidy of 86.36% would apply thus requiring the day care to pay \$8,509 per annum.

Given the large increase in rent (current rent at \$1pa to the \$8,509pa as recommended) it was agreed the new rental would be incrementally introduced to reduce rental shock, resulting in the first year being a third of the rental; the second year two thirds of the rental and the third year the full annual rent assessed at \$8,509.

### Community Engagement

The subject land is classified as Community land under the Local Government Act 1993 and accordingly, advertising in accordance with Section 47 of the Act must take place before the lease agreement can be executed.

### 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 and assist Council with maintenance of its assets into the future.

## SA18.15 Shop 41 (Pump House Pies), 43 Kinghorne Street Nowra - Assignment of Lease

**HPERM Ref:** D17/422406

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

### Purpose / Summary

To consider approval of an assignment of a lease in relation to premises at Shop 41, 43 Kinghorne Street Nowra (the Kinghorne Street shops) from Christian Mathew Wykniet to Alex John Legge

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

The execution of the Deed of Consent and Assignment of Lease for Shop 41, 43 Kinghorne Street Nowra from Christian Mathew Wykniet to Alex John Legge be authorised.

### Background

Council at its Ordinary Council meeting on the 28<sup>th</sup> February 2017 resolved (MIN17.144) to in part:

1. Enter into a lease with Christian Mathew Wykniet (Trading as Pump House Pies) for two (2) years with a two (2) year option for an annual rent of \$21,529 per annum plus GST with annual increases of 3%.

In accordance with the conditions of the current lease agreement, the tenant has requested that the assignment of the lease be approved by Council as the lessor. Under the lease, Council cannot unreasonably withhold its consent.

The lessee will pay all of Council's costs associated with the lease transfer.

Council staff have reviewed the request and are satisfied that the proposed transferee has experience in business equal to that of the current lessee. The transferee has also successfully passed the appropriate credit check undertaken by Council's Finance section.

## SA18.16 Proposed Retail Lease of Shop 43 Kinghorne Street, Nowra

**HPERM Ref:** D17/425892

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

### Purpose / Summary

To provide Council with an opportunity to consider approval of a new three (3) plus three (3) year lease with Julia Donn (trading as Kinghorne Canteen) for the shop premises known as Shop 43 Kinghorne Street, Nowra.

### Recommendation

That Council enter into a lease with Julia Donn (trading as Kinghorne Canteen) for three (3) years with a three (3) year option at a commencing annual rent of \$26,936.77 per annum plus GST with annual 3% fixed increases with a review to market at the expiry of the initial 3 year period; and 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 Shoalhaven to all documentation required to be sealed.

### Options

1. Resolve as recommended

Implications: The retail lease of the premises allows the proposed lessee to occupy and commence trading from the premises with Council receiving rental payments.

2. Not resolve as recommended

Implications: The shop will remain vacant.

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

### Background

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

The subject shop was vacated by the previous tenant (Centre Butchery) on the 30<sup>th</sup> November 2017. Since this time Integrity Real Estate as Council's Managing Agent for commercial/retail property has pursued a new occupant on behalf of Council.

As a consequence of finding a new tenant (it is noted Julia Donn is also the sole trader for the "Hunt & Gather Fine Foods" café at 30 Berry Street, Nowra, which she will retain), it is proposed that the new lease terms include the following:

|                       |   |
|-----------------------|---|
| Premises              | Shop 43 Kinghorne Street, Nowra   |
| Commencing Date       | 1 February 2018 or thereabouts (subject to confirmation and execution of the lease)   |
| Term                  | Three (3) years   |
| Option Period         | Three (3) years   |
| Rent                  | \$26,936.77 per annum plus GST  |
| Rent Free period      | 8 weeks   |
| Rent Review Mechanism | Rent reviewed to market at the expiry of the initial 3 year term and fixed 3% annual increases at other anniversary dates during the initial and option terms   |
| Outgoings             | <p>Rates: 16.75%</p> <p>Garbage: 16.6%</p> <p>Water/sewer usage: 16.75%</p> <p>Water/sewer availability: 16.75%</p> <p>Trade waste if required: 100%</p> <p>Insurance: 16.75%</p> <p>Management: 100%</p> |

SA18.16

### Community Engagement

Not required as the land is Operational.

### Financial Implications

Council will receive an income of \$26,936.77 per annum plus GST increased 3% annually for the term of the lease; the rent will be reviewed to market at the end of the initial three year term.

Each party is responsible for their own legal costs.

## SA18.17 Environmental Health Australia NSW State Conference 2018 Nomination

**HPERM Ref:** D17/423120

**Group:** Planning Environment & Development Group  
**Section:** Environmental Services

### Purpose / Summary

To inform Council that Shoalhaven City Council has been approached to host the Environmental Health Australia State Conference in September 2018.

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

That Council:

1. Support hosting the 2018 Environmental Health Australia State Conference; and
2. Support allocation of \$6,700 (excluding GST) within the 2018/19 budget (job number 15900).

### Options

1. Adopt the recommendation.

Implication: Planning for the Shoalhaven Environmental Health Australia Conference will proceed. This is a great opportunity to promote the Shoalhaven and for the professional development of Council's Environmental Health officers.

2. Not support hosting the Environmental Health Australia Conference.

Implication: Environmental Health Australia Conference will be offered to another local government area.

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

### Background

Environmental Health Australia (EHA) is the premier environmental health professional organisation in Australia which advocates for environmental health issues and represents the professional interests of environmental health practitioners.

EHA (NSW) INC holds an annual state conference to showcase environmental health management and bring together environmental health practitioners from across New South Wales. To ensure that the association is meeting the needs of its members and the profession, the location of the conference is alternated between metropolitan and regional areas. The conference attracts approximately 80 delegates from across the State and is held over 2 days.

The conference in 2017 was in Penrith and the Shoalhaven has been nominated as a regional venue for the NSW conference in September 2018.

The benefits to the Shoalhaven Council to host/sponsor this conference include:

- Four (4) full Conference registrations (will include 4 tickets to the Conference Dinner)
- Opportunity to sponsor a session at the Conference
- Opportunity to deliver a promotional / technical address to delegates
- Acknowledgement of Council sponsorship throughout the Conference
- Acknowledgement as a Conference Host and Council logo on the Conference program
- Council logo on display at the Conference Dinner and Awards Ceremony
- Council banner displayed in Conference auditorium and on the speaker's podium
- Acknowledgement as a Conference host sponsor on conference proceedings
- Inclusion of up to three (3) promotional inserts in Conference satchels
- Acknowledgement as a conference supporter in newsletters
- Direct interaction with Conference delegates
- Exhibition space

Hosting the conference provides opportunity to showcase the Shoalhaven and provide networking opportunities for local Environmental Health Officers with practitioners from around the New South Wales.

Shoalhaven City Council can nominate up to two persons to sit on the conference committee to provide local knowledge and advice. EHA (NSW) INC will manage the venue component (after seeking local knowledge on suggested venues), call for papers, invitation and confirmation of speakers, delegate registration and other operational tasks.

### **Financial Implications**

Hosting the event gives attendees the opportunity to stay on over the weekend to enjoy what the Shoalhaven has to offer.

It presents a tourism and economic opportunity for the Shoalhaven through attendee accommodation requirements, tours to wider parts of the Shoalhaven and at the conference dinner venue.

The financial contribution of the host Council of \$6,700 includes four full registrations which offsets registration fees Council would normally expend.

## SA18.18 Support Request - Byron Shire Council - Tourism Accommodation Levy (Bed Tax)

**HPERM Ref:** D17/424962

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

**Attachments:** 1. Support Request - Tourism Accommodation Levy Trial [↓](#)  
2. Previous Council Report - Revenue Options [↓](#)

### Purpose / Summary

Consider a request received from Byron Shire Council for support for the NSW Government to establish an expression of interest process for Local Government Areas (LGA's) to act as trial locations for possible tourism accommodation levy (bed tax).

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

That Council provide a letter of support to Byron Shire Council regarding an Expression of Interest process through the NSW Government for a trial for the implementation and management of a Trial Tourism Accommodation Levy (Bed Tax).

### Options

1. Provide a letter of support

Implications: There are minimal direct implications for Council at this stage. Byron Shire Council want the NSW Government to consider an expression of interest process for LGA's to trial a tourism accommodation levy. They have sought letters of support from Councils. Should they be successful then Shoalhaven could subsequently consider expressing an interest in being part of the trial. If not, then at the very least Council could learn from their experience, before reconsidering whether to pursue a similar approach in Shoalhaven

2. Not provide a letter of support

Implications: Again, there are minimal direct implications for Council, other than missing an opportunity to support a Council facing similar tourism issues as Shoalhaven.

### Background

Council has received a letter (see **Attachment 1**) from Simon Richardson the Mayor of Byron Shire Council seeking Council support for the NSW Government to establish an expression of interest process for Local Government Areas (LGA's) to act as trial locations for possible tourism accommodation levy (bed tax). The letter has been sent to all Councils in NSW.

This report seeks direction on the request given its relevance to Shoalhaven.



### Proposal/Request Overview

The letter notes that in some LGA's considerable strain is placed on the local community (infrastructure etc.) due to growing visitor/tourist numbers. In Byron's case it is noted that the LGA has 32,000 residents and 15,000 ratepayers, but is visited by an extra 2.1M people a year. As such they believe there is a need to explore revenue raising options to help meet the demands outside normal mechanisms (special rate variations are mentioned).

The letter suggests that tourism accommodation levy (bed tax) has been used around the world as a way of raising revenue from visitors to help fund their infrastructure impacts. It is suggested that this type of levy has minimal negative impact on visitor numbers or their expenditure.

Byron Shire Council's website contains some additional information on this subject, see:

<http://www.byron.nsw.gov.au/faq/what-about-a-bed-tax-or-tourism-tax-why-not-bring-one-in>

The letter concludes that Byron Shire Council would welcome the opportunity to trial a tourism levy and is seeking support in this regard.

### Previous Consideration

Council previously considered a report ('Revenue Options Follow Up Report') on the 18<sup>th</sup> July 2017 (see **Attachment 2**) that looked at the ability to apply a levy or similar on properties that supply accommodation to the tourism industry and are essentially a business. This was essentially aimed at short term holiday rentals.

Council resolved as follows (MIN17.617):

1. *Note the information in the report; and*
2. *Prepare a detailed motion and supporting documentation to the Local Government Conference for an amendment to the Local Government Act 1993, giving Council the authority to deem that business is being carried out on residential property in relation to applying commercial ratings and equity (Similar to those powers councils have to deem properties as rural).*

### Short Term Holiday Rentals

The NSW Government has published an "Options Paper" seeking to provide a regulatory framework for short-term holiday rentals (STHL).

Council resolved in October 2017 to:

*Make a submission to the NSW Government on the Options Paper: Short Term Holiday Letting in NSW consistent with the content of the report and continue to be involved as required in any outcomes that eventuates.*

Council continues to be actively involved in this process, advocating for a State-wide approach that is flexible enough to respond to a variety of scenarios brought about by the growth of short-term holiday rental to metropolitan and regional parts of the State.

Councils submission concluded that: "Given the significance of STHL to tourism in Shoalhaven, Council has had an ongoing and active involvement in this issue and still supports our current approach or one that is similar (essentially "light-touch") where the majority do not need consent or approval, but problematic ones can be regulated".

At this point the outcome in this regard is unknown, but the NSW Government has indicated that following the release of the Options Paper and the responses to it, the government will decide whether to pursue the regulation of STHL.

It may be difficult to consider a tourism levy or bed tax on dwellings that are used for STHL if there is no system of formal registration or similar for such premises. At present Council's resolved position is to not step in and fully regulate this type of use.

### Bed Tax – Other Examples

Overall, the implementation of a bed tax has been controversial in other areas of Australia. There have been many reports in the Byron Shire media where associations and businesses are against the implementation of a bed tax. Some of the media commentary in this regard is available at the following links:

- <http://www.abc.net.au/news/2016-12-15/byron-bay-bed-tax-idea-opposed-by-accommodation-group/8123626>
- <https://www.dailytelegraph.com.au/news/nsw/byron-bay-proposal-to-hit-tourist-with-bed-tax-in-bid-to-fund-infrastructure/news-story/02f84b55915874d0472a7fdc5815b72c>
- <https://www.byronnews.com.au/news/bed-tax-idea-just-wont-lay-down/3138371/>

The Queensland Government has also been trying to introduce a bed tax for some time with some opposition and conflicting opinions. Some of the media commentary in this regard is available at the following links:

- <http://www.ttf.org.au/queenslands-proposed-bed-tax-the-national-aviation-network-and-trans-tasman-tourism/>
- <https://www.frasercoastchronicle.com.au/news/queensland-tourism-board/2273627/>
- <https://www.thechronicle.com.au/news/toowoomba-tourism-operators-reject-5-bed-tax-plan/3155860/>

Auckland, New Zealand, has recently passed a bed tax, also with mixed responses across the country. Some of the media commentary in this regard is available at the following links:

- [http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11867655](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11867655)
- <https://www.hotelmanagement.com.au/2017/07/21/aucklands-new-hotel-tax-slammed-new-zealands-tourism-minister/>
- <https://www.stuff.co.nz/business/94084938/Auckland-bed-tax-battle-highlights-search-for-tourism-funding>

### Conclusion

Shoalhaven is a very popular tourist destination and STHL plays a significant role in the local tourism economy. The outcome of the NSW Government's "Options Paper" on a possible regulatory framework for STHL is unknown, but it is hoped that any state-wide approach will be flexible enough to respond to a variety of scenarios brought about by the growth of short-term holiday rental to metropolitan and regional parts of NSW

Given that Council has previously shown some interest in a tourism levy/bed tax, there may be some value in Council supporting Byron Shire Council trialling a Tourist Accommodation Levy and providing a letter in support of this proposed action. If the requested trial proceeds, Council could learn from its outcomes, before reconsidering whether to pursue a similar approach in Shoalhaven. However, it should be considered that there is a lot of public opinion regarding bed tax and there is potential for mixed reactions from business and community.

**Community Engagement**

No specific community engagement is required at this point as Council is only being asked for a letter of support. Should Council consider implementing a tourism levy in the future detailed community and industry engagement would be required and essential.

**Policy Implications**

The NSW Governments position on the regulation of STHL is not known at present.

**Financial Implications**

None at this point. This will require detailed consideration should Council consider implementing a tourism levy in the future



## Mayor's office

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BSC File No: E2017/109566

29 November 2017

Dear General Manager, Mayor and Councillors

### Seeking support for a trial of a Tourism Accommodation Levy (Bed Tax)

Council is writing to seek your support for the State Government to establish an expression of interest process seeking submissions from Local Government Areas to act as trial locations for the implementation and management of a trial tourism accommodation levy (bed tax).

Though grateful for the jobs and economic opportunities that tourism provides; for a Shire with only 32,000 residents and just 15,000 ratepayers, Council and our community are straining under the enormous weight of an extra 2.1 million extra people a year (and greater growth expected to come).

There is a need to explore revenue raising options not currently available to us; as what is currently on the table is insufficient for our needs and fails our community. We need to explore and implement processes to raise revenue that go beyond simply requesting locals pay more. The recent special rate variation ensured locals were required to pay more for our infrastructure improvements and this is fair-to a point. The problem with raising the funds through special rate variations though, is once more our base community is funding all of the infrastructure upgrade and renewal. Council had no alternative but to seek revenue from locals, now, we need to obtain more financial support from the visitors who use our infrastructure to assist the community to work on Council's infrastructure back-log of \$40M.

A tourism accommodation levy (bed tax) has been used around the world for decades as a way to raise revenue from visitors in order to fund the infrastructure impacts by visitation. This tax/levy has had minimal negative impact on visitation numbers and/or expenditure.

We would welcome the opportunity to trial the implementation of a tourism accommodation levy in Byron Shire to assist in alleviating the stress placed on our local communities and infrastructure and seek your support.

I look forward to your response.

Kind regards

Simon Richardson  
MAYOR



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THE BUNDJALUNG PEOPLE

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## SA17.176 Revenue Options Follow Up Report

HPERM Ref: D17/198634

Group: Finance Corporate & Community Services Group

### Purpose / Summary

To report back to Council on resolutions from the Extraordinary Council meeting of 1 February 2017 in relation to possible alternate funding options, levy's and tourist accommodation charges.

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

That Council note the information provided in this report.

### Options

1. Council adopt the recommendation as stated  
Implications: No further action will be undertaken outside the normal operational practice of seeking all possible revenue opportunities.
2. Council can choose to make an alternate recommendation  
Implications: The implications will be dependent on the actual resolution made.

### Background

At the Extraordinary Council meeting on 1 February 2017 Council made the following resolutions as part of an 11 part resolution about the proposed Special Rate Variation

6. *The General Manager report back to Council on how Council could capture any business that is operating from residential premises and re-categorise to business and if there are any legislative hurdles should Council wish to pursue this as an ongoing part of revenue review. This should include the cost for resourcing such a project- this suggestion was put to Council by concerned ratepayers.*
7. *The General Manager report back if any other Councils apply a levy or any other mechanism to increase rates on those properties that are known to supply accommodation to the tourism industry and are essentially a business- these properties would be those listed by real estate agents and online mechanisms such as Air BnB and Stayz –this suggestion has been raised by concerned business operators.*
8. *The General Manager also report back on any measures that can be used to essentially pass some of the financial burden of maintaining assets onto the many tourist that come to the Shoalhaven, suggestions that have come through include parking meters for peak tourist times and places and bed taxes. The report should also include any legislative or resourcing issues for such matters.*
9. *In reporting back could the General Manager please comment on any timing issues that could be foreseen if such mechanisms were to be adopted by Council.*

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This report provides information in response to these resolutions.

Under Sec 516 Land is to be categorised as residential if it is a parcel of rateable land valued as one assessment and:

- (a) its dominant use is for residential accommodation (otherwise than as a hotel, motel, guest-house, backpacker hostel or nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the regulations), (the regulations prescribe that caravan parks and manufactured home estates are not to be categorised as residential and retirement villages, serviced apartments or time-shares are to be categorised as residential) or
- (b) in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes, or
- (c) it is rural residential land.

Under the current LG Act our options are extremely limited. Special rates and sub-categories are options available but staff do not believe Council could apply these to address this issue, due to this type of accommodation often being scattered amongst normal business and residential properties.

Special rates would need to apply to all land, which would benefit from any special rate not just those that are being used as tourist accommodation, that is, all the business or residential properties in the nominated area would be subject to the special rates.

A special rate category (sub-category) for tourist accommodation would also not be possible again due to the location of the tourist accommodation. Sub-categories must either be within a 'centre of population' for residential or 'centre of activity' for business. All land within that sub-category must be levied the same. Staff do not believe that Council would be able to create a residential sub-category for tourist accommodation using a 'centre of population'.

From a rating perspective staff do not believe that Council would be able to extract more dollars from tourists.

A tourism levy, as such, would not be possible under rating but perhaps it could be a fee of some sort that could be charged on these types of properties. This would then have to be charged by an invoice being raised by Accounts Receivable. If Council were to go down this path, Council would need to ensure that it had a system in place that would allow the tracking of tourist accommodation properties. Both the commencement of and termination of this type of accommodation being offered would need to be recorded and Council would also need to determine if it would be an annual charge or a seasonal charge depending on the type of tourist accommodation. Staff do not believe that rating systems are designed for this type of data collection.

### **Special Rates**

#### **OLG Council Rating and Revenue Raising Manual**

Sec 495 of the Act enables council to make a special rate for or towards meeting the cost of any "works, services, facilities or activities" provided or undertaken, or proposed to be provided or undertaken, by council within the whole or any part of council's area, other than "domestic waste management services".

By virtue of Sec 495(2), the special rate is to be levied on such rateable land in council's area as, in council's "opinion":

- benefits or will benefit from the works, services, facilities or activities; or
- contributes or will contribute to the need for the works, services, facilities or activities; or
- has or will have access to the works, services, facilities or activities.

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With respect to local rates, council is required to form a certain "opinion" as a necessary precondition to the making and levying of a special rate. It is the land which will benefit from, contribute to the need for, or have access to the particular works, services, facilities or activities the subject of the rate. Council must define, with some precision, the work, service, facility or activity in question which will benefit, etc., the land.

The opinion must correspond exactly with the "substance" and "effect" of the rate, that is, all land rated must be identical to the land which will benefit from, contribute to the need for, or have access to the particular works, services, facilities or activities the subject of the rate. Thus, the rate must not be levied on any land which will not, in council's reasonable opinion, benefit from, contribute to the need for, or have access to those works, services, facilities or activities. All land which will, in council's reasonable opinion, benefit from, contribute to the need for, or have access to those works, services, facilities or activities must be rated.

#### **Sub-Categories**

##### **LG Act – Sec 529 Rate may be the same or different within a category**

(1) Before making an ordinary rate, a council may determine a sub-category or sub-categories for one or more categories of rateable land in its area.

(2) A sub-category may be determined:

- (a) for the category "farmland"—according to the intensity of land use, the irrigability of the land or economic factors affecting the land, or
- (b) for the category "residential"—according to whether the land is rural residential land or is within a centre of population, or
- (c) for the category "mining"—according to the kind of mining involved, or
- (d) for the category "business"—according to a centre of activity.

##### **OLG Council Rating and Revenue Raising Manual**

It is for council to consider the definition when making decisions about sub-categories for the purpose of residential rating. Nevertheless the following guidelines are provided for councils:

- Separate towns or villages may be regarded as discrete centres of population.
- Wherever contiguous urban development exists the criteria that should be present in order to constitute a centre of population are:
  - that there is a discernible community of interest amongst the residents which differs from those living outside that part of the area; and,
  - that part of the council area is independently serviced by infrastructure which reflects the focus of that part of the area as a centre of population.
- A centre of population should not be a device intended to enable rating variations within an homogeneous suburb or suburbs, or by street, or by any special feature such as proximity to water.

It is clear that sub-categorisation on the basis of centres of population may have limited application within the suburbs of the main urban centres.

#### **Other options**

There has been discussion by some Council's about the introduction of a tourism levy or bed tax. No evidence has been found of any council undertaking this in a targeted manner that simply levies accommodation providers. Some Councils do have tourism levies. These are either across all commercial/business categories or across all ratepayers.

There are a number of opportunities that could be considered to seek additional revenue from the tourists who visit the Shoalhaven. These include:-

- Partnership deals with advertisers such as sign boards at key tourism locations that charge rent to companies like ohhh media

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- Paid parking at key destinations; this could see income from the tourist/visitors. Locals would already have their own parking in their homes or Council could have a local free parking permit system. Such a strategy could reduce numbers of visitors.
- Lobby for state / federal governments to add a bed tax to websites, like an additional booking fee on sites like stayz, Airbnb and the other 50 plus booking channels, so that funds raised go back to LG infrastructure costs. EG "local tourism sustainability fee" on checkout per transaction.
- Fee for service;
  - Fees for operators to run on public land - like beach use for surf schools
  - This could impact how many operators who would want to move or work in the region

In considering this matter Council also need to be mindful of the fact that the tourist inject over \$800Million per year into the local economy. It could be argued that every resident in the Shoalhaven benefits either directly or indirectly from the tourist industry. Commercial, industrial and retail providers already pay rates and in some way they are here due to tourism and therefore are contributing to the costs of the city from business they derive directly and indirectly from tourists.

#### **Community Engagement**

Consultation has not occurred with the local community in relation to this report.

#### **Policy Implications**

There are no policy implications as a result of this report

#### **Financial Implications**

There are no financial implications as a result of this report

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## SA18.19 Acquisition - Easement for Water Supply - 16 Wason Street Ulladulla

**HPERM Ref:** D17/402937

**Group:** Shoalhaven Water Group  
**Section:** Water Asset Planning & Development

**Attachments:** 1. Easement Plan - Wason St Ulladulla [↓](#)

### Purpose / Summary

This report is submitted to seek Council approval to:

1. Rescind MIN16.916 for the acquisition of an Easement for Water Supply 0.1m wide over Lot 22 DP576042 and Lot 11 DP856300, Nos 20 & 2/18 Wason Street Ulladulla, from A & R Capogreco, and in lieu
2. Acquire an Easement for Water Supply 0.025m wide over Lot 1 DP786425, No 16 Wason Street Ulladulla, from F & MS Pirrello for compensation of \$2,000 plus GST.

### Recommendation

That

1. Council rescind MIN16.916 for the acquisition of an Easement for Water Supply 0.1m wide over Lot 22 DP576042 and Lot 11 DP856300, Nos 20 & 2/18 Wason Street Ulladulla, marked (A) & (B) and highlighted yellow on the easement plan attached.
2. Council resolve to acquire an Easement for Water Supply 0.025m wide over Lot 1 DP786425, No 16 Wason Street Ulladulla, shown by red line on the easement plan, attached.
3. Council pay compensation of \$2,000 plus GST and reasonable legal costs associated with the acquisition, in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 from Council's Water 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. Acquisition of the easements is required to formalise a water supply line to an adjoining property.
2. Not resolve as recommended and provide further directions to staff.

### Background

MIN16.916 gave approval to acquire an easement over Lot 22 DP576042 and Lot 11 DP856300 Wason Street to formalise a water supply line to Lot 10 DP 856300 - No 1/18 Wason Street. The water connection to Lot 10 is at the rear of the property and cannot be connected at the street frontage of that lot as a substantial commercial building occupies the whole site.

The water service from Wason Street to Lot 10 is currently across Lots 22 & 11, both owned by the Capogreco family. Approval had been given to pay compensation of nominal \$2,000 for the easements over each property, total \$4,000, and a survey plan was prepared. However, Mr Capogreco subsequently declined to proceed with the agreements due to new business arrangements with his son, Carlo Capogreco.

An alternative route has now identified to affix the water pipeline to the rear and western side walls of buildings on Lot 1 DP786425, No 16 Wason Street. The previous survey plan has identified that the walls of are clear of the property boundaries.

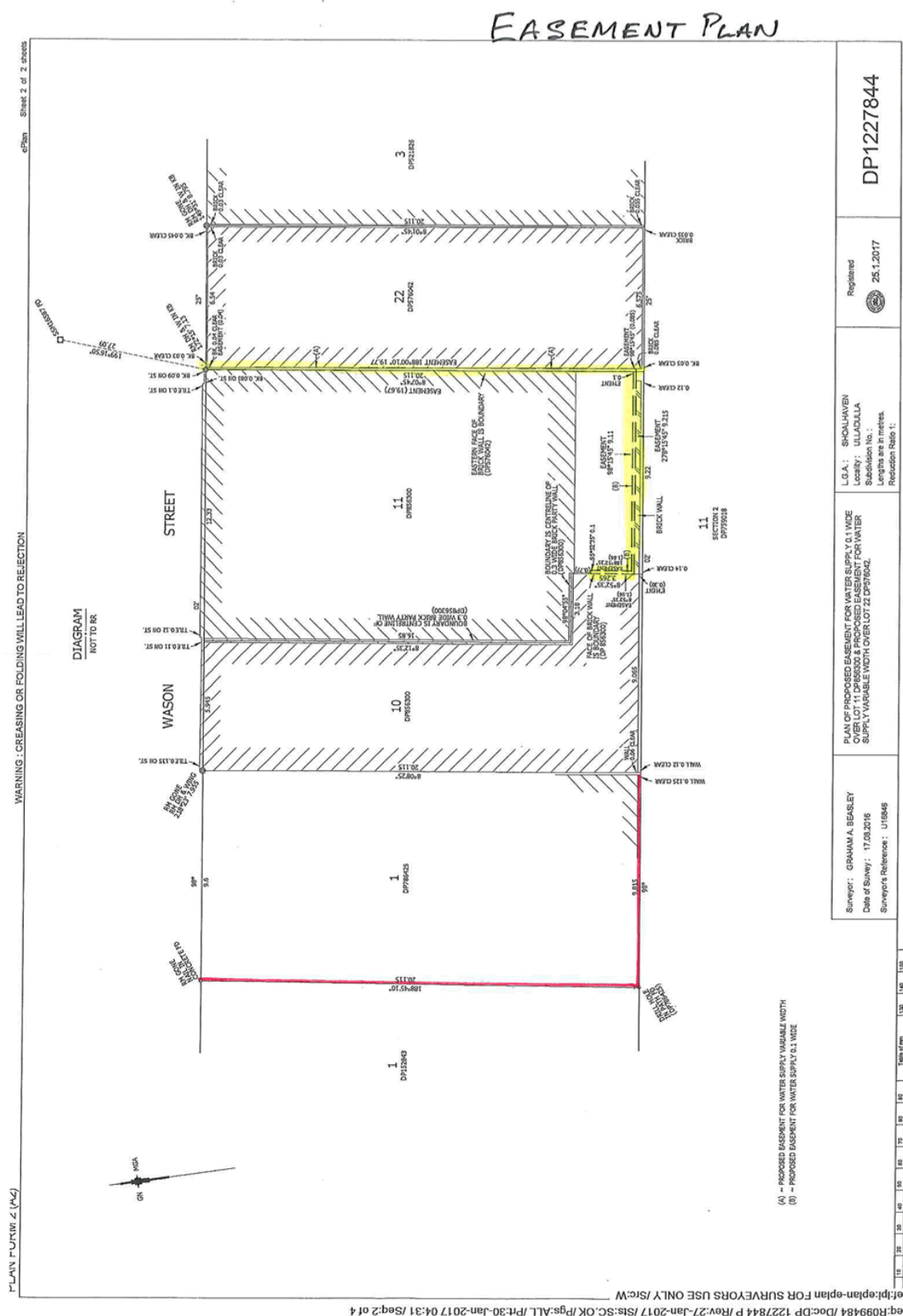
Agreement has been reached to acquire an easement over Lot 10 for compensation of nominal \$2,000, plus GST. The landowner has requested that the width of the easement be 25mm (0.025m) so as to only accommodate the width of the 20mm water line.

### **Financial Implications**

The compensation and reasonable costs associated with the acquisition are to be funded from Council's Water Fund.

### **Risk Implications**

Creation of the easement is necessary to secure Shoalhaven Water's legal access for the supply of essential public infrastructure. The proposed action is administrative and has no environmental impact.



## SA18.20 Beyond Plastic Conference 2017

**HPERM Ref:** D17/426105

**Submitted by:** Cllr Patricia White

**Attachments:** 1. Conference report (under separate cover) [↗](#)

### Purpose / Summary

To provide a report (Attachment 1) from Cllr Patricia White on the Beyond Plastic Conference held in Darling Harbour, Sydney on 30 October to 1 November 2017 in accordance with Clause 3.3(e) of the Council Members – Payment of Expenses and Provision of Facilities Policy.

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

That Council receive the report from Cllr Patricia White on the Beyond Plastic Conference 2017 for information.

### Options

1. Receive the report for information
2. Request further information on the conference

## LOCAL GOVERNMENT AMENDMENT (GOVERNANCE & PLANNING) ACT 2016

### Chapter 3, Section 8A Guiding principles for councils

#### (1) Exercise of functions generally

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

#### (2) Decision-making

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

#### (3) Community participation

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

### Chapter 3, Section 8B Principles of sound financial management

The following principles of sound financial management apply to councils:

- (a) Council spending should be responsible and sustainable, aligning general revenue and expenses.
- (b) Councils should invest in responsible and sustainable infrastructure for the benefit of the local community.
- (c) Councils should have effective financial and asset management, including sound policies and processes for the following:
  - (i) performance management and reporting,
  - (ii) asset maintenance and enhancement,
  - (iii) funding decisions,
  - (iv) risk management practices.
- (d) Councils should have regard to achieving intergenerational equity, including ensuring the following:
  - (i) policy decisions are made after considering their financial effects on future generations,
  - (ii) the current generation funds the cost of its services

**Chapter 3, 8C Integrated planning and reporting principles that apply to councils**

The following principles for strategic planning apply to the development of the integrated planning and reporting framework by councils:

- (a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.
- (b) Councils should identify strategic goals to meet those needs and aspirations.
- (c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.
- (d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.
- (e) Councils should regularly review and evaluate progress towards achieving strategic goals.
- (f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.
- (g) Councils should collaborate with others to maximise achievement of strategic goals.
- (h) Councils should manage risks to the local community or area or to the council effectively and proactively.
- (i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.