

Ordinary Meeting

Meeting Date: Tuesday, 27 March, 2018
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 5.00pm

Membership (Quorum - 7)
All Councillors

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

Agenda

1. **Acknowledgement of Traditional Custodians**
2. **Opening Prayer**
3. **Australian National Anthem**
4. **Apologies / Leave of Absence**
5. **Confirmation of Minutes**
 - Ordinary Meeting - 27 February 2018
6. **Declarations of Interest**
7. **Presentation of Petitions**
8. **Mayoral Minute**
9. **Deputations and Presentations**
10. **Notices of Motion / Questions on Notice**

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Reports

CCL18.3	Tenders - Management and Operation of the Shoalhaven Animal Shelter
	<i>Local Government Act - Section 10A(2)(d)(i) - Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.</i>
	<i>There is a public interest consideration against disclosure of information as disclosure of the information could reasonably be expected to undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market.</i>

CL18.50 Rescission Motion - Bay and Basin Community Hub - Draft Master Plan Exhibition Complete - Request for Detailed Design Phase

HPERM Ref: D18/69582

Submitted by: Clr Bob Proudfoot
 Clr Mitchell Pakes
 Clr Greg Watson

Purpose / Summary

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

Recommendation

That Council rescind the Motion relating to Item CL18.29 of the Council Meeting held Tuesday 27 February 2018.

Background

The following resolution (MIN18.114) was adopted at the Ordinary Meeting held Tuesday 27 February 2018.

That Council:

1. *Adopt the Draft Bay and Basin Community Hub Master Plan*
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 local community and user groups to maintain the Sanctuary Point Library and develop it further in the current location or nearby should the department of Education require the land back.*

CL18.50

CL18.51 Notice of Motion - Bay and Basin Community Hub - Draft Master Plan Exhibition Complete - Request for Detailed Design Phase

HPERM Ref: D18/69619

Submitted by: Cllr Bob Proudfoot
Cllr Mitchell Pakes
Cllr Greg Watson

Purpose / Summary

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

Recommendation

That Council construct a District Library at Sanctuary Point as a priority.

Note by the General Manager

This Notice of Motion will be dealt with if the presiding Rescission Motion is carried. It should however be noted that the Notice of Motion does not propose any further action in respect to the draft Bay & Basin Community Hub Masterplan which leaves that matter in limbo.

CL18.51

CL18.52 Notice of Motion - Various Issues - Sanctuary Point & St Georges Basin

HPERM Ref: D18/89913

Submitted by: Cllr Bob Proudfoot

Attachments: 1. Photos of Paradise Beach Road Sanctuary Point [↓](#)

Purpose / Summary

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

Recommendation

That following a meeting with several concerned community members, that the ensuing list of requests be given serious consideration for inclusion in future budgets, work's programmes and funding applications. Staff would need to provide their professional input and report back to Council with a realistic way forward:

1. Traffic calming measures on Larmer Avenue, Sanctuary Point on the approach to Cockrow Creek bridge where the 70 km/hr becomes 50 km/hr, be installed. Local residents are adamant that motor vehicles, garbage trucks and delivery wagons are travelling across the bridge at speeds in excess of 80 km/hr, with noise levels being intolerable and the risk of accidents high.
2. Urgent road maintenance works be carried out on The Park Drive at, Sanctuary Point at various locations, but in particular from Larmer Avenue to Boronia Avenue and to Boronia Avenue itself.
3. A roundabout be constructed at the corner of Sanctuary Point Road and Larmer Avenue/ Paradise Beach Road, Sanctuary Point.
4. Acknowledge and promote Palm Beach as the iconic beach that it is, and support this acknowledgement with enlightened expenditure on infrastructure.
5. Upgrading of the Basin Walking track through Sanctuary Point, as proposed in 2015.
6. Provision of at least 3 new barbeque shelters where users can also enjoy their meals under cover, similar to the way that it occurs in other locations such as Mollymook, Plantation Point and Sussex Inlet, and who knows how many other locations within the Shoalhaven.
7. Removal of the dangerous, sharp and pointy, introduced grasses around the trees and seating areas throughout Ray Brooks Reserve, Paradise Beach and other St George's Basin public foreshore reserves.
8. Reconsideration of the dangerous stairs, recently constructed from Ray Brooks Reserve to the 5 star, "By the Beach B and B," with only a one-sided handrail, with a long drop to the bottom. Modification at the top also needs attention.
9. Removal of the large sand and wrack piles from alongside of the toilet block together with the large piles of mulch.
10. A serious review of the deterioration of the ageing ramp from Greville Avenue to the bottom of Ray Brooks Reserve.
11. The construction of a boardwalk to allow a safe continuation of the Basin Walking track around it's original course at the base of the cliff beneath and around Red-head Point, as

CL18.52

properly shown on Google Earth. This would make it available for everyone to complete their walk or ride in safety, including the disabled, mothers with prams, mothers with children, children on bikes, older citizens requiring a level platform to walk on, sports' enthusiasts, as well as the future influx of tourists.

12. A safety audit regarding the impact of foreshore vegetation on the capacity of parents and carers to adequately supervise young children whilst they swim at beaches such as Palm and Paradise Beaches, Sanctuary Point.







CL18.53 Notice of Motion - Community Engagement

HPERM Ref: D18/90129

Submitted by: Cllr Annette Alldrick

Purpose / Summary

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

Recommendation

That Council explore the feasibility of engaging a private company to carry out community consultation for large or potentially controversial council projects.

Background

We are constantly being told by community members that they didn't know about projects proposed by council, despite community consultation being carried out. This results in criticism of council and in stalling of projects. It also results in the wasting of staff time when they have to redraw plans etc. At the main streets conference in Melbourne last year I attended a session by Nepean council on this subject and when I spoke to the presenters after the presentation they said it proved to be a cost effective way of reaching out to the community and that the expense was well worth it.

Note by the General Manager

Council staff are currently developing a comprehensive Community Engagement Strategy and Engagement Framework for use for all of Councils projects. Part of this strategy includes further improvements to the identification of risks, alternative methods of engagement and the use of a variety of engagement tools and options for delivery.

A key principle of engagement is to ensure that each project is assessed individually through the identification of stakeholders, appropriate planning and an understanding of how stakeholders can be reached.

Being able to reach all interested stakeholders is an ongoing concern for all engagement practitioners both in business and in government contexts and is not alleviated through the use of a private company alone.

Council has used external consultants for engagement projects in the past, in some cases this has been useful and in others it has not. It is recommended that the use of consultants remains an option for staff in engagement projects, **if appropriate budget is available** however this remain an option as part of a broader framework rather than mandated in anyway.

CL18.53

CL18.54 Notice of Motion - Warden Head Lighthouse - Ulladulla

HPERM Ref: D18/91106

Submitted by: Cllr Patricia White

Purpose / Summary

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

Recommendation

That Council

1. Give full support the Ulladulla Lighthouse Suicide Group in establishing a safe environment to the precinct surrounding the Ulladulla Lighthouse.
2. Allocate a budget of up to \$75,000 to assist with project management, design, scopes of work.
3. Assist the group with applying for funding opportunities with all levels of government.
4. Liaise with the Department of Crown Lands for the future management/maintenance costs of the Lighthouse precinct but not including the Lighthouse structure that will remain the responsibility of RMS.

Background

Council received a briefing late last year in relation to the suicide issues surrounding the Ulladulla Lighthouse area from affected families and health officials. The group have been advocating for improved facilities and safety measures around the Lighthouse precinct for the past year.

There have been many suicides in this precinct over time (informed over 40 in this area) and the area is designated as a "suicide hotspot" by the Black Dog Institute and Lifespan. As late as last December there was a fatality at the site and it once again had a devastating effect on the community – the person was well known, well liked community member with young children.

Suicide and suicide attempts are the most devastating consequences of mental distress. We know suicidal behaviour results from interaction between many factors in a person's life, including their social and financial situation and their culture and individual history. A wealth of evidence shows suicide can be prevented through strategies aimed at individuals and entire communities.

Suicide rates in the Illawarra Shoalhaven region remain higher than NSW averages, with 40-60 suicides reported each year. According to statistics from crisis service provider Lifeline, deaths by suicide in Australia have reached a 10-year peak with twice as many people dying from suicide than in road-related deaths.

Council has prepared a Community Safety Audit and improvements are required in the area to increase safety of members of the community. Crown Lands have allocated a small budget of \$200,000 for works and Rotary has contributed to some design plans.

CL18.54

However, for the project to succeed, there needs to be a project coordinator who can project management and the funds of Crown Lands cannot be used for this purpose.

Additionally, there needs to be discussions with Crown Lands for the ongoing management maintenance to the area following the improvements.

This project also provides an opportunities for the area to be highlighted as a Tourist facility. Many people visit the area to whale watch; view the coast line; and watch the passing ships/boats. There are spectacular views of our coastline and will enhance tourism opportunities in the Southern Shoalhaven.

Two other Coastal areas that had similar issues are the GAP in Sydney and Albany in Western Australia.

Both of these areas have received significant grant funding to improve the areas and reports from Suicide Prevention agencies believe the improvements have worked.

Reporting in 2015 stated blocking the means of suicide at "hotspots" such as high bridges and cliffs reduces the number of deaths at these locations by 90 per cent, new research shows. The University of Melbourne study found prevention approaches such as placing signs and crisis-assistance numbers and increasing the likelihood of intervention by a third party significantly reduced the number of deaths at these locations.

One location the study cites was The Gap, an ocean cliff in eastern Sydney in Watsons Bay where an inwardly curved fence was built along the cliff's edge, and telephones and signs were installed linking directly to Lifeline. The paper found interventions to restrict access resulted in 91 per cent fewer suicides per year when looked at in combination with other interventions and a 93 per cent reduction when used in isolation.

Albany in WA received \$6 million dollars of funding from the Federal Government to improve a cliff area.

In summary, by providing support and financial assistance for project management for design, scope and funding opportunities to the Ulladulla Lighthouse precinct will enhance the area for tourism but more importantly provide public safety and assist to reduce the area as a suicide "Hotspot".

I seek support from all Councillors on this important issue for our community.

Note by the General Manager

Persons who are experiencing a personal crisis or thinking about suicide are encouraged to contact Lifeline's confidential Crisis Support Service on 131114.

The Parcel of land around the Ulladulla Lighthouse (highlighted in the picture below) is Crown Land which Council is not Trust Manager and has no role in its care, control or management.



The design, installation and ongoing maintenance of the proposed measures is a matter of the Department of Industry - Crown Lands as land owner and needs to be funded by them accordingly.

However, given it is such a significant issue for our community it is recommended that Council:

1. Support the Ulladulla Lighthouse Suicide Group in making representations to the Department of Industry - Crown Lands, to establish a safe environment within the precinct surrounding the Ulladulla Lighthouse
2. Make representations directly to the Department of Industry - Crown Lands and local State and Federal members of Parliament
3. Consider in the 2018/19 budget discussions co-funding works up to \$75,000 to assist with project management, design, scopes of work.
4. Assist the group with applying for funding opportunities with all levels of government.
5. Liaise with the Department of Crown Lands for the future management/maintenance costs of the Lighthouse precinct but not including the Lighthouse structure that will remain the responsibility of RMS.

CL18.54

CL18.55 Report of the Strategy & Assets Committee - 20 March 2018

HPERM Ref: D18/96279

**SA18.44 Notice of Motion - Black Spot Funding - Princes Hwy
Jervis Bay Rd Intersection to Ulladulla**

**HPERM Ref:
D18/77771**

Recommendation

That Council apply for urgent black spot funding from the federal government's Black Spot Programme through the RMS for the stretch of the Princes Highway from the Jervis Bay Rd intersection to Ulladulla.

**SA18.45 Hyams Beach- Workshop Outcomes- Easter Actions
and Resource Requirements**

**HPERM Ref:
D18/84701**

Recommendation

That:

1. Council support the implementation of actions for the Hyams Beach as a trial for the Easter period 2018.
2. Council allocate a budget up to a total of \$39,000 to implement the trial.
3. A further allocation of \$21,000 be made for a long-term traffic management plan for Hyams Beach.
4. A report is provided back to Council on the outcome of the trial and a consideration of ongoing resource provision in the Hyams Beach location.
5. Council continue discussions with key stakeholders from Hyams Beach (including the Hyams Beach Village Association) and stakeholders from the wider Shoalhaven to develop long term solutions to increasing visitor numbers and infrastructure needs.
6. A working party is formed to assess long term strategic and sustainable infrastructure solutions to current and potential hotspots throughout the region, taking into consideration the Sustainable Tourism Model currently being created.
7. Consideration be given to the purchase of variable message board signs (VMS) to assist with future peak summer holiday periods to reduce the costs of hiring. These signs can also be utilised by Council for other festivals, events and emergency situations.
8. The General Manager have regard to the submission from the Hyams Beach Village Association in the implementation of the action plan.

Note by the General Manager:

Because of the timing of a final decision in respect to this matter some arrangements have been put in place as per my advice to councillors by email last week.

CL18.55

**SA18.46 South Coast Regional Jobs Initiative Grant -
Woollamia Boat Lift Facility****HPERM Ref:
D18/85080****Recommendation**

That Council:

1. Accept the grant of \$180,900 towards the cost of boat lifting facilities at Woollamia under the South Coast Regional Jobs Initiative.
 - a. The Contract be signed by the General Manager
2. Vote \$200,000 from the Economic Development Reserve towards this project as its contribution.

**SA18.47 South Coast Regional Jobs Initiative Grant -
Greenwell Point Boating Facilities****HPERM Ref:
D18/85372****Recommendation**

That Council:

1. Accept the grant of \$744,339 towards the cost of additional boating facilities at Greenwell Point under the South Coast Regional Jobs Initiative.
 - a. The Contract be signed by the General Manager
2. Vote \$750,000 from the Economic Development Reserve towards this project as its contribution.
3. That Council write to and thank the Federal Member for the funding.

**SA18.55 Classification of land - Part Lots 2 & 3 DP1205656
Dolphin Point Road Burrill Lake****HPERM Ref:
D18/35106****Recommendation**

That Council resolve to classify the land described as part Lots 2 & 3 DP1205656 being proposed Lots 2 & 3 DP1228719 Dolphin Point Road, Burrill Lake as Operational Land.

**SA18.56 Classification of land - Part Lot 100 DP1222232 Field
Street Huskisson****HPERM Ref:
D18/35337****Recommendation**

That Council resolve to classify the land described as part Lot 100 DP1222232 Field Street, Huskisson as Operational land.

CL18.55

SA18.57 Encroachment onto Public Reserve - 1 Walton Way, Currarong

**HPERM Ref:
D18/24295**

Recommendation

That Council defer the item to next Ordinary meeting pending further legal advice on the transfer of title.

Note by the General Manager:

An addendum report will be provided.

SA18.58 Classification of land - Part Lot 1 DP608937 Captain Street Vincentia

**HPERM Ref:
D18/42878**

Recommendation

That Council resolve to classify the land described as part Lot 1 DP608937 being proposed Lot 1 DP1236981 Captain Street Vincentia as Operational Land.

SA18.65 Acquisition of easement over Crown land at Shoalhaven Heads

**HPERM Ref:
D18/46636**

Recommendation

That:

1. Council resolve to compulsorily acquire an Easement for Access, Sewer Pipeline and Electricity Purposes variable width over Crown land, Lot 70 DP751268 at Gerroa Road, Shoalhaven Heads, as shown marked (E) and highlighted yellow on attached draft survey plan.
2. Council to pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

SA18.66 Interest Grace Period - Water Accounts

**HPERM Ref:
D18/49097**

Recommendation

That Council

1. Remove the extended grace period for the payment of eligible pensioner water accounts effective 1 July 2018.
2. Rescind Council resolution 1814 adopted 18 December 2007.
3. Increase the Council component of the annual concession for eligible pensioners under the conditions of Section 575 of the Local Government Act by \$10.00 for the water availability charge and \$10.00 for the sewerage availability charge effective 1 July 2018.
4. Adopt the amended policy 17/1 attached to reflect Part 1 of the Recommendation.

CL18.55

SA18.68 Draft Proposal for 2018-19 Water and Sewer Charges**HPERM Ref:
D18/62537****Recommendation**

That Council adopt the following proposal for inclusion in the draft 2018/19 budget:

1. Water Availability Charge 20mm – No increase from \$82/connection
2. Water Usage Charge – No increase from \$1.70/kL
3. Sewer Availability Charge 20mm – Increase of \$18.00 per annum from \$830 to \$848 per annum.

**SA18.69 Acquisition of easements over Crown roads - Milton
Ulladulla Sewer Trunk Main project****HPERM Ref:
D18/68403****Recommendation**

That:

1. Council resolve to vary MIN16.59 of 27/1/2016 and compulsorily acquire from the Crown easements for drainage of sewage 6 wide over:
 - a. Unmade Crown roads off Slaughterhouse Road and Turnbull Lane at Ulladulla, as shown highlighted and marked (E) on attached copy of DP1238712, and
 - b. Unmade and closed Crown roads off Green Street at Ulladulla and Kings Point Drive at Kings Point, highlighted and marked (A) on attached copy of DP1228174.
2. Council to pay compensation and costs associated with the acquisition in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991, from Shoalhaven Water's Sewer fund.
3. The necessary application be made to the Minister for Local Government and the Governor. The acquisition is to be carried out under the Local Government Act 1993.
4. The Common Seal of the Council of the City of Shoalhaven be affixed to any documents required to be sealed.

**SA18.70 Extension of Town Water Supply along Tannery
Road, Cambewarra****HPERM Ref:
D18/71530****Recommendation**

That Council:

1. Approve the extension of the town water supply along Tannery Road to the eastern boundary of 261 Tannery Road, Cambewarra.
2. Approve the funding of the water main extension from the Water Capital Fund.
3. Following completion of the water main extension, discontinue the raw water supply to 245, 246 and 261 Tannery Road, Cambewarra.
4. Take appropriate steps to minimise the risk to Council in respect to the raw water supply on 230B Tannery Road and Lot 85 DP 751273.

CL18.55

CL18.56 Report of the Council Bushcare Representatives Group - 21 February 2018

HPERM Ref: D18/76493

Attachments:

1. Broughton Vale Bushcare Action Plan 2017 (under separate cover)
2. Tallyan Point Basin View Bushcare Action Plan 2017 (under separate cover)
3. Mia Way Bushcare Action Plan 2017 (under separate cover)
4. Callala Boat Ramp Reserve Bushcare Action Plan 2017 (under separate cover)

BR18.1 Applications for Membership - Len White and Kelly Cowlshaw

HPERM Ref:
D18/1819

Recommendation

That Len White and Kelly Cowlshaw be appointed as community members on the Council Bushcare Representative Group.

BR18.2 Four (4) Bushcare Action Plans - Review

HPERM Ref:
D18/34937

Recommendation

That Council adopt the following four (4) reviewed Bushcare Group Action Plans:

1. Broughton Vale Bushcare Action Plan
2. Tallyan Point Bushcare Action Plan
3. Mia Way Bushcare Action Plan
4. Callala Boat Ramp Reserve Bushcare Action Plan

Note by the General Manager:

See attachments

CL18.56

CL18.57 Report of the Shoalhaven Tourism Advisory Group - 26 February 2018

HPERM Ref: D18/71038

TA18.9 Support Request - Byron Shire Council - Tourism Accommodation Levy (Bed Tax)

**HPERM Ref:
D18/28830**

Recommendation

That the Shoalhaven Tourism Advisory Group request that Council respond to Byron Shire via a Mayoral letter stating the following:

1. At this time the Shoalhaven Tourism Advisory Group and Council does not support the request for a trial of a tourism levy; and
2. The Shoalhaven Tourism Advisory Group and Council support investigation into the issue of revenue raising for Council's to improve their infrastructure.

Note by the General Manager:

Council, in response to community concerns raised about the impact on local residents from the high visitor numbers within coastal villages in peak holiday periods, and the resultant additional staff, resources and costs to have staff respond to these concerns, has resolved to investigate all opportunities to have some of these costs defrayed by visitors rather than expect residents and landowners to meet these costs via their rates.

CL18.57

CL18.58 Report of the Shoalhaven Access Advisory Committee - 5 March 2018

HPERM Ref: D18/87498

Attachments: 1. Draft Terms of Reference - Inclusion and Access Advisory Group [↓](#)

SAA18.4 Adoption of Terms of Reference

HPERM Ref:
D18/7699

Recommendation

That Council adopt the changes decided by the group at the Planning Day held on 15/11/2017 and supported by the Shoalhaven Access Advisory Committee.

1. Adopt the Terms of Reference as outlined in the attached document.
2. Change the name of the committee to Inclusion and Access Advisory Group.

Note by the General Manager:

See attachment

SAA18.7 Additional item - Action Table - Adult Lift and Change Toilet for Huskisson

Recommendation

That:

1. Kylie Knight write to the provider of the funding to enquire whether, if funds were to be reallocated, would Council need to re-apply for the funding; and, if Council would not need to re-apply for the funding, then:
2. The Committee to write to Council seeking a variation/diversion of the funds (\$600,000.00) previously provided for the pathways and the memorial at White Sands Park, for the White Sands toilet facility.

Note by the General Manager:

It is concerning that the committee appears to be making representations to the provider of the grant to change the purpose of the \$600,000 grant to council for significant improvement works at Voyager Park entrance and memorial. The committee does not appear to provide a full costing and funding source for it's preferred adult lift and change toilet facility in lieu of the park improvement works.

SAA18.8 Additional item - Action Table - Lift and Change - Regulatory Impact Statement (RIS)

Recommendation

That:

1. Council make a submission on the Regulatory Impact Statement (RIS).

CL18.58

2. The Shoalhaven Access Advisory Committee drafts a letter to include as an attachment to Council's submission.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Policy - Terms of Reference - Inclusion and Access Advisory Group

Policy Number: POL18/7 • **Adopted:** [\[Click here to enter date\]](#) • **Minute Number:** [\[Click here to enter Minute number\]](#) • **File:** 1228E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

To inform, educate and advise Shoalhaven City Council, its staff and residents on accessibility and inclusion with the purpose of creating accessible and inclusive community infrastructure by:

- Actively engaging with Council on policies,
- Inputting on submissions and relevant legislation affecting accessibility and inclusion
- Being a conduit for information and communication between community and Council,
- Raising awareness in the Council, with its staff and in the community around inclusion and accessibility issues

2. STATEMENT

Shoalhaven City Council recognises the experience, knowledge, expertise and insight of the Inclusion and Access Advisory Group. Council acknowledges the Group's role as a conduit for strategic input into Council's decision-making processes.

3. TERMS OF REFERENCE

1.1 Relationship to Council

The Group is a Section 355 Committee of Council (Local Government Act 1993). It is a strategic advisory committee to advocate for and inform Council's decision-making process related to people with disability in the Shoalhaven.

1.2 Chairperson

The Chairperson position is open to Councillors who are members of the Group

Shoalhaven City Council - Title

The Group will appoint the Chairperson with the position limited to one (1) Council term. (4 years)

1.3 Membership

Members must live, work or volunteer within the Shoalhaven City Council Local Government Area.

Membership is by application and is open to:

- People who have lived experience of physical, sensory, intellectual and mental health issues.
- Parents/carers of people with disability.
- Representatives from disability organisations (non-voting).
- 1 x Health Representative (from an organisation providing health services in the Local Government Area)
- 1 x Education Representative (from an organisation providing Educational services in the area)
- State & Federal Parliament Representation
- 3 Councillor and (2 Councillors as alternates)
- People who are passionate about advocating for access & inclusion.
- Young person

Council will manage the application process. All applications will be considered by the Group and appointment decided at the next scheduled meeting.

1.4 Quorum

The quorum to be 5 (five) members in attendance at the meeting (including those who have joined by video or tele-conference)

1.5 Meetings

- Frequency - Quarterly
- Duration - 2½ hours to be reviewed after 6 months
- Agendas - Will be distributed to members one week prior to the meeting. Priorities identified by participants at the beginning of each meeting will be used to order the business of the meeting.
- Minutes - Council will perform administrative support for the meetings of the Group

1.6 Voting

- Members do not need to be present to have an input. Should they wish to make comment on items when they cannot be in attendance, they can be submitted via email on one working day before the meeting. People can also video or tele-conference (where available).
- Where possible, all decisions will be reached by consensus
- All decisions must be stated precisely for the inclusion of the minutes

Shoalhaven City Council - Title

- Alternative views are to be minuted.
- Every possible avenue will be explored to reach consensus. If consensus cannot be reached, and there is no urgency to the business, it will go to vote at the third meeting.
- Where an item cannot be determined by consensus after 3 meetings or an urgent decision is required before the next meeting, a vote will be taken from those members in attendance (including those who have joined by video or tele-conference). The chairperson will have a casting vote.

1.7 Code of Conduct

- All members of the Group are to abide by Council's Code of Conduct. A copy of the Code of Conduct is distributed to prospective members upon application to the Group.
- Members must declare in writing any interest in any report tabled at the meeting covered by the Code of Conduct and Pecuniary Interest
- Group members should act in a professional and responsible manner with the information they obtain as a member, as the Group requires openness and honesty to function well,
- Group members should feel free to express their opinions and views without fear of recrimination.

1.8 Confidentiality and Privacy

- Members may have contact with private and confidential or personal information retained by Council. If so members are required to maintain security of any confidential or personal information and not access, use or remove any information, unless the member is authorised to do so.

1.9 Communication

- All issues must be clearly communicated including priorities, limitation and benefits to the community
- Members of the Board are not permitted to speak to the media as Group of Council representatives of the Board unless approved by the Chairperson
- Where approval has been given by the Chairperson, views and opinions expressed are those of the Board and not of Shoalhaven City Council
- Where endorsement is required from Shoalhaven City Council, approval must be sought through the formal processes
- The Chair of the Board is the point of contact for communication between Board members and Council staff.
- Communication methods must be accessible in all instances and may take place via email, direct mail and phone calls where necessary.

1.10 Working Sub Groups

- The Group may establish working sub groups as deemed appropriate to assist in fulfilling their role and purpose.
- Working sub groups will be formed around specific tasks and a convenor from the group will be appointed.

Shoalhaven City Council - Title

1.11 Responsibility of Council

- Council will provide secretarial support to arrange meetings and take minutes and provide professional officer support where required.
- Council at its discretion may review and change the Terms of Reference, Role and Structure of the Board.

4. IMPLEMENTATION

The Finance, Corporate and Community Services Group of Council is allocated responsibility for the administration of the policy.

5. REVIEW

To be reviewed within one (1) year of the election of a new Council, or earlier at the direction of Council.

CL18.59 Report of the Nowra CBD Revitalisation Strategy Committee - 7 March 2018

HPERM Ref: D18/82827

CBD18.13 Funding - Nowra CBD Revitalisation Strategy Committee

HPERM Ref:
D18/66774

Recommendation

That Council allocate a sum of \$500,000 p.a. for the remaining term of the current Council, (indexed annually to Rate Peg amount), to the Nowra CBD Revitalisation Strategy Committee to implement specific areas identified in the Nowra CBD Revitalisation Strategy.

CBD18.14 Annual Promotions Budget

HPERM Ref:
D18/70802

Recommendation

That:

1. The Committee's allocation of \$50,000 p.a. for promotional events be reconfirmed.
2. The promotional funds be allocated to the Nowra CBD Business Chamber Inc for the expenditure and completion of promotional activities
3. The Nowra CBD Business Chamber provide audited quarterly reports to Council on the promotional activities and expenditure
4. The terms of reference for the Committee be amended to reflect the above provisions for promotional events.

Note by the General Manager:

This action will provide more autonomy to the committee to manage its funds for promotions. It is a similar administrative arrangement to that which previously applied for the CBD Promotions committee. The \$50,000 is part of the annual allocation of \$500,000.

CL18.59

CL18.60 Report of the Shoalhaven Traffic Committee - 13 March 2018

HPERM Ref: D18/87094

- Attachments:**
1. Roundabout - Intersection of Mitchell Pde and Donlan Rd (south) - Mollymook (PN 3474) [↓](#)
 2. Intersection Upgrade - Signage & Line Marking - Jervis Bay Rd & Gardner Rd - Falls Creek (PN 3475) [↓](#)
 3. Private Use of Public Car Parking - 39 Wason St - Milton (PN 3478) [↓](#)
 4. TRAF 2018/24 [↓](#)
 5. TRAF 2018/2 [↓](#)

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

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

IMPORTANT NOTE:

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

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

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

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

TC18.37 Recommendations from Previous Meeting

HPERM Ref:
D18/71268

Recommendation

That the report regarding the recommendations from the previous meeting be received for information.

TC18.38 Roundabout - Intersection of Mitchell Pde and Donlan Rd (south) - Mollymook (PN 3474)

HPERM Ref:
D18/71824

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the mountable roundabout and associated line marking and signage at the intersection of Mitchell Parade and Donlan Road (south), Mollymook, as detailed in the attached plan TRAF 2018/21, subject to E4 line marking to outline the painted medians to be E5.

TC18.39 Intersection Upgrade - Signage & Line Marking - Jervis Bay Rd & Gardner Rd - Falls Creek (PN 3475)

HPERM Ref:
D18/71870

CL18.60

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed CHR(S) treatment at the intersection of Jervis Bay Road and Gardner Road, Falls Creek as detailed in the attached plan TRAF 2018/22.

TC18.40 Private Use of Public Car Parking - 39 Wason St - Milton (PN 3478)

**HPERM Ref:
D18/71897**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objections to the temporary use of 4 parking spaces for a period of approximately 9 weeks during the redevelopment of 39 Wason St, Milton, as detailed in the attached plan TRAF 2018/23, subject to payment of associated fees in accordance with Council's Private Use of Public Parking Policy 16/154.

TC18.41 Temporary Road Closures for ANZAC Day Services and Marches (PN 3477)

**HPERM Ref:
D18/71916**

Recommendation

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the following temporary road closures to enable ANZAC Day marches and commemorative services be held on Wednesday 25 April 2018:

1. Berry – Assemble in Queen Street adjacent to Apex Park at 10.20am. The march will move off at 10.30am via Queen and Alexandra Streets to War Memorial Gardens for a one (1) hour service.
2. Bomaderry – Dawn Service in Walsh Memorial Park, Meroo Street commencing at 5.45am; Memorial Service – Assemble in Bunberra Street adjacent to Bomaderry RSL Club at 9.00am and march to Walsh Memorial Park in Meroo Street at 9.15am via Bunberra and Meroo Streets for service at 9.30am.
3. Callala Beach – A Memorial Service will be held at the Cenotaph in the grounds of the Callala RSL Country Club commencing at 10.00am.
4. Culburra – Assemble in Culburra Bowling and Recreation Club car park at 11.30am. March to the War Memorial adjacent to the Culburra Community Centre at 11.45am via West Crescent and Culburra Road for service at 12noon.
5. Greenwell Point – Dawn Service – Assemble at Greenwell Point Memorial Hall at 5.00am and march to ANZAC Park via Greenwell Point Road for service commencing at 5.25am.
6. Huskisson – Assemble in Hawke Street adjacent to White Sands Park at 10.15am. The march will move off at 10.30am via Hawke, Owen and Currumbene Streets to Voyager Park for service commencing at 11.00am.
7. Kangaroo Valley – Assemble at the Showground at 9.45am for march to commence at 10.00am travelling along Moss Vale Road to Cenotaph for service, returning along same route for dispersal at the Showground at approximately 11.00am.
8. Milton – Assemble at the intersection of the Princes Highway and Church Street at 10.15am for the march to commence at 10.30am along the Princes Highway to Milton Cenotaph for service expected to be completed by 11.15am.
9. Nowra – Assemble at 10.00am in Junction Street between Berry and Osborne Streets,

CL18.60

form up at 10.30am and march to Memorial Gates at Nowra Showground for a one (1) hour service after which the assembly will march along Junction Street to Shoalhaven Street where the parade will be dispersed.

10. Shoalhaven Heads – Assemble at 5.30am adjacent to the Centre Shops in Shoalhaven Heads Road with march to commence at 5.45am to the Shoalhaven Heads Memorial Park via Shoalhaven Heads Road for the service.
11. St Georges Basin – Memorial Service – Assemble in the Lions Park Memorial, Island Point Road (opposite hardware store) at 10.50am for service commencing at 11.00am.
12. Sussex Inlet – Assemble in Neilson Road adjacent to the RSL Sub Branch Hall at 10.00am for march commencing at 10.15am to the Sussex Inlet War Memorial at the RSL Club for the service.

TC18.42 Shared Path Missing Link Project - Vincent and Twyford Sts - Vincentia (PN 3476)

**HPERM Ref:
D18/71926**

Recommendation

Subject to the proposed 10km/h shared zone fronting property numbers 2,4,6,8,10 & 12 Vincent St, currently being applied for through NSW Road and Maritime Services directly (separate from the Shoalhaven Traffic Committee process):

That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed shared path and associated signage and line marking plan for the proposed as detailed in the attached plan TRAF 2018/24, and includes;

1. Removal of the reinforced turf roadway and construction of a 3.5m wide road pavement in Vincent St.
2. Signposting the area in front of property #2, 4, 6, 8 & 12 Vincent St as a 10km/h shared zone. Due to constraints in this area a separated path cannot be provided.
3. The construction of a 2.5m shared path on the back of new kerb and guttering on the northern side of Twyford Street.
4. Constructing 19 x 90° parking spaces (including 1 disabled parking space).

TC18.43 Signs and Lines - Bolong Road - Proposed Packing Facility Upgrade Works Manildra Pty Ltd - (PN 2613)

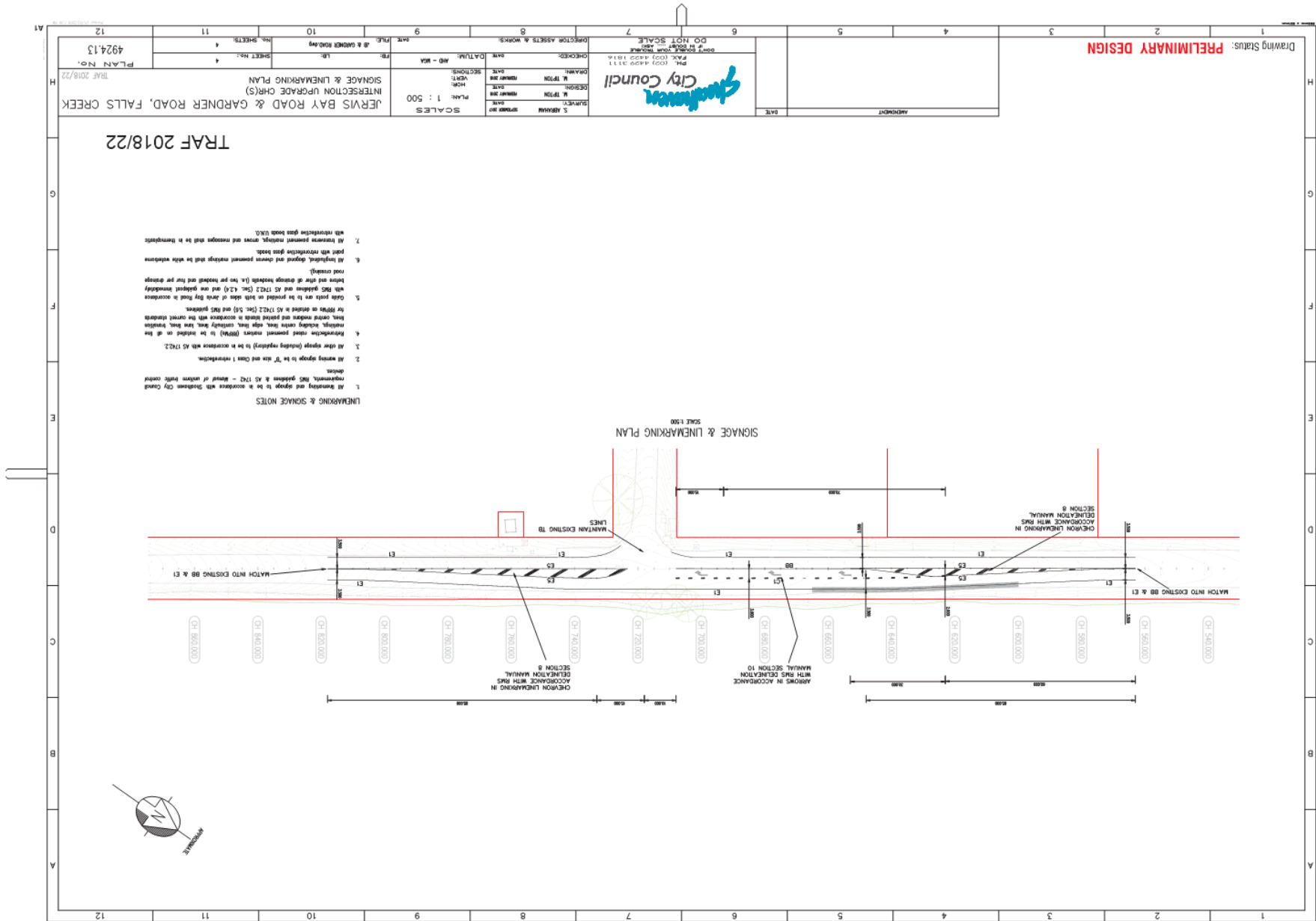
**HPERM Ref:
D18/79080**

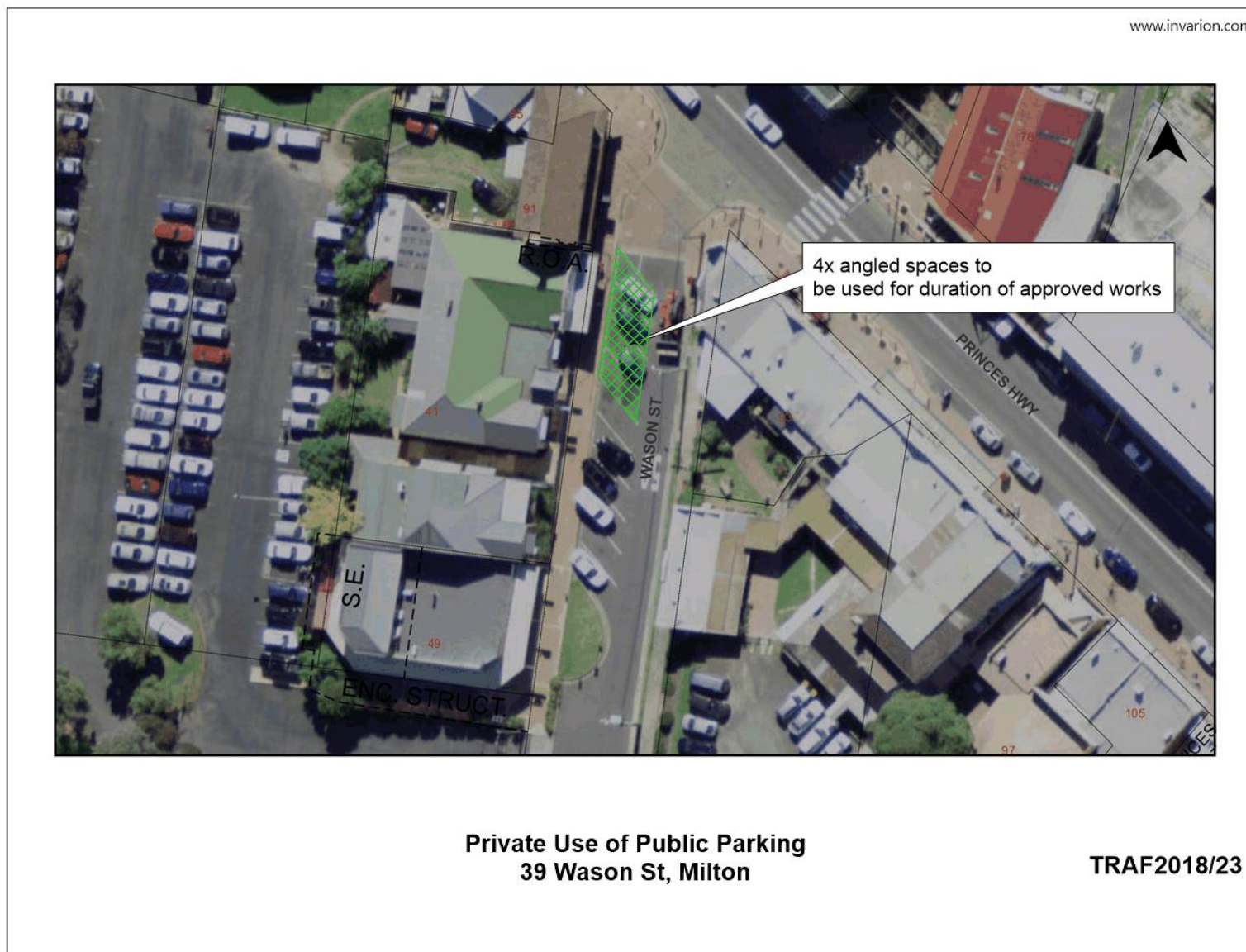
Recommendation

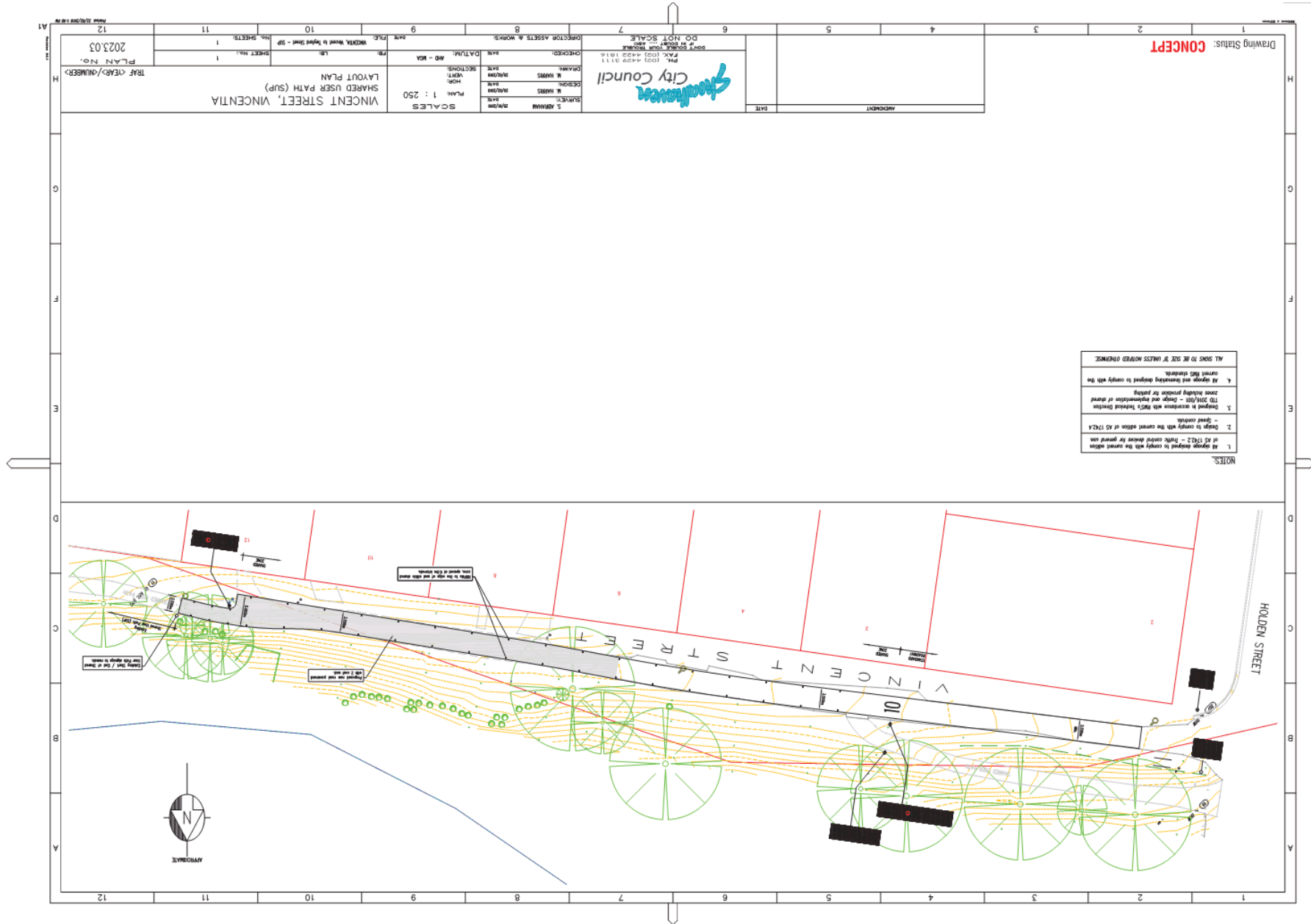
That the General Manager (Director Assets and Works) be advised that the Shoalhaven Traffic Committee has no objection to the proposed line marking and regulatory signage for the proposed entry road intersection for the Manildra Group, Bolong Road, Bomaderry, as detailed in the attached plan (drawing no. 25003-200_210) TRAF 2018/2.

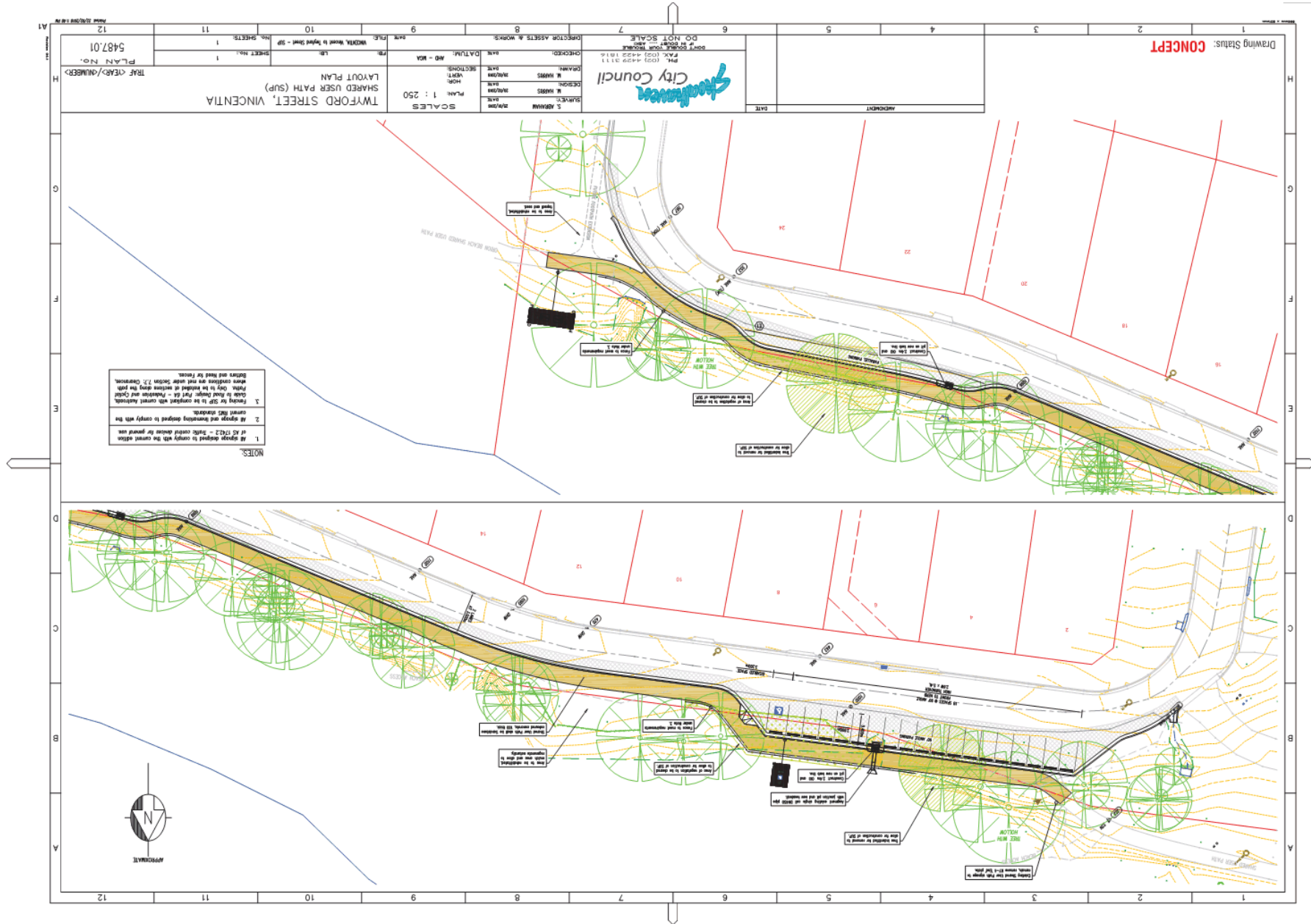
CL18.60



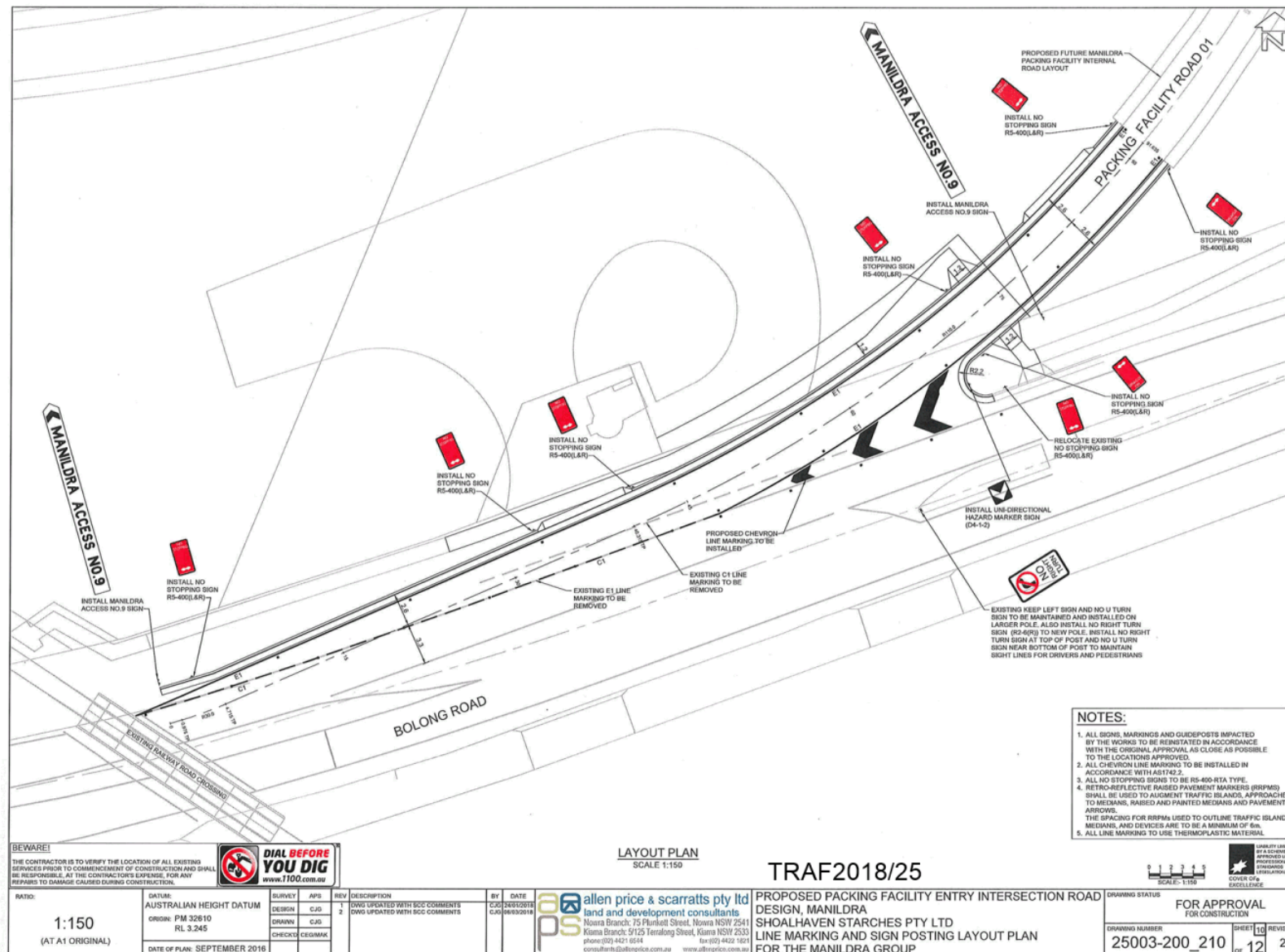








CL18.60 - Attachment 4



CL18.61 Sale of Council Employment Land - Lot 127 Trim St South Nowra

HPERM Ref: D18/85017

Group: General Manager's Group
Section: Economic Development

Purpose / Summary

To confirm and approve the sale of Council land within the Flinders Industrial Estate

Recommendation

That

1. Council employment land (Lot 127 DP 1124258, 36 Trim Street, South Nowra) be sold for \$296,000 (plus GST) to Lynch Civil Contractors Pty Ltd.
2. The General Manager be authorised to sign the Contracts for Sale, and
3. The Transfer to complete the Contracts for Sale be executed under the Seal of Council

Options

1. To sell Lot 127 DP 1124258, 36 Trim Street, South Nowra
2. Not to sell Lot 127 DP 1124258, 36 Trim Street, South Nowra

Background

The sale of Lot 127 DP 1124258, 36 Trim Street, South Nowra has been negotiated and is in accordance with Council resolution MIN17.123 which set the minimum sale price for this lot as part of Council's portfolio of industrial land.

Special conditions applicable to this sale are:

- Buyback condition – 2 years to build a factory



Financial Implications

The proceeds of the sale will be deposited into the Council's Industrial Land Development Reserve for reinvestment into future industrial land development.

CL18.61

CL18.62 Draft Homelessness Policy - Amendments incorporating public submissions.

HPERM Ref: D18/61420

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

Attachments: 1. Draft Homelessness Policy [↓](#)

Purpose / Summary

To adopt the revised Homelessness Policy with revisions made following public exhibition.

Recommendation

That Council adopt the Homeless Policy supplied at Attachment 1, taking into account the changes made following public exhibition (see tracked changes).

Options

1. Adopt the recommendation

Implications: Adopting the recommendation will lead to the policy being adopted.

2. Adopt the recommendation with an amendment.

Implications: Significant changes may require further public consultation.

3. Not adopt the recommendation and make an alternative recommendation.

Implications: Council will continue to respond to homelessness with no clear policy direction.

Background

Shoalhaven City Council has witnessed an increase in the number of homeless people “sleeping rough” in public places. This has resulted in Council needing to respond to the situation. There have been questions as to what are the responsibilities of Council with regards to homelessness and what are the responsibilities of other levels of government. This policy clarifies Council responsibilities and provides direction to Council staff in responding to people who are homeless.

The policy seeks to identify Council's role in addressing homelessness and outlines the organisation's commitment to strategies to address homelessness. In doing so, it recognises that Commonwealth and State governments hold the primary responsibility of funding and providing services to assist those who are homeless or at risk of becoming homeless and that a whole of government approach is required to address homelessness. In this, the role of Council is to assist and complement the other tiers of government and the community sector as facilitators of solutions to homelessness and crisis accommodation.

Council's commitment lies in matters relating to land management and planning; advocacy; building the capacity of the community; partnership and service coordination; the recognition of the rights of all members of the community to use public spaces and to participate in community events, services and consultations.

The draft policy was placed on public exhibition for a period of 28 days and closed on 21 February 2018. During that time Council received one (1) submission. The submission recommends referencing the Environmental Planning and Assessment Act 1979 Schedule 5, Part 4 – 2 (previously Section 121G) as it applies to orders that make or are likely to make residents homeless. Following consultation with staff from Building and Compliance, it was decided to reflect this submission in the policy.

A slight change to formatting was made to ensure the numbering was consistent with numbering conventions.

Community Engagement

The draft policy was placed on public exhibition for a period of 28 days and closed on February 21, 2018. During that time Council received one (1) submission. The submission was incorporated into the policy.

Policy Implications

There is no existing Homelessness Policy.

Adoption of this policy will provide direction to Council and staff in how to manage issues of homelessness and plan to mitigate homelessness where possible.

Financial Implications

The financial implications to Council are unknown at this time.

Risk Implications

Failure to adopt a Homelessness Policy will put Council at reputational risk, where it could fail to uphold the rights of people experiencing homelessness.

CL18.62



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

Homelessness Policy

Policy Number: POL17/88 • **Adopted:** [Click here to enter date] • **Minute Number:** [Click here to enter Minute number] • **File:** 44336E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

To identify the role of Shoalhaven City Council in addressing homelessness and outline Council's commitment to:

1. Preventing, reducing and managing homelessness
2. Supporting and building capacity within the community to address homelessness, and
3. Encourage collaboration, community partnerships and evidence based practices

2. STATEMENT

There is no universally accepted definition of homelessness in Australia. For the purposes of this policy Shoalhaven City Council will use the statistical definition of homelessness adopted by the Australian Bureau of Statistics (ABS) to estimate the prevalence of homelessness in Australia.

When a person does not have suitable accommodation alternatives they are considered homeless if their current living arrangement:

1. Is in a dwelling that is inadequate; or
2. Has no tenure, or if their initial tenure is short and not extendable, or
3. Does not allow them to have control of, and access to space for social relations.

This definition emphasises the core elements of 'home' such as: a sense of security, stability, privacy, safety, and the ability to control living space. Homelessness is a lack of one or more of the elements that represent 'home'.

3. PROVISIONS

This policy reflects the following principles and commits Council to the following:

4. 3.1 Understanding the role of Local Government

Commonwealth and State government hold the primary role of funding and providing services to assist people who are homeless or at risk of homelessness. The role of local government in addressing homelessness is not specified in Australian legislation.

Shoalhaven City Council - Title

Shoalhaven City Council recognises that in order to ensure sustainable and consistent solutions, addressing homelessness must take on a whole of government and whole of community approach. The role of Council in addressing homelessness is to assist and complement the work of other tiers of government and the community sector, as facilitators of solutions to homelessness and crisis accommodation.

3.2 Orders that make or are likely to make residents homeless

In Cases where development control orders are issued, where they are likely to make residents homeless, Council's responsibility is outlined in the Environmental Planning and Assessment Act, 1979 – Schedule 5, Part 4 – 2 (previously Section 121G). See below:

Orders that make or are likely to make residents homeless

- (1) If a development control order will or is likely to have effect of making a resident homeless, the relevant enforcement authority proposing to give the order must consider whether the resident is able to arrange satisfactory alternative accommodation in the locality.
- (2) If the resident is not able to arrange satisfactory accommodation in the locality, the relevant enforcement authority must provide the resident with:
 - (a) Information as to the availability of satisfactory alternative accommodation in the locality, and
 - (b) Any other assistance that the relevant enforcement authority considers appropriate.

3.3 The right to housing

Council faces a real and present housing affordability and homelessness challenge. Access to affordable, secure, appropriate and accessible housing is a basic right for all people and plays an integral role in a socially, economically, environmentally and culturally sustainable community.

Council commits to:

- a) Plan for the provision of affordable housing and has developed an Affordable Housing Policy
- b) Identify Council owned land which could potentially be available for low cost housing, social, community housing and/or crisis accommodation and once identified, liaise with relevant authorities to secure a suitable tenure which would allow its future development for affordable housing purposes.

3.4 Advocacy

Council has a responsibility to advocate on behalf of all members of its community.

Homelessness is a complex issue with multiple causes and co-existing issues such as upbringing, mental health, physical health, drug and alcohol misuse, family violence, unemployment, low income, poor education, high cost of living, unaffordability of housing and limited supply of social, community and low cost housing.

Shoalhaven City Council - Title

Council recognises that people who are homeless are some of the most vulnerable and disadvantaged people in our community. Council has a moral obligation to address and advocate for their needs.

Council recognises its role in advocating to other levels of government for the provision of government funded services to prevent, reduce and manage homelessness within the community.

Council commits to:

- a) Advocate for the needs of vulnerable and disadvantaged people within the community
- b) Advocate for the provision of state and federal government funded services and evidence based policies
- c) Support local community groups action towards preventing, reducing and managing homelessness

4. 3.5 Building the capacity of the Community

Council recognises the importance of supporting and strengthening the skills, competencies and abilities of our community members to enable the development of local ownership and community decision making in community development planning and programs.

Council commits to:

- a) Support the community in raising awareness about the nature, causes, experiences and consequences of homelessness.
- b) Build the capacity of the community in collaborating and delivering local projects to prevent, reduce and manage homelessness.

5. 3.6 Partnership and service coordination

As the issue of homelessness and crisis accommodation is not unique to the Shoalhaven, Council acknowledges the importance of ensuring consistency and continuity between federal, state and regional strategies in addressing homelessness.

Council commits to:

a) Provide information to residents about their options for alternative accommodation, in cases where development control orders are issued and they threaten to result in homelessness. Council will keep an updated list of alternative accommodation options rendered through partnerships and networks with homelessness services.

ab) Work with federal, state, non-government agencies and local community groups in planning and implementing federal and state wide plans to address homelessness and a lack of crisis accommodation

bc) Seeking to liaise with other local governments in the region, and other public sector bodies to share best practice, gather accurate data collection and discuss concerns around homelessness and its manifestation

Shoalhaven City Council - Title

6. 3.7 Right to participate

Council recognises that all members of the community have the right to participate in community events, activities and consultations. People who are homeless are some of the most vulnerable and disadvantaged people in our community and may require extra assistance to enable them to participate.

Council commits to:

a) Ensuring that all Council events, services and consultations are accessible and inclusive of all members of the community, as far as is practicable

4. IMPLEMENTATION

The Finance, Corporate and Community Group will administer this policy

5. REVIEW

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

CL18.62 - Attachment 1

CL18.63 Crime Prevention Plan 2018 - 2023

HPERM Ref: D18/65997

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

Attachments: 1. Crime Prevention Plan - 2018 - 2023 (under separate cover)

Purpose / Summary

For Council to endorse & adopt the Shoalhaven Crime Prevention Plan 2018 – 2023 and seek certification of the Plan from the NSW Attorney Generals Department.

Recommendation

That Shoalhaven City Council:

1. Endorse and adopt the Crime Prevention Plan 2018 – 2023
2. Seek certification and registration of the adopted Crime Prevention Plan 2018 – 2023 with the NSW Attorney Generals Department as a crime prevention strategy.

Options

1. Recommendation:

That Shoalhaven City Council endorse and adopt the Crime Prevention Plan 2018 – 2023 which provides strategies to reduce the two identified crime profiles of *Steal from Retail* and *Domestic Violence* in the Shoalhaven region. Reduction of these crime profiles will entail implementation of five programs:

- Installation and Expansion of CCTV,
- Crime Prevention through Environmental Design – CPTED,
- White Ribbon Campaign,
- Neighbour Day, and
- The Community Safety Booklet.

Implications: Endorsement will enable the Crime Prevention Plan to be sent to the NSW Attorney General to seek certification and registration of the plan. This certification and registration will open up strategies for funding opportunities to assist with the implementation of the Plan.

2. Not endorse the Crime Prevention Plan 2018 - 2023

Implications: This will result in the Shoalhaven not having a current Crime Prevention Plan certified and registered with the NSW Attorney General and Council not being in the position to seek funding opportunities to implement and support the strategies identified in the plan.

Background

The Shoalhaven Crime Prevention Plan 2018 – 2023 was developed through a process of community consultation, engagement with NSW Police, Southern Region and research of up to date crime statistics and crime hotspots.

Initial investigation and research through the Bureau of Crime Statistics and Research (BOCSAR) allowed Council to compile data relevant to the Shoalhaven, allowing comparative studies with neighbouring LGA's. This research highlighted the targeted crime categories to be included in the updated Crime Prevention Plan. Further information from the Commander, Police Southern Region corroborated this research enabling the two target crime categories to be identified.

The Crime Prevention Plan 2018 – 2023 identifies the strategies listed below for the two crime profiles:

Steal from Retail:

- Installation and Expansion of CCTV throughout the Nowra CBD and Sanctuary Point
- Crime Prevention through Environmental Design – CPTED
- Community Safety Booklet

Domestic Violence:

- White Ribbon Campaign
- Neighbour Day
- Community Safety Booklet

Once Council endorses the Plan it will be sent to the NSW Attorney General to be certified and registered as a Crime Prevention Plan/Compact. Once certified and registered with the Attorney Generals Department, Council will be eligible to apply for funding to implement and support the plan.

Community Engagement

In reviewing and formulating the Crime Prevention Plan 2018 – 2023 the following stakeholder groups were consulted:

- The broader community through a crime prevention survey and contact through Councils database of relevant community services and organisations,
- Local interagency meeting consultations,
- NSW Police Southern Region – Shoalhaven.

Moving forward, staff will utilise various tools for community engagement to derive information from services and the community to develop our programs. Tools such as surveys and meetings will be used along with promotion through Council's existing community engagement channels.

Listed below are services, agencies and organisations that are aware of the Crime Prevention Plan 2018 – 2023 and who are eager to support, develop and implement the strategies resulting in improved safety outcomes within the community.

External Stakeholders

- NSW Police Southern Region – Shoalhaven,
- Anglicare,
- NSW Health,

- Police Aboriginal Consultative Committee (PACC)
- FACs,
- Aboriginal Medical Centre,
- Southern Cross Housing,
- Youth Services,
- Department of Education,
- TAFE NSW,
- HMAS Albatross,
- Advisory Groups,
- SAHSSI,
- Community Consultative Bodies,
- Waminda,
- Shoalhaven Business Chambers,
- Community Pride Groups – all Villages,
- Various Interagency groups,
- PCYC.

Internal Stakeholders

- Community Engagement,
- Recreation, Community & Culture Section and Community and Recreation Unit,
- Tourism,
- Economic Development,
- Safer Community Action Team.

There is no requirement to publicly exhibit the Crime Prevention Plan/Compact prior to Council's endorsement and adoption, due to the extensive consultation that has already taken place, with the required partners to inform the plan/compact.

The Attorney General's Department has strict criteria for what is required for the Plan to be certified and registered with the Department, therefore, only minor changes could be made to the document if Council requires any changes before endorsement and adoption.

Financial Implications

The implementation of the adopted Plan will be primarily dependent on obtaining grant funds and Council will prioritise the strategies below as a part of core business:

- **CCTV** upgrade and expansions – *Funding for CCTV is dependent on successful Commonwealth grant applications.*
- **CPTED**: Crime Prevention Through Environmental Design Training for staff - *Funding for projects subject to available grants.*
- **Domestic Violence** education and resources – *Funding for projects subject to available grants.*
- **Community Engagement and Neighbour Day** - *Community Development budget has \$2,000 allocated to this strategy, growth of program will be reliant on available community grants - job number 13500.*
- **Community Safety Booklet** – *Funding/grant/budget available of \$3,900 to implement this strategy - job number 13865.*
- **White Ribbon Campaign** - *reliant on available funding through the Nowra Domestic Violence Committee. Morning Tea Event to be funded through the Community Development budget allocation of \$3000 – job number 13500.*

CL18.64 Appointment - New Members to the Shoalhaven Tourism Advisory Group

HPERM Ref: D18/90396

Group: Finance Corporate & Community Services Group
Section: Tourism

Attachments: 1. Precis of recommended members [↓](#)

Purpose / Summary

To formally appoint the new members to the Shoalhaven Tourism Advisory Group (STAG) in accordance with the Terms of Reference.

Recommendation

That Council

1. appoint to the Shoalhaven Tourism Advisory Group Committee the following:
 - a. Dr James Lin
 - b. Ms Kylie Pickett
 - c. Ms Brenda Sambrook
 - d. Ms Juliet Barr
2. Formally acknowledge and thank retiring members for the valued contribution to the Shoalhaven Tourism Advisory Group: Matthew Forbes, Annie Cochrane, Jo Thomas and Catherine Shields.

Options

1. Appoint the members as recommended and formally thank those who have retired.

Implications: Approving this recommendation will see STAG with a mix of industry based representatives in line with the Terms of Reference.

Background

In March 2018 3 of the current STAG committee members completed their 2 year term and 1 member resigned; leaving 4 vacancies on the STAG committee. Under the STAG Terms of Reference 4 industry positions are to be filled at this time.

Nominations were received and interviews conducted by a Selection Panel which included the Mayor, Tourism Manager, Chair of STAG and one industry representative.

The process for candidate selection brings to STAG a range of direct industry knowledge, experience and insight that will greatly assist STAG and Council in its tourism related activities. These applicants are:

Dr James Lin

Ms Kylie Pickett

Ms Brenda Sambrook

Ms Juliet Barr

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The full STAG Committee will comprise the following members:

All Councillors

Clr Gash – Voting Delegate

Clr Alldrick – Voting Delegate

Clr White – Alternate Delegate

Clr Kitchener – Alternate Delegate

Mr David Goodman, Sports Board Representative

Ms Juliet Barr

Mr Rob Crow

Ms Louise Hallum

Dr James Lin

Ms Lynn Locke

Mr Paul McLeod

Ms Kylie Pickett

Mr Neil Rodgers

Ms Brenda Sambrook

NPWS Representative

Community Engagement

The Shoalhaven Tourism Advisory Group plays an important role in the development of tourism related strategic plans and activities and provides critical input through industry representatives in this process.

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Dr James Lin

- Currently working on the ground in tourism managing the Bomaderry Motor Inn for the past 3 years
- Dr Lin holds a PhD in Meteorology and has worked over 20 years across all levels of business with skills in media and IT.
- He brings insights into the growing international marketing with direct experience communicating with key markets in China
- Dr Lin has also extensively traveled in the last 20 years throughout 40 countries so brings welcome international travel insights.

Kylie Picket

- Kylie has worked, managed and owned tourism businesses in and around the Shoalhaven since 2004
- She has a strong background in communications and PR and has dedicated her career to strengthening customer focused experiences.
- Kyle is a self-proclaimed 'people person' with a passion for problem solving and has worked at both a regional and national level.
- She is excited to bring her practical management and business experience to STAG

Brenda Sambrook

- Brenda is a local tourism operator currently working across several industries including being the sole Director of Kangaroo Valley Olives.
- She has contributed to many charities and consultative bodies, most recently holding an executive position on the Kangaroo Valley Chamber of Tourism and Commerce.
- She is a proactive and passionate member of our local community and brings hands on operational and business perspective to the table of STAG.
- Brenda has been an active advocate for Kangaroo Valley and is excited to bring her knowledge and skills to the greater Shoalhaven region.

Juliet Barr

- Juliet is an active member of the Shoalhaven Community
- She has had significant experience representing local communities in the Sydney region driving change for the benefit of community and business.
- With a background in communications and PR, she is passionate about tourism in our beautiful region
- Juliet also brings cross sector business and tourism operator hands on knowledge and insights, she is currently a business partner in a retail business and a local tourism accommodation operator.

CL18.65 Investment Report - February 2018

HPERM Ref: D18/91948

Group: Finance Corporate & Community Services Group
Section: Finance

Attachments: 1. Shoalhaven Monthly Investment Report - February 2018 (under separate cover)

Purpose / Summary

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

Recommendation

That the Report of the General Manager (Finance, Corporate and Community Services Group) on the Record of Investments for the period to 28 February 2018 be received for information.

Options

1. The Report on the Record of Investments for the period to 28 February 2018 be received for information.
Implications: Nil.
2. Further information regarding the Record of Investments for the period to 28 February 2018 be requested.
Implications: Nil.
3. The report on the Record of Investments for the period to 28 February 2018 be received for information with any changes requested for the Record of Investments to be reflected in the report for the period to 31 March 2018.
Implications: Nil.

Background

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

CPG Research and Advisory Pty Ltd includes a section on Council's investment in institutions who fund the fossil fuel industry (see page 12). There was an increase in Council's fossil fuels exposure due to investments being placed with AA rated institutions, rather than BBB rated institutions, to meet the credit quality requirements of the revised Investment Policy. Council's passive divestment policy continues to apply within the revised Investment Policy settings.

The investment interest earned to the month of February is \$3,596,247, 68.37% of the full year budget.

Fund	Budget	Actual	%
General	\$3,114,058	\$2,026,856	65.09%
Water	\$1,066,000	\$805,246	75.54%
Sewer	\$1,080,000	\$764,144	70.75%
Total	\$5,260,058	\$3,596,247	68.37%

The investment interest earned for the month of February was \$383,209, which was \$20,302 below budget.

Fund	Monthly Budget	Actual	Difference
General	\$238,887	\$222,363	-\$16,524
Water	\$81,775	\$102,809	\$21,034
Sewer	\$82,849	\$58,037	-\$24,812
Total	\$403,511	\$383,209	-\$20,302

At the beginning of the year, Council was receiving interest above budget. However, interest rates have dropped and, therefore, the monthly interest received is no longer meeting budget. Our General Fund cumulative interest received is slightly below budget, but Water and Sewer is slightly above. This situation was predicted and reported in previous investments reports and as such budget movements are not recommended.

RECORD OF INVESTMENTS Cash and Investment Balances

	February 2018	January 2018
Cash And Investments Held		
Cash at Bank - Transactional Account	\$8,862,048	\$6,289,954
Cash at Bank - Trust Fund	\$1,240	\$1,240
Cash on Hand	\$46,270	\$65,670
Other Cash and Investments	\$167,442,056	\$165,308,880
	\$176,351,614	\$171,665,744
 Fair Value Adjustment	 \$241,508	 \$256,515
Bank Reconciliation	\$225,298	\$200,344
	\$466,805	\$456,859
 Book Value of Cash and Investments	 \$176,818,420	 \$172,122,603
 Less Cash & Investments Held In Relation To Restricted Assets		
Employee Leave Entitlements	\$8,135,913	\$8,135,913
Land Decontamination	\$1,561,748	\$1,513,638
Critical Asset Compliance	\$2,357,124	\$2,357,800
North Nowra Link Road	\$475,594	\$479,166
Other Internal Reserves	\$6,817,419	\$6,422,665
Section 94 Matching Funds	\$340,808	\$340,853
Strategic Projects General	\$1,820,496	\$1,995,682
Industrial Land Development Reserve	\$5,973,856	\$5,979,554
Plant Replacement	\$1,566,611	\$1,528,939
Financial Assistance Grant	\$1,477,804	\$2,955,610
S94 Recoupment	\$864,924	\$864,924
Commitment To Capital Works	\$5,655,640	\$5,462,270
Property Reserve	\$1,349,964	\$297,067
Total Internally Restricted	\$38,397,902	\$38,334,081
 Loans - General Fund	 \$1,010,862	 \$3,109,635
Self Insurance Liability	\$1,398,946	\$1,540,117
Grant reserve	\$5,714,468	\$6,305,722
Section 94	\$31,393,797	\$31,027,241
Storm Water Levy	\$458,786	\$564,913
Trust - Mayors Relief Fund	\$77,793	\$77,793
Trust - General Trust	\$3,575,522	\$3,386,146
Waste Disposal	\$5,891,889	\$6,029,647
Sewer Fund	\$25,125,039	\$28,610,596
Sewer Plant Fund	\$1,973,983	\$1,903,730
Section 64 Water	\$17,868,076	\$17,624,637
Water Fund	\$25,185,178	\$25,210,939
Water Communication Towers	\$548,866	\$543,850
Water Plant Fund	\$1,379,076	\$1,246,193
Total Externally Restricted	\$121,602,280	\$127,181,158
 Total Restricted	 \$160,000,183	 \$165,515,239
 Unrestricted Cash And Investments		
General Fund	\$16,818,237	\$6,607,364

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The table below lists the major movements

Total Cash and Investments	+ \$4,695,817	
Unrestricted General Fund Cash	+ \$10,210,873	Rates Instalment month
Financial Assistance Grant	-\$1,477,806	Transfer to general fund in line with quarterly instalments
Property Reserve	+\$1,052,897	Sale of properties recognised in the Quarterly Review
Loans – General Fund	-\$2,098,773	Expenditure on projects
Grant Reserve	-\$591,254	Expenditure on projects
Sewer Fund	- \$3,485,557	Expenditure on REMS

Certification – Responsible Accounting Officer:

I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulations 2005 and Council's Investments Policy number POL18/8.



Michael Pennisi
Chief Financial Officer

Financial Implications

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

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CL18.66 Policy Update - Film & Video Production in Public Reserves & Public Places

HPERM Ref: D18/47240

Group: Finance Corporate & Community Services Group
Section: Tourism

Attachments: 1. Film and Video Production in Public Reserves and Public Places [↓](#)

Purpose / Summary

To adopt the revised Film and Video Production in Public Reserves and Public Places Policy.

Recommendation (Item to be determined under delegated authority)

That Council endorse the updated Film and Video Production in Public Reserves and Public Places Policy taking into consideration the changes made to bring the policy in line with current requirements.

Options

1. Adopt the recommendation

Implications: Accepting the recommendation will lead to the policy being adopted.

2. Adopt the recommendation with an amendment.

Implications: Any significant change to the policy should consider consultation with council staff because of legislation requirements.

3. Rescind the recommendation

Implications: The existing policy does not align with current requirements.

Background

The Film and Video Production in Public Reserves and Public Places Policy was last updated on 27th May 2008. Changes regarding drone use were required to reflect current legislation. Changes were also required to ensure \$20 million public liability insurance is requested.

Community Engagement

Community engagement has not been undertaken due to the minor nature of the policy changes. Changes are only required to update the policy to fit with current requirements.



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

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

Email: council@shoalhaven.nsw.gov.au

Website: www.shoalhaven.nsw.gov.au

For more information contact the Finance Corporate & Community Services Group

FILM & VIDEO PRODUCTION IN PUBLIC RESERVES & PUBLIC PLACES

Policy Number: POL16/62 • **Adopted:** 11/11/2008 • **Minute Number:** MIN08.1480 • **File:** 3083E • **Produced By:** Finance Corporate & Community Services Group • **Review Date:**

1. PURPOSE

The policy has the following purposes:

- To provide a framework for Council to provide the highest possible level of co-operation and to assist companies and/or individuals for film production shoots in the Shoalhaven.
- To assist film production companies to understand the procedures and guidelines involved with filming in the region.
- To ensure the public safety and free movement of residents whilst shoots are taking place.

2. STATEMENT

This policy statement is based on the following Council Minutes:

95.1428 of 20th June 1995
00.290 of 28th March 2000
01.35 of 30th January 2001
03.435 of April 2003.
08.757 of 27th May 2008

3. PROVISIONS

Council will support photography, filming and video production in public reserves and public places in accordance with the following:

Shoalhaven City Council will issue a permit subject to:

- a) When a film or television company wishes to film advertisements, television series or films on land or property owned or controlled by Shoalhaven City Council then that company should apply and provide the following information:

Applicants Name
Applicants Address
Title of Production
Type of Production
Location

Shoalhaven City Council - Film & Video Production in Public Reserves & Public Places

Dates and Times
Construction/equipment required on location
Scenes to be filmed
Special effects such as firearms, animals, smoke, unusual scenes (robbery, flight etc)
Dangerous substances
Number of cast and crew
Vehicles
Public Liability Insurance
Arrangements for maintenance and repair after the event

- b) For ~~each and every~~each instance the firms be required to carry a minimum of ~~\$40-20~~ million Public Liability Insurance and that Shoalhaven City Council be specifically noted and indemnified under that insurance policy.
- c) Where Shoalhaven City Council incurs costs in assisting these firms and/or other bodies doing the filming in the Shoalhaven then Council will recover these costs. They are to be paid in advance by the applicant.
- d) No other fees will apply
- e) When Shoalhaven City Council is satisfied with the application and any costs have been paid then a permit will be issued detailing:

The applicant
The address
The title of the production
The type of production
The location
The date and times
The construction/equipment required in location
The scenes to be filmed
The special effects to be used
Any parking regulations
Any services to be provided by Council
Notification that the company is liable for restoration of any damage and collection of rubbish
That the company must comply with any directions by an authorised officer of Council or a Police Officer
That the approval does not include exclusive use of any Public Reserve
That minimum inconvenience will be caused to ~~local residents~~residents and other people using the reserve
The approval of local Police, Fire, Ambulance or other Authorities be secured by the film company, where necessary.

- f) The Permit/Approval
 - i. The written permit must be in the area being used and must be produced on demand.
 - ii. The permit and use of the area is subject to compliance by any direction given by any authorised officer of Council or a police officer ~~in the course of~~during his or her duty.
 - iii. The approval does not include the exclusive use of the remainder of the public reserve. Minimum inconvenience shall be caused to ~~local residents~~residents

Shoalhaven City Council - Film & Video Production in Public Reserves & Public Places

- and to other persons wishing to use the public reserve. The rights of the general public to use and have free unrestricted access to the public reserve must be respected.
- iv. Council reserves the right to cancel the permit immediately should any such action be considered necessary.
 - v. The use of noisy mechanical equipment is restricted to the same provisions as the playing of loud musical equipment and sound systems, after 10.00 p.m. Sunday to Thursday, after midnight Friday, Saturday and Public Holidays, before 7.00 a.m. Monday to Friday and before 8.00 a.m. Saturday, Sunday and Public Holidays. (Refer: Protection of the Environment Operations (Noise Control) Regulation 2008 and Noise Guide for Local Government, www.environment.nsw.gov.au/noise).
 - vi. Vehicle access to the reserve is restricted to the time required to load and unload passengers and/or materials. No vehicle shall remain on the Reserve except for this purpose or if that vehicle is directly being used in the production. Any directions given by Council's Rangers in this regard must be observed.
 - vii. No vehicle may be used on any beach without the direct supervision of Council's Rangers.
- g) Council will support the filming of advertisements for automobiles and promotional material in the Shoalhaven region provided that such filming is consistent with this policy.
- h) Delegated Authority be granted to the General Manager (Director City Services and Operations) to negotiate with any company wishing to undertake filming in the Shoalhaven.

4. IMPLEMENTATION

Implementation of this policy is guided by the following:

4.1. Applications

- Applications shall be made to Council. An Application Form for this purpose shall be available on Council's internet site.
- Written applications are not required when filming is of a minor nature eg stills photography, video recording of a private function, recording for the immediate purposes of a television program that provides information by way of current affairs/news or student education requirements.
- Council will advise whether Public Liability Insurance is required.
- Applications may be refused where it is considered that the activity will give rise to damage, danger or nuisance to ~~local residents~~residents or the environment.

4.2. Bonds

- Bonds are charged in accordance with the State Filming Protocols and are detailed in Council's fees schedule.

4.3. Insurance

- At the time of making the application, the Applicant must provide documentary evidence of public liability insurance cover to a minimum level of ~~\$2~~40 million. This document should

Shoalhaven City Council - Film & Video Production in Public Reserves & Public Places

contain the name of the Applicant/production company; details of the policy and its expiry date and Shoalhaven City Council be specifically noted and indemnified under that policy.

- The value of the insurance policy may need to be extended depending upon the nature of the proposed filming activity. This will be determined by Council's Insurance Manager.

4.4. Damages

- The site shall be left in the condition it enjoyed prior to filming taking place.
- Any repair for damage to Council's property will be arranged by Council and charged to the Applicant.

4.5. Permissible Times for Filming

- Residential Areas: Filming activities may take place routinely between 7.00 am and 8.00 pm from Monday to Saturday and 8.00 a.m. to 7.00 p.m. Sundays and Public Holidays. Special permission is required for filming and/or the use of noisy mechanical equipment outside these hours.
- Filming activity outside of these hours is permitted by negotiation with Council.
- Non-residential ~~a~~Areas: is permitted ~~B~~by negotiation with Council.
- Where sensitive activity necessitates the presence of a Council officer, costs will be covered by the Applicant.

4.6. Notification

- All residents and businesses within the vicinity of the film location are to be notified in writing by the Applicant at least 3 days before filming commences. Where the land has been defined as 'critical habitat' under section 47A of the Local Government Act, notification must occur at least 7 days before filming commences.
- Notification must include the name of a contact person on site to handle complaints, and details of the filming activities including whether firearms, stunts or explosives will be used. The start time for set up and hours during which filming takes place will also be specified.

4.7. Parking

- It is understood that the following production vehicles require direct access to the location: grip; generator; gaffer; camera; sound; standby props. Other unit vehicles shall adhere to normal parking regulations except by prior arrangement with Council.
- Where the location is a beach or public reserve, vehicle access will be subject to special conditions and may require the direct supervision of a Council Ranger. Costs will be covered by the applicant.
- Where unit vehicle numbers exceed 20, a parking plan shall be submitted with the application.

4.8. Environmental factors

- There shall be minimal disruption to the normal workings of the Community. Normal pedestrian and vehicle access shall be maintained ~~at all times~~always other than when filming actually takes place.
- The Applicant will ensure that the site complies with the Film Industry "Safety Code" requirements and that all conditions required in the Applicant's insurance policy are met.

Shoalhaven City Council - Film & Video Production in Public Reserves & Public Places

- All activity associated with the film production shoot must be undertaken to comply with the Protection of Environment Operations Act (1997). Lights shall be directed away from motorists and residences.

4.9. Special Requirements

- ~~Where it is known that a road closure is required, a 'Road Closure Form' shall be submitted with the application and a minimum of six weeks allowed, depending on the nature of closure, for processing by the Traffic Committee.~~ Where a road closure or the control of traffic is required, an appropriate traffic management plan and associated traffic control plans should be submitted for review by Council's Traffic Unit a minimum of six weeks prior to implementation.
- Where filming requires the use of stunts or the lighting of fires etc, full information including an authorised Safety Report must be provided with the application.
- The intention to mount temporary structures is to be advised in the application and a Site Layout Plan submitted for Council's consideration.
- Permission must be sought from Council for the pruning/removal of vegetation.
- The permit issued by Shoalhaven City Council does not include the approved use of a Drone. Any use of a Drone will require separate approval from the Civil Aviation Safety Authority (CASA). Please visit <https://www.casa.gov.au/aircraft/landing-page/flying-drones-australia> for further information. Please note, much of the Shoalhaven exists within a military zone and requires approvals from relevant bodies.

4.10. Other Authorities

- This policy applies to the use of land owned or managed by the Council. Where land is governed by another authority, (i.e. National Parks and Wildlife Service, Aboriginal Lands Council, Dept of Land) it is the responsibility of the applicant to seek approval from that authority.
- Applications for filming on Council managed land may also require the approval of authorities such as the Police, the RTA, the Environmental Protection Authority, the Civil Aviation Authority etc.
- Whilst obtaining approval from other authorities is the responsibility of the Applicant, where possible assistance will be provided from Council.
- The applicant is responsible for checking whether copyright attaches to any objects that might be filmed.

4.11. Additional Obligations

- The Applicant will advise Police, Fire Brigade and Ambulance Services of details of the film location, timetable and any scheduling changes.
- Council will make every reasonable attempt to inform the applicant of any known activities that may conflict with filming ~~or endanger the film crew.~~
- Any directions or requests given by Council shall be complied with immediately.
- The Council shall be informed as soon as possible of any production delays necessitating extension or rescheduling of the shooting dates. Confirmation of scheduling changes is contingent upon approval by Council.
- All crew members shall adhere to the Film Industry Code of Practice as outlined in the State Filming Protocols, which are available through the NSW Film and Television Office.
- It is a condition of approval that Council be acknowledged in the credits of the production.

Shoalhaven City Council - Film & Video Production in Public Reserves & Public Places

4.12. Penalties

- Where any person, association or company is found to be in breach of the Agreement, cancellation of approval and refusal of future applications may result.

5. REVIEW

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

6. APPLICATION OF ESD PRINCIPLES

Biodiversity – Encouraging the protection of native vegetation when filming.

CL18.67 Recycling - Collapse of Market

HPERM Ref: D18/87335

Group: Assets & Works Group
Section: Works & Services

Attachments:

1. Letter from Minister Gabrielle Upton [↓](#)
2. LGNSW Media Release 14 March 2018 [↓](#)
3. ALGA News 16 March 2018 [↓](#)

Purpose / Summary

The General Manager has disclosed a Significant Non-Pecuniary interest in this matter as one of his friends is connected to Shoalhaven Recycling. This matter is therefore being dealt with by the Director of Assets & Works.

To provide Council with an overview of the current recycling markets and challenges that Council are facing now and into the future.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Receives the report into declining recycling markets and the local impacts for information;
2. Approves a transfer of up to \$225,000 , with the final total to be determined in the June quarterly budget review, from the Waste Reserve into the current year operation budget to support the additional costs associated with processing recyclable materials; and
3. The General Manager (Director of Assets & Works) provide a report outlining the Action Plan, for submission to the State Government, to minimise the impact of the industry conditions on Waste Management in the Shoalhaven.

Options

1. As recommended (preferred option)

Implications: The declining markets is an industry problem with all operators facing increasing costs. Paying additional costs under the existing recycling contract will allow recycling to be processed into the short term while other strategies are considered.

The State Government is currently engaging with the industry and inviting submissions on proposed options to support Councils through this period.

2. Stockpile recycling material until conditions improve.

Implications: It is difficult to predict how long waste will need to be stockpiled before conditions improve and the volume may become unmanageable. This is not a typical use and Development Consents are not guaranteed. The proposed short-term response will allow options to be considered.

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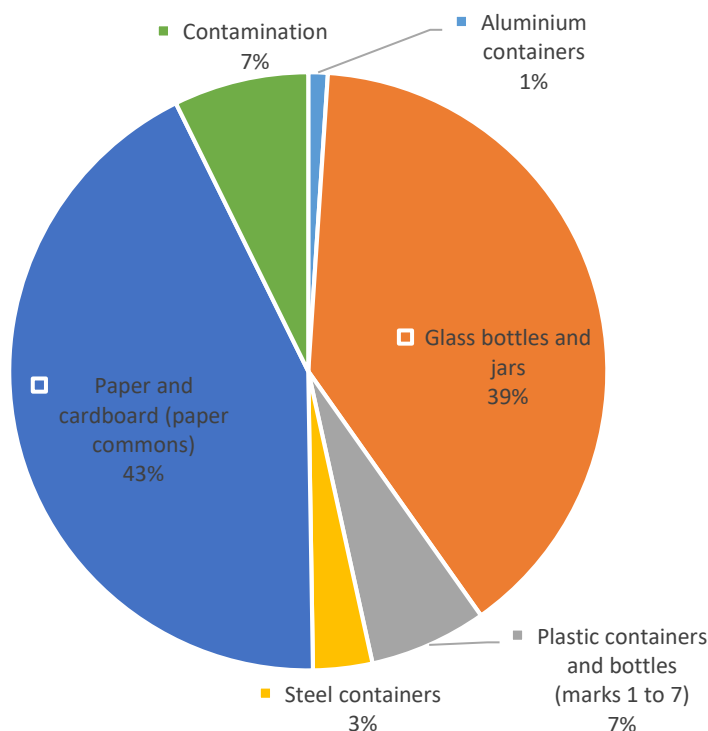
Background

Recycling Market Collapse – Shoalhaven Background

Comingled recyclables collected from the yellow lidded bins at the kerbside are taken to a local materials recovery facility (MRF) operated by Shoalhaven Recycling in Bomaderry. The comingled materials go through a number of mechanical and manual sorting processes to separate the materials into paper/cardboard, plastics, steel and aluminium, glass and non-recyclable rejects (contamination). These separated materials are then baled and sold to recyclers who process the material, often overseas, and use it in manufacture of new products.

The average composition of the recycling bin, by weight, is shown in Figure 1:

Figure 1 : Yellow lid recycling bin



For some time glass has been a major problem with traditional glass recycling markets rejecting large loads because small amounts of contamination compromise the integrity of the new glass product, to the point where recycling glass back into bottles was too costly and, in most cases, not an option. This resulted in processors finding alternative markets such as glass sand, where the glass is crushed or pulverised into smaller fragments and used for pipe bedding, roads construction or in concrete. The higher end uses for these products require washing and sizing which adds a significant cost to the process.

Paper to markets in Australia dried up a number of years ago – refer to the closure of the Shoalhaven Paper Mill. At the same time mixed plastics and paper/cardboard products were being sent to China, with importers paying the best price for these ‘raw’ materials, and accepting contamination levels of up to 10%. The Chinese government has, however, determined to reduce the import of “contamination” by placing very tight limits (less than 0.5%) on contamination. Currently we do not know of any comingled MRF in NSW that is able to achieve these low contamination levels, as they were all set up for processing to the 10% level. The market for MRF derived mixed plastics and paper/cardboard has consequently shrunk significantly. It is relevant to note that this move has affected recyclers worldwide, not just those in NSW or Australia.

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Council's contract with Shoalhaven Recycling was awarded seven years ago at a time when there was a reasonable market for all recyclable materials and Shoalhaven Recycling was receiving an income for these materials. An indication of the decrease in value of the recyclables commodities is shown in Table 1. It is also interesting to note that separated clean recyclables still have a value, albeit less than values four years ago.

Table 1 – Historic prices for recyclable commodities

Material	Date	Value/t	Date	Value/t	Date	Value/t
Cardboard	Mar 14	\$302	Jan 16	\$235	Now	\$130
Newsprint	Mar 14	\$243	Jan 16	\$215	Now	\$0
Mixed paper	Mar 14	\$230	Jan 16	\$159	Now	\$0
Mixed plastics	2011	\$330 to \$369	2016	\$100 to \$235	Now	\$0
PET	2011	\$519 to \$563	2016	\$250 to \$325	Now	\$150 to \$500
HDPE	2011	\$621 to \$641	2016	\$550 to \$650	Now	\$300 to \$500
Steel	Jan 14	\$280	Jan 16	\$170	Now	\$185
Aluminium	Jan 14	\$1,750	Jan 16	\$1,500	Now	\$1,200 to \$1,400

China's policy (referred to as "Green Sword" or "Blue Sky 2018") has effectively closed the Chinese market, which has resulted in a glut in lower quality "recyclable" materials in Australia. Recyclers will accept these materials at zero or negative charge. As a result, with mixed paper and mixed plastics comprising up to half of its MRF output, Shoalhaven Recycling can no longer operate on the current contracted gate fee. Shoalhaven Recycling have formally requested an urgent and large interim increase in gate fee from Council. The problem is common through all MRFs in NSW.

Council wrote to the Executive Director of Waste and Resource Recovery at the EPA on 9 February 2018 outlining concerns, requesting stockpiling concessions and details of the government response to the crisis. Industry representatives held a round table discussion of these issues with the Minister for the Environment, Gabrielle Upton, on Tuesday 6 March 2018. Correspondence to NSW Councils from the Minister's office has since been received and is attached as Attachment 1. Further lobbying of the State Government to be part of the solution has come from the Local Government and Shires Association as in Attachment 2.

Council has contacted the EPA officer who is responsible for coordinating the EPA response to the "crisis". The officer does not want to commit the EPA to anything, but did say that all options will be considered, and that Council needs to prepare a plan of action for the EPA to consider. The plan must address the immediate issue and outline long term solutions for the future. In contrast to the Minister's letter, which suggests the EPA may require further support and assistance from Council to review the license stockpiling limits for the Shoalhaven Recycling operated MRF, the EPA officer does not see additional or longer term stockpiling as a viable option because of problems with fires, odours, leachate production, and degradation of products, and would require any stockpiling to be located under a roof or in a container.

An option that is available at any time is to send recyclables to landfill. This is not recommended as it will be at a significant cost (for a start payment of the NSW state government levy), and will destroy the last 30 years of recycling behaviour change in the

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community. It may, however, result in igniting the State Government to act on behalf of the recycling industry.

Historically, Councils used to share the risk of commodity price fluctuations with their contracted recyclers. This has changed over the years to a risk averse contract where the recycler charges Councils a fixed gate fee and the recycling facility operator takes all the risk. Evidently the risk of having a total collapse of the recycling market has not been accounted for (otherwise Council would have been paying much higher gate fees for the last 20 years). It is clear that the problem sits with Council, so a risk averse strategy is likely to be unhealthy, and future arrangements need to provide for a risk share (for the ups and the downs) or alternatively Council takes on the full risk and operates a processing facility in house.

Council has a number of potential options available:

Immediately (weeks)

- Pay an additional component of the gate fee (approximately \$75,000 per month) for up to three months or earlier if market conditions improve. This additional expenditure may be covered in the short term by drawing down funds from the waste reserve for this financial year;
- Present an action plan to the EPA including proposing a subsidy arrangement to be funded by revenue from the Waste Levy.

Interim (1 to 3 months)

- Allow Shoalhaven Recycling to provide temporary stockpiles of materials on its adjacent property which currently does not have development consent for this use. This may provide temporary relief and allow later access to markets that may open-up in the near future. However, formal development consent would need to be obtained through Council's Planning, Environment and Development Group, and the EPA, to provide for temporary storage at this facility. These development consents are not guaranteed.
- Negotiate with other MRF operators in NSW, or alternative processing operators, and haul material to them.
- Council consider possibility of short term stockpiling of the collected material at Council's waste facilities, following formal development application and consent through Council's Planning, Environment and Development Group, and the EPA.
- Research viability of improved technology & processes that may insulate Council from this problem in the future. Identify the potential for access to these newer and sustainable MRF facilities.

Medium to Long Term

- Develop a secondary "greenfield" processing facility in the Shoalhaven to further sort materials (e.g. plastics into the different fractions), including a washing plant to remove contaminants and improve the quality of the recyclate, or source a facility that does likewise. This long term prospect is likely to cost \$20 to \$30 million, requires a development application (including an EIS) and EPA licensing, a market, and a proponent.
- Construct a Council MRF at the West Nowra Recycling and Waste Facility, focussing on providing quality recyclate. This option will require design, environmental impact statement, development consent, EPA licensing and construction, which is a 2 to 4 year process, and the expense will be relative to specified quality of materials required. Compared to the "greenfield" alternative, this option is likely to have less regulatory and developmental approval impediments, as it would provide a similar

use to the existing facility. Council could be in a favourable position to have EPA funding approved through the “waste less recycle more” grants initiative.

Financial Implications

The proposal to pay an increased gate fee for the processing of recycling materials by Shoalhaven Recycling will cost approximately \$225,000 (for 3 months), which is to be funded by the Waste Reserve. The Waste Reserve was set up to allow for fluctuations in the cost of providing domestic waste services without having to borrow from the General Fund. The use of Reserve funds in this application is appropriate.

This short-term approach will provide Shoalhaven Recycling the financial support to continue to accept Council’s waste, while other of measures are investigated. The State Government response to the industry problem is expected in the near future.



The Hon Gabrielle Upton MP

Minister for the Environment
Minister for Local Government
Minister for Heritage

DOC18/135127-01

Mr Russell Pigg
General Manager
Shoalhaven City Council
PO Box 42
NOWRA NSW 2541

By email: council@shoalhaven.nsw.gov.au

Dear Mr Pigg

China's National Sword Policy – impacts on NSW local government

I am writing to update you on actions the Government has taken to respond to China's National Sword policy and to outline steps that you can take to build your community's resilience to the impacts of China's National Sword policy.

China's National Sword policy requires recyclable products that were previously sold to China by Australia to meet higher quality limits. This means that some products from NSW can no longer meet China's standards, without further processing.

The impacts of China's stringent enforcement of its policy are already being felt, especially in NSW and Victoria. It is vital that councils continue to work with their residents to maintain public confidence in our recycling system and to ensure that the community continues to put the right materials in their kerbside recycling bins. This will ensure that products collected for recycling in NSW can be recycled.

This week I met with representatives, from across state and local government, industry, the not-for-profit sector and environment groups, at a forum aimed at ensuring NSW is managing China's decision in a way that maintains a recycling collection and processing service in NSW.

It is important that councils continue to engage directly with their recycling collection and processing contractors to ensure that these services continue to operate. However, some Materials Recovery Facility (MRFs) are having difficulty finding places to sell the recovered products to while industry adjusts to this policy change.

To assist industry in the interim, the NSW Environment Protection Authority (EPA) has offered to consider temporary variations to stockpile requirements, on a case by case basis and subject to conditions. Temporary relief of any proposed changes to stockpiling needs to be carefully balanced to ensure the ongoing safety of the community and the environment.

The EPA is available to provide support and advice to councils that are currently not required to hold an Environment Protection Licence but that may be required to become licensed due to an increase in the amount of material stored on site.

For MRFs that are privately operated, and where council is the consent authority for their planning approval, the EPA may require further support and assistance to review the stockpiling limits.

The second key outcome of the forum was a need to urgently identify local uses for recyclables. Glass sands, for example, may be used in civil works such as road making or pipe laying. I understand that some councils may be able to use this product in local civil works and infrastructure projects. The EPA can provide you with technical support to undertake these projects.

If you have questions in relation to your operating conditions or would like further information, please contact Cate Woods, Manager Regional Waste Compliance on 02 4224 4114 or at cate.woods@epa.nsw.gov.au.

I look forward to continuing to work with the local government sector to ensure we can maintain a robust recycling collection and processing service for our communities.

Yours sincerely



Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

Media Release - Return of waste levies could defuse recycling crisis – f... Page 1 of 1

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Media Release - Return of waste levies could defuse recycling crisis – for now, at least

Media Release - Return of waste levies could defuse recycling crisis – for now, at least

14 March 2018

Councils across NSW are scrambling to avoid a recycling crisis, as China's National Sword Policy on the acceptance of foreign waste materials begins to bite, a Senate inquiry has been told.

Local Government NSW President Linda Scott today appeared before the Senate Environment and Communications References Committee Inquiry into waste and recycling.

The inquiry was originally sparked by the transportation of waste to Queensland, but has been given fresh impetus by China's decision to more strictly enforce rules on the acceptance of foreign waste.

The move has the potential to derail the current collection of kerbside recycling for many councils, with some being asked to renegotiate contracts so processors can recoup the increased cost of processing recycling material onshore.

"If the recycling industry in Australia falters then we all lose," Cllr Scott told the Inquiry.

"But this could offer us opportunities – with State and Federal Government support we could develop new regional jobs in a home-grown environmental and recycling industry."

"Councils in NSW are already seeking support to develop markets for recycled glass, paper and plastics; working proactively to improve the quality of what's in the recycling bin, and reducing recycling contamination levels.

"But that's not enough, and councils alone can't be asked to save the recycling industry in this state.

"There is an immediate need for financial assistance and fast tracking of approvals for on-shore reprocessing and remanufacturing.

"There is also an immediate need for market development such as requiring recycled content in certain products: glass sand for pipe bedding, road base and asphalt, for example.

"But most important is the need to ensure that the hundreds of millions of dollars in waste levies collected from the community each year are fully reinvested to support recycling."

Cllr Scott said the NSW Government had collected \$659 million in waste levies in 2016/17.

"Yet our research shows only 18% of the waste levies paid by local government are returned to local government," she said.

"That's an enormous limitation on the ability of councils to invest in waste and recycling infrastructure, and it has made NSW tremendously vulnerable to this decision by China.

LGNSW is calling for:

- the NSW Government to dedicate more of the waste levy to the cause for which it was collected – the safe, environmental disposal of waste
- all spheres of government to work together to ensure waste levies across Australia are implemented equitably and consistently.

Media Enquiries

Toni Allan: 0412 774 441

<http://www.lgnsw.org.au/news/media-release/media-release-return-wast...> 19/03/2018

CL18.67 - Attachment 2

ALGA News

16 March 2018

Call for action on recycling



The Federal Government should send a clear message that the challenge facing the recycling industry is a priority issue needing a national response, ALGA and other peak bodies told a workshop in Canberra on Thursday.

The workshop was called to consider the impact of China's ban on certain recycling materials.

Federal and State Government, ALGA and banking and investment representatives attended the workshop along with representatives from the National Waste and Recycling Council, Waste Management Association of Australia, Australian Council of Recycling, Packaging Covenant and Sustainable Business Australia.

Since 1 January China has implemented a new policy called National Sword which applies increasingly more stringent contamination standards on imported waste and recycled materials. As a result many Australian materials previously accepted have been blocked, causing some severe waste management problems for some councils, particularly in Victoria.

The imports China accept need to have very low contamination rates, in most cases 0.5 per cent or less. An ALGA briefing paper says current Australian contamination levels are often 6 per cent or more.

The Canberra workshop heard that China's tighter restrictions probably affects about 40 Material Recycling Facilities and about 8 companies but given the small number of operators in the industry, should it collapse the impact would be significant on the future of recycling in Australia.

Workshop participants thought that the Federal Government was best placed to focus on medium and long-term goals. Greater industry certainty to encourage investment; consumer confidence and choices to encourage recycling and selection of more sustainably designed/made products; and diversification for products and markets, were some ideas to support better medium to long-term outcomes.

Participants agreed there was an opportunity for change which could provide economic benefits and a range of potential uses should be considered. As well as the creation of a “circular” processing economy, the use of some waste materials to create energy was also an area of interest.

The local government sector (ALGA, State/Territory Associations and Councils) can assist by:

- Sharing and helping collect information such as promotion of surveys which industry is preparing to run on community perceptions of the recycling industry.
- Keeping communities informed on local recycling programs and any changes, encouraging people to keep up, or even improve on, their recycling habits (such as encouraging cleaner waste streams).
- Advising of any local issues arising with MRFs, collectors etc regarding contractual arrangements and re-negotiations – such as through their State/Territory Association.
- Seeking assistance when required when negotiating contracts that include more accurate values of recycling processing in contracts and managing costs to ratepayers.

The ALGA board discussed this issue on Thursday and will be developing policy positions in the next few months to feed into the national response.

On Wednesday LGNSW President Linda Scott appeared before the Senate Environment and Communications References Committee inquiry into waste and recycling. She urged financial support for the recycling industry and said China’s ban could create local opportunities. “With State and Federal Government support we could develop new regional jobs in a home-grown environmental and recycling industry.”

“But most important is the need to ensure that the hundreds of millions of dollars in waste levies collected from the community each year are fully reinvested to support recycling.” She said the NSW Government had collected \$659 million from Local Governments in waste levies in 2016-17 but only 18 per cent of that money was returned to Local Government.”

LGNSW is calling for “the NSW Government to dedicate more of the waste levy to the cause for which it was collected - the safe, environmental disposal of waste and all spheres of government to work together to ensure waste levies across Australia are implemented equitably and consistently.”

CL18.68 Electric Vehicle Charging Points - Proposed Berry Location and Council Policy

HPERM Ref: D18/54555

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments:

1. NoM July 2016 - EV Charging Points [↓](#)
2. S&A Report Nov 2016 - EV Charging Points [↓](#)
3. S&A Report Dec 2016 - EC Charging Points - CBD Developments [↓](#)
4. NRMA EV Network - Partnership Proposal - Berry - Jan 2017 (under separate cover)

Purpose / Summary

Council has received an approach from the NRMA Pty Ltd (NRMA) regarding the proposed establishment of an Electric Charging Facility in Berry as part of a significant roll out of this type of facility by it. This report details this approach, and recommends how to deal with it. Given that Council is likely to receive further approaches of this nature the need for a clear policy position on Electric Vehicle Charging facilities is proposed.

Recommendation

That Council

1. Support in principle the proposal received from the NRMA Pty Ltd (Bringing electric vehicle fast- charging to Berry – January 2018) and authorise the General Manager to work through its implementation and delivery with the NRMA Pty Ltd and relevant stakeholders; and
2. Prepare a policy position on the Electric Vehicle Charging facilities that seek to use public land, including public reserves, road reserves, car parks and other freehold land used as open space.

Options

1. Support the proposal in principle and continue to work through the detail of its implementation and delivery with NRMA, in consultation with relevant community groups and interested individuals. Given the expected growth in demand, Council also needs to consider developing a policy position in regard to Electric Vehicle Charging facilities on public land.

Implications: This would enable Council to take up the approach received from the NRMA in this regard, subject to the required detail being resolved. This will provide a beneficial community facility for Berry and will also assist with tourism and attracting visitors to the town.

Given that Council is likely to receive an increasing number of approaches in this regard, there is also a need for a clear policy position regarding Electric Vehicle Charging facilities that are proposed to be located on public land.

2. Not support the proposal received from NRMA, but continue to develop a policy position regarding Electric Vehicle Charging facilities on public land.

Implications: This would potentially mean that the Shoalhaven Local Government Area (LGA) and Berry miss out in being part of this significant NRMA initiative.

3. Pursue an alternative option as advised by Council

Implications: This would be determined once the direction from Council is known.

Background

Council considered a Notice of Motion regarding Electric Vehicle Charging Points on 26 July 2016 (**Attachment 1**). As a result, a subsequent report was considered by the Strategy & Assets Committee on 15 November 2016 (**Attachment 2**) and it was resolved:

That a report be provided to Council with respect to Council's ability to encourage or require electric vehicle charging facilities for future developments within the CBD. The report should include other solutions that may be available to Council for providing electric fast vehicle charging facilities within the Shoalhaven.

The report in response to this resolution was considered by the Strategy & Assets Committee on 13 December 2016 (**Attachment 3**) and it was resolved that Council:

- 1 *Consider electric vehicle charging facilities for future development within the Nowra CBD as part of Amendment No. 7 to Shoalhaven Development Control Plan 2014 (DCP 2014).*
- 2 *Undertake consultation with the Business and Development Industry as part of the review process.*

As a result of this resolution the incorporation of requirements for Electric Vehicle Charging facilities associated with development will be included in the Shoalhaven Development Control Plan 2014 through the most relevant 'housekeeping' amendment.

The above-mentioned reports (**Attachments 1 to 3**) provide relevant background regarding this matter and reflect the growing interest in and use of electric vehicles.

Following the above considerations Council received both community and business representations and approaches regarding the requested and proposed installation of Electric Vehicle Charging points.

This included an approach from the Berry Forum's Sustainability Sub-Committee advising that it had resolved to pursue the installation of an Electric Vehicle Charging station in Berry.

It was also announced in June 2017 that through a partnership between Tesla and Stockland that 'Tesla Destination Chargers' would be rolled out nationally across thirty-one (31) shopping centres, including Stockland Nowra. It is understood that a Tesla Destination Charger currently exists at Silos Estate, Berry.

Also, as part of the Federal Governments Regional Jobs & Investment Package that was announced in February 2018, the South Coast Electric Vehicle Supercharging Transportation Project (SCEV/ST) gained funding. This project will deliver the only supercharging station between Sydney and the Victorian Border, also at Silos Estate, Berry, and link to the proposed 'Electric Superhighway' proposed for the East Coast from Cairns, Queensland to Melbourne, Victoria.

In October 2017 the NRMA announced its intention to establish a network of fast-charging stations for electric and hybrid cars in NSW, noting that the lack of charging infrastructure is currently one of the barriers to the growth and uptake of electric vehicles. As part of this announcement the NRMA also released a report titled “The Future is Electric” that provides more background detail and can be accessed at the following link:

<https://www.mynrma.com.au/-/media/documents/advocacy/the-future-is-electric.pdf?la=en>

The NRMA plan involves the phased introduction of at least 40 Electric Vehicle Charging Stations at a cost of \$10 million, that will be suitable for a range of electric vehicles and be free to NRMA Members. Following this announcement, Council has now received a firm approach regarding partnering on the establishment of an Electric Vehicle Charging point in Berry as part of this initiative.

Proposed Electric Vehicle Charging Proposal at Berry

Following the general announcement about the proposed network of Electric Vehicle Charging Stations, Council received advice that the NRMA was proceeding with a \$10 million investment over three (3) years to deliver the fast charging network across NSW and the ACT, with the following features:

- Network will account for >95% of road trips
- Universal access for most popular electric vehicles
- NRMA pays 100% of installation and operating costs of the Electric Vehicle Charging Station
- Free to NRMA members
- Working in partnership with local Councils and communities
- First sites to be deployed in Quarter 3 of 2017
- Berry has been identified as a key candidate location to install a Fast Charger

As a result, Council staff met on site in Berry with NRMA representatives during December 2017 to discuss potential sites near the Berry Showground. This meeting was also attended by a representative of the Berry Showground Management Committee. This general location was identified based on proximity to CBD, access to existing facilities (e.g. toilets), access to power (key requirement) and minimising conflict with high demand turnover car parking spaces in the core town centre. From this meeting the preferred location was narrowed down to the intersection of Victoria Street and Albany Street Berry, between the former Berry Courthouse and the Showground Pavilion.

Following the site meeting, a more formal partnership proposal has been received from NRMA – see **Attachment 4**.

The partnership proposal provides an overview of the overall NRMA project and notes that Berry has been identified as a key destination for enabling electric vehicle journeys for the following reasons:

- *Well located to support EV journeys between Sydney and other major regional centres.*
- *Within the 200km range from both Sydney and Batemans Bay*
- *Key to encouraging EV tourism and visitation to Berry and enables journeys to other towns and communities in the region*
- *Offers excellent local amenities, tourist attractions and an attractive village atmosphere*
- *No existing fast charge facilities located in the area.*
- *High proportion of NRMA membership in the Shoalhaven LGA*

- Minor detour from the main highway, with well-located supporting hospitality and retail

The preferred site in Berry is the existing parking bay/spaces (two spaces required) on the corner of Albany and Victoria Street, as noted on the following map:



*Preferred Location – Proposed EV Charging Station
Albany Street, Berry – 2 Parking Bays (orange outline)*

The proposal document also sets out the proposed responsibilities and working relationship between Council and NRMA as follows:

Council:

- Allocation of 2 x parking bays at Albany St

CL18.68

- Future option for 2 further bays, if required (usage metrics to be agreed)
- Preference for exclusive use for EV charging (flexible alternatives possible if required)
- Support in promotion of the site and the network to the local community
- Consideration of licence arrangements for site (peppercorn rental or similar)

NRMA:

- Site design, equipment supply and installation of a 50kW charger at each location
- Network owned, operated and maintained by NRMA (minimum ongoing financial or operational obligations for Council)
- Potential for co-branding of chargers and signage with Council
- Sharing insights about EV journeys to and within the region
- Promotion to NRMA's 2.6m members

Given that under the proposal the proposed charging facility will be located within a public road reserve that is managed by Council, it has been reviewed by relevant Council staff and the following comments provided:

Consultation – general community consultation will be required. Specific consultation should also be undertaken with the Berry Forum, Berry Courthouse Committee, Berry Chamber of Commerce and Berry Showground Management Committee.

Approvals – The approval process will need to be clarified, but it is likely that a Section 138 approval under the Roads Act will be required to construct the charging station – this could be conditioned as Council sees fit, for example to charge NRMA an annual fee for any consent given. Note, this fee could be a nominal amount consistent with the NRMA request.

Signage – The NSW Roads & Maritime Services (RMS) now have signage to cover on charging spots. The signage and associated line marking may also need approval from the Shoalhaven Traffic Committee.

Demand – One or two spaces may be fine at present, but through time there is likely be an increase in the number of electric vehicles coming on to the market and this will increase the demand or pressure on the charging station. As such the allocated car parking space may be quickly exhausted and future growth needs to be considered.

Subject to the detail of the proposal continuing to be worked through this presents a significant opportunity for Shoalhaven, the local community and it will also assist with tourism as the charging station will be part of a network that will be provided by NRMA and promoted widely.

As such it is recommended that there is merit in Council supporting this proposal in principle and continuing to work through the detail of its implementation and delivery with NRMA.

Policy Framework – Electric Vehicle Charging Facilities

What the above commentary shows is that there will be an increasing demand for Council to support and assist with the delivery of Electric Vehicle Charging points and stations. Whilst Council has already resolved to amend its DCP to consider charging facilities for future development within the Nowra CBD, there is likely to be a continued and growing focus on utilising existing public road reserves and public car parking given their locations in highly visible or used locations.

As such it is also recommended that Council develop a policy position regarding Electric Vehicle Charging facilities that covers, amongst the relevant matters, generally where and how Council will consider the placement of these facilities on public land if approached by third parties who wish to deliver them.

Conclusions

Given the continued emergence of electric vehicles, it is prudent that Council establish a clear policy position regarding the placement of charging facilities that seek to utilise public land to ensure that these facilities are encouraged, with a clear framework in place to consider them. The opportunity that has emerged to also facilitate a charging station at Berry, working with the NRMA is also worthy of support and should be advanced. Facilitating this alongside the development of the proposed Council policy position will be beneficial

Community Engagement

As indicated above specific engagement/consultation will be undertaken with relevant interest groups including the Berry Forum, Berry Courthouse Committee, Berry Chamber of Commerce and Berry Showground Management Committee. Nearby landowners will also be advised and provided the opportunity to comment as the proposal is firmed up.

The broader policy position will be the subject of a further detailed Council report and this will also detail how the community will be engaged about the development of the policy.

Policy Implications

Given the likely growth in demand for this type of facility and proposals to use Council land, the report recommends the preparation of a clear Council policy position in this regard.

Financial Implications

Regarding the specific proposal for Berry, as indicated above, the NRMA has advised that it will fund the site design and equipment supply/installation and the network will be owned, operated and maintained by it. It is specifically noted in the NRMA material that there will be minimum ongoing financial or operational obligations for Council – this aspect and the lease or licence arrangement (have requested peppercorn rental or similar) will continue to be worked through with NRMA.

NOTICES OF MOTION**ORDINARY MEETING****TUESDAY, 26 JULY, 2016****1. Electric Vehicle Charging Points****File 1746E**

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

The General Manager report back to Council on how Council can promote the installation of electric vehicle charging points throughout the city, particularly in its major carparks in town centres or near visitor centres / libraries. A costing be provided to Council and provision be made to fund the project from this current year's budget or the following year. The report should also seek to have 3rd party providers encouraged to include such infrastructure should they about public open spaces within our CBD. The charging points should be accompanied by appropriately marked parking spaces that prioritise electric vehicles.

Background:

There is a growing number of electric vehicles (EV's) available in the Australian market place, with Tesla hoping to release a more budget version of their EV's. EV's have a varying range on a full battery bank, cars like the Tesla have a range of up to 400 kms. The installation of EV charging points will encourage EV owners to visit the South Coast without the risk of 'running out of fuel'. For vehicles with smaller ranges public charging points are very important in the motorists willingness to travel longer distances. In the not so distant future there is an expectation that Council will look at its parking in the Nowra CBD through a number of different developments and these should incorporate an EV charging point/s. Council also needs to note that EV points should be located near useful infrastructure that encourage the EV driver to plug in and stay as even a rapid top up at the moment needs time. Council could also provide a charge point in the carparks around the entertainment centre which might encourage EV use by staff. There are a number of companies that can manage and provide EV charge points.

<http://www.sydneymedia.com.au/5342-city-leads-the-charge-for-zero-emission-cars/>

Signed
Clr Findley

CL18.68 - Attachment 1

SA16.24 Electric Vehicle Charging Points

HPERM Ref: D16/290510

Group: Assets & Works Group
Officer: Ellann Lehdey - Administration Officer

Purpose / Summary

To report on the installation of electric car charging points within Shoalhaven City.

Recommendation (Item to be determined under delegated authority)

That community engagement be undertaken on the installation of electric vehicle charging points in central business districts and a report be provided to Council on demand and business interest

Options

1. Undertake community engagement to determine the demand for charging points through a survey and the business chambers (Recommended)
Implications: This would provide information to Council in relation to demand on charging points, interest from Business chambers in supporting the Council initiative and formulate a strategy for the installation of charging points. This may also form the basis of support for funding applications.
2. Receive the report for information.
Implications: The opportunity to install a charger and support and promote electric vehicles is deferred until funding is available.
3. Install a fast charger (Level 3) in a CBD and request funding from State and Federal governments; Endeavour Energy; and electric car manufacturers. (Not recommended)
Implications: It would provide an opportunity to promote the City as a supporter of electric vehicles use and renewable energy. This facility is currently not funded and with demand not defined and consultation is still to identify preferred locations and any displaced parking space(s).
4. Install a slow charger (Level 2) in a CBD and fund the installation from existing budgets. (Not recommended)
Implications: It would provide an opportunity to promote the City as a supporter of electric vehicles use and renewable energy. This facility would need to be funded and with demand not defined and consultation is still to identify preferred locations and any displaced parking space(s).

Background

Council resolved at its meeting on 26 July 2016 (Minute MIN16.603) that:

The General Manager report back to Council on how Council can promote the installation of electric vehicle charging points throughout the city, particularly in its major carparks in town centres or near visitor centres / libraries. A costing be provided to Council and provision be made to fund the project from this current year's budget or the following year. The report should also seek to have 3rd party providers encouraged

to include such infrastructure should they about public open spaces within our CBD. The charging points should be accompanied by appropriately marked parking spaces that prioritise electric vehicles.

The challenge in the installation of electric vehicle charging points is the initial cost of the infrastructure required to provide a convenient charging duration. Fast chargers (Level 3 Commercial DC chargers) are necessary in locations such as Nowra CBD as they can recharge batteries generally within 30 minutes. An alternative is Level 2 commercial chargers which extend the recharging duration to 4-6 hours, which typically would not suit most users.

However, fast chargers have been installed in other local government areas by:

- direct approach from an electric car manufacturer, as is the case with Goulburn-Mulwaree Council,
- an approach by an electricity supplier, as is the case in Byron Bay or
- State or Federal government funding such as the Victorian Department of Transport for Moreland City Council

Following a fast charger installation there are opportunities to promote the facility and the City as a leader in renewable energy and often councils and businesses provide free charging to establish community interest.

The average cost to install a fast charger is about \$55,000. This amount could increase depending on site-specific requirements. Typically, the main 'hardware' costs are associated with the charger and appurtenances; the size of an electrical transformer, if necessary; and the length of electrical cabling to the site. Associated computer-controlled systems; software and maintenance agreements are also cost components. This type of charger may be of interest in CBD areas for commuters or shoppers. However prior to investing in this infrastructure it would be appropriate for Council to consult with business chambers and undertake an online survey to determine support and demand for the initiative.

The cost to install a dual port Level 2 charger (4-6 hour charging duration) is about \$20,000 again depending on site requirements. This type of charger may be installed at all-day parking areas or for businesses with fleet vehicles which can be parked for this charging duration. However, as the majority of all-day parking is used by commuters, studies have shown that about 90% of electric car owners will recharge their batteries at home. Consequently, installing Level 2 chargers in public areas is unlikely to be effective.

Community Engagement

Option 3, above, could form the basis for community engagement.

Current locations of charging facilities within Shoalhaven City area are related to commercial businesses such as those in Merroo Meadow and Mollymook. Owners of Electric Vehicles charge vehicles at home, but this limits the range of vehicle use.

Policy Implications

Council currently has not included electric charging points and associated parking in a strategy or development control plan to encourage developers or '3rd party providers' to install charging points. However as advised there are a number of businesses that have invested in charging points. In CBD areas, developers provide the required number of parking spaces in conjunction with their developments, changes would be required to planning documents to include either additional 'charging point' parking or to reduce the number of regular parking spaces and substitute ones with charging points. Consultation with the businesses is key to the success of initiatives such as the installation of electric charging points.

Financial Implications

The cost of installing charging points has not been included in the 2016/17 Operational Plan budget and no other funding source has yet been recognised. The community engagement aspect can be undertaken under existing resources and funding can be considered for the installations when the report on demand and interest returns to Council.

SA16.63 Electric Vehicle Charging Points - Future Developments in CBD

HPERM Ref: D16/371373

Group: Assets & Works Group
Section: Asset Management

Purpose / Summary

To report on the ability of Council to encourage or require electric fast vehicle charging facilities for future development within the Nowra CBD.

Recommendation (Item to be determined under delegated authority)

That Council:

1. Consider electric vehicle charging facilities for future development within the Nowra CBD as part of Amendment No. 7 to Shoalhaven Development Control Plan 2014 (DCP 2014).
2. Undertake consultation with the Business and Development Industry as part of the review process.

Options

1. Investigate the implementation of provisions relating to electric vehicle charging facilities for future development within the Nowra CBD as part of Amendment No. 7 to Shoalhaven DCP 2014.

Implications: This option will allow Council Staff to consider the most appropriate policy approach to facilitate the provision of electric vehicle charging facilities in the Nowra CBD. Appropriate consultation can be undertaken as part of this process.

2. Accept this report for information.

Implications: Provisions relating to electric vehicle charging facilities will not be included in Shoalhaven DCP 2014 for new development in the Nowra CBD.

Background

The Strategy and Assets Committee resolved at its meeting on 15 November 2016 (Minute MIN16.871) that:

A report be provided to Council with respect to Council ability to encourage or require electric vehicle charging facilities for future developments within the CBD. The report should include other solutions that may be available to Council for providing electric fast vehicle charging facilities within the Shoalhaven.

For the purposes of car parking, Shoalhaven DCP 2014 identifies the Nowra CBD as the area shown in Figure 1. For consistency, the same area has been used to define the Nowra CBD for the purpose of this report.

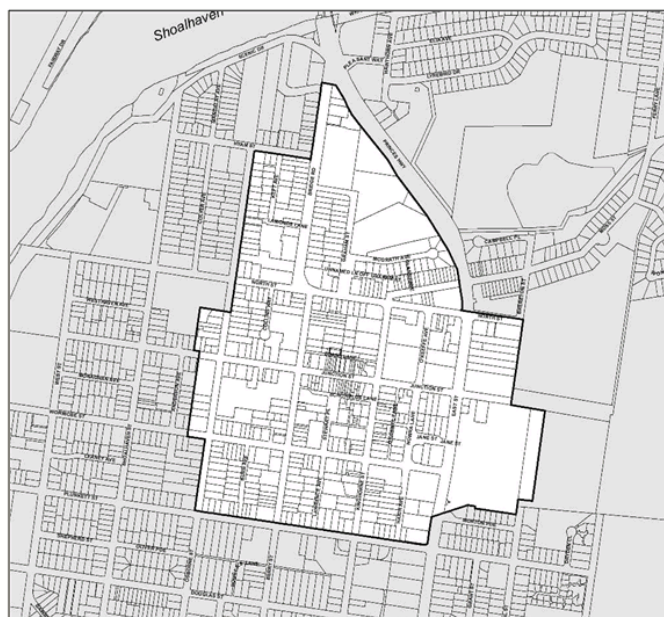


Figure 1: Nowra CBD subject area

Although there are a number of businesses in Shoalhaven that have invested in electric vehicle charging facilities to date, this has been voluntary and has not been required by Council. Council currently does not have any policy specifically requiring electric vehicle charging facilities or associated parking.

A number of NSW councils have adopted provisions relating to electric vehicle charging facilities for new development including Woollahra, Sydney and Randwick. The following table summarises these provisions:

Local Government Area	Summary of provision
Woollahra	<ul style="list-style-type: none"> The provisions encourage the installation of a 15Amp dedicated circuit for vehicle charging in dwelling houses, semi-detached dwellings, dual occupancies, residential flat buildings, multi dwelling housing and the residential component of a mixed use development. For commercial development, a user pays charging point may be included with a dedicated space for electric vehicles.
Sydney	<ul style="list-style-type: none"> Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.
Randwick	<ul style="list-style-type: none"> A minimum of 10% of parking spaces are to be designed and labelled for small & environmental vehicles in commercial, office or shopping centre development wherever 10 or more spaces are required. <p><i>Note: 'environmental vehicles' typically covers very small cars, hybrid cars and fully electric cars.</i></p>

Should Council wish to proceed and require electric vehicle charging facilities to be installed for new development in the Nowra CBD, the most appropriate mechanism to facilitate this would be via the Shoalhaven DCP 2014. The options to facilitate this in the DCP would be to:

- Require the provision of electric vehicle charging facilities (or set aside space to ensure ability to install in the future) for new development of a certain scale in the Nowra CBD. Based on the B3 Commercial Core and B4 Mixed Use zoning within the Nowra CBD, the most appropriate land use types would be residential flat buildings, mixed use development, commercial/retail development and tourist and visitor accommodation. The scale could be determined by floor area, apartment numbers, car parking space numbers etc. Although a developer could seek a variation to such a provision, it would in essence be a development standard.

OR

- Incentivise the installation of electric vehicle charging facilities by reducing the number of regular parking spaces and/or substitute with charging facility parking spaces (for example). There is a risk that the developer could choose not to take up the incentive.

The Development Industry may consider the provision of electric vehicle charging facilities to be onerous and resist any requirement to provide additional parking spaces for charging facilities on top of what is already required by DCP Chapter G21: Car Parking and Traffic. Thus, it may be more appropriate to include provisions in the DCP to encourage/incentivise electric vehicle charging facilities, rather than mandate them; especially due to the cost associated with installing and running of the charging facilities.

Current pricing is estimated at:

- Fast charger - \$55,000. This amount could increase depending on site-specific requirements.
- Dual port level 2 charger - \$20,000. This again is dependent on site requirements.

Where electric vehicle charging facilities are available for the use of occupants/residents in a private development, a level 2 commercial charger would likely be adequate. These systems charge within 4-6 hours. Alternatively, a fast charger (Level 3 Commercial DC chargers) could be installed which can recharge batteries generally within 30 minutes. A fast charger would also be appropriate where the charging facilities are available to the wider public.

Council resolved in June 2015 to commence work on multiple amendments to Shoalhaven DCP 2014. Council Staff are currently preparing an amendment (No. 7) to the Generic Chapters of DCP 2014, including Chapter G21: Car Parking and Traffic, to cover:

- Review rates in the car parking schedule (commercial premises, holiday cabins, serviced apartments, outdoor eating areas, special industrial, professional consulting rooms, veterinary surgery, medical centres and educational establishments).
- Insert mapping specifying the new car parking provisions required under the Apartment Design Guide (State Environmental Planning Policy 65).
- Consider the extension of the Nowra CBD parking development incentive.

Investigation into electric vehicle charging facilities could form part of this review. An important component of any investigation would be consultation with the Business and Development Industry and this could be undertaken as part of the Shoalhaven DCP 2014 Amendment No. 7 preparation process.

Other Options

Recently, an electric vehicle manufacturer funded a charging station at Goulburn's Visitor Information Centre to complete its network of 'supercharger' stations along the Hume Highway, from Sydney to Melbourne. The same manufacturer has five 'destination' charging points within the Shoalhaven for exclusive use of their visitors and these provide four to six hour charging times. Council staff have written to the supplier and requested consideration of Nowra as a future site for a 'supercharger'.

The manufacturer also intends to expand its network of 'supercharger' 30 minute charging stations throughout Australia. However, it may be some time before the South Coast is considered as south-east Queensland is currently likely to have a higher priority for network expansion.

Funding from either Federal or State governments for a fast charger may be an option. However, it is likely that Council would need to make a commitment towards electric vehicles such as to convert some of its fleet to electric vehicles or present a 'business case' to attract a contribution specifically for the installation of a fast charger.

Victoria's Moreland City Council commissioned a feasibility study (August 2014) which demonstrated that *"the benefit cost ratio for the adoption of additional Nissan LEAFs in place of Hybrid Camrys at 7% discount rate was 1.48 indicating a sound investment."* However, the same benefits may not accrue in the Shoalhaven owing to the lack of infrastructure to support electric vehicles and differences in the cost of electricity and the purchase prices of vehicles. It is understood that it was Moreland City's commitment to convert to a partly electric vehicle fleet and to partially fund the fast charger which allowed it to gain funding from the Victorian Government Electric Vehicle Trial.

Community Engagement

Any proposed amendment to the Shoalhaven DCP 2014 in this regard would be advertised for a minimum of 28 days as required by legislation. Targeted consultation with the Business and Development Industry would also be beneficial.

Policy Implications

Should Council proceed with a direction to include electric vehicle charging facility provisions in Shoalhaven DCP 2014, an amendment to Chapter G21: Car Parking and Traffic would be required. Council staff have recently commenced a review of this Chapter and an investigation into electric vehicle charging facilities could form part of this review. Any proposed amendments would be reported back to Council prior to exhibition.

Financial Implications

There are no immediate financial implications for Council. Costs associated with reviewing and amending Shoalhaven DCP 2014 are being managed within Council's existing Strategic Planning budget.

CL18.69 Submission - Proposed Remediation of Land SEPP

HPERM Ref: D18/56268

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Attachment 1 - FAQ's - Remediation of Land Planning Reform Package
[↓](#)

Purpose / Summary

Advise of the exhibition by the NSW Department of Planning & Environment (DP&E) of a proposed *Remediation of Land State Environmental Planning Policy (SEPP)*, and obtain endorsement to make a submission based on the content of this report.

Note: This matter is reported direct to Council given the timeframes involved and the need to make a submission before the close of the exhibition period.

Recommendation

That Council make a submission to the NSW Department of Planning & Environment on the proposed *Remediation of Land State Environmental Planning Policy* based on the content of this report.

Options

1. Adopt the recommendation and endorse the content of this report as the basis of Council's submission.

Implications: This is the preferred option as it ensures that Council's comments will be considered by DP&E in the finalisation of the proposed SEPP.

2. Make changes to the issues outlined in this report and submit to DP&E for consideration.

Implications: This option still provides the opportunity to identify matters to be considered in relation to the proposed SEPP; however, the implications of any possible changes are unknown and may require closer consideration or refinement.

3. Not make a submission

Implications: This is not recommended, as it will mean that Council does not provide any comment or input regarding the proposed SEPP and the opportunity to identify issues for consideration or resolution will be missed.

Background

DP&E has been reviewing all State Environmental Planning Policies (SEPPs) to ensure they remain effective and relevant. As part of this program, *SEPP No. 55 - Remediation of Land* (SEPP 55) has been reviewed and a recommendation made to repeal this SEPP and a new *Remediation of Land SEPP* created. The new SEPP will retain elements of SEPP 55, as

well as add new provisions to establish an updated approach to the management of contaminated land.

The current SEPP 55 and its associated Planning Guidelines have been in place for nearly 20 years and both need review to respond to legislation/policy change and reflect new land remediation practices.

DP&E have provided an Explanation of Intended Effects (EIE) for the proposed new SEPP and draft Contaminated Land Planning Guidelines for comment until 31 March 2018. The two documents are available for review at:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Remediation-of-Land-SEPP>

In general terms, they propose that the new SEPP (and associated guidelines) will:

- Provide a state-wide planning framework for the remediation of land;
- Require consent authorities to consider the potential for land to be contaminated when determining development applications;
- Transfer provisions from SEPP 55, requiring remediation works to be categorised into Category 1: Remediation works requiring consent, and Category 2: Remediation works not requiring consent;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent;

The proposed Remediation of Land SEPP transfers the requirements to consider contamination when rezoning land currently within SEPP 55, to a direction under Section 117 (now Section 9.1) of the Environmental Planning and Assessment Act 1979 (EP&A Act).

DP&E have also produced a Frequently Asked Questions sheet for this package of reforms – see **Attachment 1**.

Review of Proposed Remediation of Land SEPP

Council staff have reviewed the exhibited documents and it is proposed to make a submission based on the following comments.

Strategic Planning

Support the following;

- The proposed removal and transfer of strategic planning provisions, currently outlined within Clause 6 of SEPP 55, requiring that contamination and remediation be considered in zoning or rezoning proposals, to be given effect through a direction under *Section 117 of the Environmental Planning and Assessment Act 1979*.
- The Section 117 direction requiring that PP's to rezone land must be accompanied by either a preliminary or detailed site investigation report, when it meets a set of predefined circumstances.
- For high level strategic planning, where it may be difficult to know whether every part of the land is suitable for a proposed use, that potential contamination should be considered, and planning controls put in place to ensure that further investigations are undertaken, as required.

Development Assessment

Support the following;

- Transferring the two categories currently within SEPP 55 (Category 1: Remediation works requiring consent and Category 2: Remediation works not requiring consent) to the new SEPP.
- Mandatory use of certified contaminated land consultants and standard operational requirements as this will reduce uncertainty for councils and the community, and assist in ensuring that remediation works are carried out appropriately.
- Requirements that known, or potential contamination on nearby or neighbouring properties needs to be considered in the assessment and decision-making process.

It is also proposed that the following changes need to be considered/further investigated:

- Section 79C is referred to in the exhibited documents - this will need to be changed to reflect the new decimal numbering (Section 4.15) used in the amendments to EP&A Act.
- Deferred commencement requirements outlined in the draft guidelines need further detail to ensure that they cannot be utilised to defer adequate investigation.
- Consideration should be given to adopting suggested conditions of development consent, particularly relating to post-remediation management issues, Environmental Management Plans (EMP's) and requiring certified contaminated land consultants to review or approve contamination reports, not Principal Certifying Authority's.
- The Draft Guidelines propose placing the development controls requiring remediation into a Development Control Plan (DCP). The problem with this is that a DCP cannot prohibit development that an LEP allows. DP&E need to provide a new model clause in the Standard Instrument LEP to allow land to be identified and mapped as requiring remediation prior to development. This would then act as a prohibition, instead of a development control in a DCP.

It is disappointing that the actual draft SEPP has not been made available for comment. Thus, it is difficult to provide definitive comment on the detail of these reforms. It will be requested that that detail of the draft SEPP be made available to Councils and others for review before it is finally made to ensure that it is workable and there are no unintended consequences or complications.

Community Engagement

The proposed SEPP is currently on public exhibition until 31 March 2018, with exhibition documents available on DP&E's website at:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Remediation-of-Land-SEPP>

Policy Implications

There may be policy changes associated with the implementation of the new SEPP, particularly regarding Council's DCP and the Contaminated Lands Policy (POL16/234). The extent of these changes cannot be confirmed until a final version of the Remediation of Land SEPP is available.

SEPP Review Program Remediation of Land Planning Reform Package

Frequently asked questions

January 2018

Why is the current Remediation of Land SEPP, and its planning guidelines being reviewed?

Currently SEPP 55 is being reviewed as part of the NSW Government's broader review program that aims to ensure all State Environment Planning Policies, SEPPs, are up-to-date and relevant.

As well the current SEPP 55 and its associated *Managing Contaminated Land Planning Guidelines* have been in place for almost 20 years. Both need to be updated to respond to changes in federal and state legislation and policy, and to reflect new land remediation practices.

What are the benefits of the proposed new SEPP?

The new SEPP aims for the better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

For remediation works that can be undertaken without development consent, the mandatory use of certified contaminated land consultants and standard operational requirements, will provide greater certainty for councils, planning authorities and the community, that remediation work is properly carried out and appropriately validated.

Provisions in the new SEPP

It is proposed the [new Remediation of Land SEPP](#) will:

- provide a state-wide planning framework for the remediation of land
- require consent authorities to consider the potential for land to be contaminated when determining development applications
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

How will the new SEPP categorise remediation works?

The new SEPP will continue to categorise remediation works into two categories:

- Category 1 remediation works that require development consent
- Category 2 remediation works that can be undertaken without development consent.

How will Category 1 remediation works be managed?

Category 1 remediation works will continue to be assessed and determined by the relevant consent authority.

The new SEPP will include a detailed list of Category 1 remediation works that can only be undertaken with consent. Examples of these works include remediation that involves large scale excavation of contaminated soil or onsite remediation.

SEPP Review Program Remediation of Land Planning Reform Package

Frequently asked questions

January 2018

The new SEPP will continue to require that remediation works on environmentally sensitive land or carried out in association with designated development are undertaken only with development consent.

How will Category 2 remediation works be managed?

Operational requirements for category 2 remediation work that can occur without consent will be established to ensure they are carried out safely and with minimal environmental or amenity impacts.

Under the new requirements proponents will need to:

- engage a certified contaminated land consultant to verify the remediation works are Category 2 works
- notify council before work commences
- comply with standard operational requirements such as standard hours of operation
- provide council with a notice of completion, including validation from a certified contaminated land consultant that the remediation has been satisfactorily completed.

Considering contamination when rezoning land

The requirement for a planning authority to consider contamination issues when rezoning land will be given effect through a direction under [section 117 of the Environmental Planning and Assessment Act 1979](#).

Section 117 allows the Minister to give directions to councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft local environmental plans.

How does the current SEPP 55 work?

Currently SEPP 55 provides the assessment framework for the remediation of contaminated land and sets out the remediation works that require development consent.

It also requires councils and other planning authorities to consider the potential for land to be contaminated when making planning decisions such as:

- rezoning land
- determining development applications.

What consultation has taken place during the review?

The Department of Planning and Environment has worked closely with the Environmental Protection Authority during the review of the Remediation of Land SEPP. The department has also undertaken preliminary consultation with selected councils and contaminated land consultants.

How do I comment on the proposed SEPP?

Submissions on the Explanation of Intended Effect for the [proposed Remediation of Land SEPP](#) and draft guidelines close on 31 March 2018.

SEPP Review Program Remediation of Land Planning Reform Package

Frequently asked questions

January 2018

Feedback on the Explanation of Intended Effect and draft planning guidelines is welcome until 31 March 2018.

[Make an online submission](#)

Write to:

Director, Housing Approvals and Policy
Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

All submissions will be made public in line with the department's objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. Please read the [privacy statement](#).

The right to not publish selected submissions, in full or part, is reserved.

What happens next?

At the end of the exhibition period, the department will review submissions, consider all feedback on the proposed changes and prepare a report for the Minister for Planning.

After considering this report, the Minister may decide to make a recommendation to the Governor to make a new Remediation of Land SEPP.

Where can I find out more?

For more information email information@planning.nsw.gov.au or phone 1300 305 695. Translation assistance is available. Call 131 450.

CL18.70 Nowra Riverfront Precinct - Proposed Planning and Development Controls

HPERM Ref: D18/40290

Group: Planning Environment & Development Group
Section: Strategic Planning

Attachments: 1. Proposed Planning Controls Report (under separate cover)

Purpose / Summary

Present the outcomes of the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report undertaken for Council by urban design consultants, Studio GL, and obtain endorsement to release it for public review/comment.

Recommendation

That Council:

1. Receive the attached Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report prepared by Studio GL for information and endorse it being placed on public exhibition for a minimum period of 28 days to enable community comment.
2. During the exhibition period, directly consult with NSW Roads and Maritime Services in relation to the Nowra Bridge Project.
3. Consider a further report following the exhibition of the Nowra Riverfront Entertainment and Leisure Precinct Proposed Planning Controls Report that details any comments received, with a view to proceeding to: prepare a Planning Proposal for submission for initial Gateway determination to revise relevant Local Environmental Plan provisions; and a supporting Area Specific Chapter to be inserted in Shoalhaven Development Control Plan 2014.
4. Receive a further report on the insurance options for the former Nowra Sailing Club site.

Options

1. Adopt the Proposed Planning Controls Report for public exhibition and consider a further report following the exhibition on the need to amend the Shoalhaven LEP2014 and Shoalhaven DCP2014 to encourage and facilitate development of the precinct.

Implications: This is the preferred option as it will enable the community to comment on the Recommendations Report which contains suggested controls that could subsequently be inserted into the LEP and DCP.

Prior to moving ahead to preparing a Planning Proposal (PP) to amend the LEP and an area specific DCP Chapter, Council will also need to have detailed discussions with the NSW Roads and Maritime Services (RMS) in relation to the Nowra Bridge project. In addition, flooding and other site constraints will be able to be reasonably considered and addressed.

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Moving forward with the community consultation of the proposed detailed development controls for the Precinct will enable quality urban design benchmarks to be established and ultimately facilitate the development of regionally significant precinct and key sites within it, including the former Tourist Information Centre site which is currently in the process of being sold by Council.

2. Adopt an alternative recommendation to proceed now with a PP and DCP Chapter for the Riverfront Precinct except for the Scenic Drive, Bridge Road and Wharf Road sub-precincts that are deferred until the detailed design of the Nowra Bridge Project has been resolved and the Lower Shoalhaven River Floodplain Risk Management Study and Plan is completed.

Implications: The timing of the release of the detailed design for the Nowra Bridge project is unknown. RMS have only just released the concept design for public consultation. The timing of the Lower Shoalhaven River Floodplain Risk Management Study and Plan is approximately three years and given this has already commenced, a draft plan may be available late 2019.

Given the delays that could be experienced by the Nowra Bridge Project and the Lower Shoalhaven River Floodplain Risk Management Study and Plan, proceeding with the Riverfront Precinct excluding the sub-precincts which are constrained by either flood or the new bridge crossing and realignment of Princes Highway, Council would be able to facilitate positive development of this regionally significant precinct that is of high quality / standard and that responds to the opportunities of the area.

3. Adopt an alternative recommendation to defer the whole of the Riverfront Precinct until such time the detailed design of the Nowra Bridge Project has been resolved and the Lower Shoalhaven River Floodplain Risk Management Study and Plan is completed.

Implications: This is not the preferred option as it further hinders the opportunity to progress this project and potential development in this regionally significant precinct, and its key development sites. If Council resolve to endorse this option, this would mean that any progression of the project could not occur earlier than late-2019. This is likely to be unacceptable given the broader Council and community desire to see this key precinct on the river activated.

Background

This is a high-profile precinct that Council and the broader community are keen to see activated and developed to take advantage of its key riverfront location.

Council initially commissioned Studio GL (consultant) in 2014 to work on the overall Nowra CBD Urban Design Development Controls. At the time, this also included the business zoned land within the Nowra Riverfront Precinct.

The Riverfront Precinct was however deferred from this project (now completed) due to the announcement by the NSW Government that they would pursue a new bridge crossing to the west (upstream) of the existing bridges. This decision was based on the likelihood that the new crossing and associated relocation of the intersections at Pleasant Way and Bridge Road could have a significant and unknown impact on the precinct and the properties in it.

Council proceeded to finally adopt the Nowra CBD Urban Design Development Controls in November 2015 and in making that decision also resolved to:

Proceed to prepare detailed urban design controls for the northern Riverfront/Gateway precinct and report back to Council on the steps required to enable redevelopment of this important precinct.

As a result, planning work recommenced on this regionally significant precinct. The area of the Riverfront Precinct is outlined in red in *Figure 1* below:



Figure 1 – Nowra Riverfront Precinct Area

The initial report prepared by Council's project consultant, *Nowra Riverfront Strategic Direction: Review and Analysis*, clearly set out the desired future character of the precinct. It also established overarching objectives and principles including:

1. Increasing safety,
2. Enhancing open space,
3. Improving connections,
4. Strengthening the gateway, and
5. Providing a catalyst for renewal.

This report was considered by Council's Development Committee in October 2017 and it was resolved (under delegation) to:

1. Receive this update on the progress of the Nowra Riverfront Precinct planning work for information.
2. Receive a further report once the draft detailed urban design controls have been prepared in accordance with the recommended strategic directions, that considers how to proceed with a potential Planning Proposal for new zones/building heights and supporting planning controls.

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3. *In preparing the draft urban design controls, consider retaining the height controls within the citywide DCP chapter N7 and give further consideration to a more flexible height within the precinct east of the Osborne Street corridor.*

The October 2017 Development Committee report and the consultant's report: *Nowra Riverfront Strategic Direction: Review and Analysis* can be accessed at the following link as item DE17.71:

http://shoalhaven.infocouncil.biz/Open/2017/10/DE_20171010_AGN_3705_AT_WEB.htm

The above resolution was made acknowledging that since the announcement by RMS that the third river crossing would be constructed to the west of the existing bridges, no further details had been provided at the time in terms of a concept design. This had resulted in any progression in the planning of the Riverfront precinct being deferred or held back. However, it was acknowledged that there was a need to move forward and provide some clarity on likely future planning and development controls for this precinct and particularly the former Tourist Centre site given the Council decision around its sale.

On Monday 19 February 2018, the NSW Government announced the Preferred Project Option for the Nowra Bridge Project. How this affects the Riverfront Precinct is discussed later in this report.

Overview - Nowra Riverfront Entertainment and Leisure Precinct - Proposed Planning Controls Report

In response to the October 2017 Development Committee resolution, the project consultant proceeded to the next stage of preparing draft detailed urban design controls in accordance with the strategic directions. These are detailed in the Proposed Planning Controls Report prepared by the consultant, which is provided as **Attachment 1**.

The proposed recommended controls provide an option on how the vision for the Riverfront Precinct could be delivered and respond to the character (land, urban structure, and urban form) of the area. The recommended controls consider: the current urban structure not making the most of the qualities of the land or encouraging buildings to create a well-defined public-private realm; and leveraging the maximum benefits from its high-quality landscape setting.

Due to the varying constraints, opportunities and the roles of individual areas within the broader Riverfront Precinct, the precinct has been divided into sub-precincts as illustrated in *Figure 2* below. Each sub-precinct has its own proposed character statement, area-specific objectives, desired future urban structure and area specific development controls, except for the Council Administration Building site and the multi-dwelling housing development on the southern end of Hawthorn Avenue that have been excluded from any recommended LEP and DCP provisions.



Figure 2 – Sub-precincts within Riverfront Precinct

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It should be noted that the level of uncertainty that remains, particularly for some of the sub-precincts, will mean that the final controls may vary from the ones contained in the Proposed Planning Controls Report. Such issues include, but are not limited to, the Nowra Bridge Project and its impact on the precinct, and the flood constraints of the precinct. In response to these unknown factors, the consultant has outlined nine (9) variations to the recommended controls. The variations demonstrate that the outcome of the unknown factors can result in significant impact and substantial changes in the overall scale and character of the development of the precinct.

At the time of the consultant preparing and finalising the Proposed Planning Controls Report, the details of the Nowra Bridge Project and its impact on the precinct were largely unknown.

Proposed LEP Controls Overview

The Proposed Planning Controls Report recommends changes to the LEP provisions for sub-precincts within the Nowra Riverfront as part of the overall suite of controls. The recommendations aim to respond to the role of each sub-precinct and potential opportunities and constraints.

Depending on the outcome of the recommended public exhibition and Councils ultimate decision, a PP would need to be prepared for the Riverfront Precinct to amend Shoalhaven LEP 2014 to change zones and insert specific height of buildings and Floor Space Ratio (FSR) controls or development standards.

As noted, the consultant has recommended no change to the LEP provisions for the Council Administration Building site and the multi-dwelling housing development on the southern end of Hawthorn Avenue due to the existing development and the appropriateness of the existing LEP provisions.

The recommended LEP provisions are detailed in **Attachment 1** and summarised for each of the sub-precincts shown in Figure 2 in the table below.

Pleasant Way & Graham Lodge

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
B4 Mixed Use	Retain or change to R3 Medium Density Residential	11m	21m (6 storeys) with 11m (3 storeys) on/around Graham Lodge	N/A	1:1 (or 1.3:1 if the area around Graham Lodge is excluded from the calculation)

Wharf Road

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
SP3 Tourist / R2 Low Density Residential	Retain SP3 Tourist, Change R2 Low Density Residential to SP3 Tourist	Part 11m Part 7.5m / 8.5 (R2 zone)	18m (5 storeys)	N/A	1:1

Comment – the consultants at his point have recommended an SP3 zone in this location. However, prior to finalisation the potential use of an alternate zone that facilitates activation may need to be considered e.g. B4 Mixed Use.

Mandalay Avenue

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
R3 Medium Density Residential	Largely no change needed - potential for small area on eastern edge (Council owned) to go to RE1 Public Recreation where a new road proposed	Part 11m Part 7.5m (Foreshore)	22m (6 storeys) with three storeys (approx. 12m) along the foreshore	N/A	1.3:1 to 1.7:1 (bonus for provision of pedestrian link)

Hyam Street

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
B4 Mixed Use	Retain B4 Mixed Use	11m	18m (5 storeys)	N/A	Additional investigation needed (existing heritage items) to determine FSR

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Scenic Drive

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
B4 Mixed Use	SP3 Tourist	11m	18m (5 storeys) with 4m (1 storey) along the foreshore	N/A	Requires additional investigations (flooding, bridge crossing impact, heritage and access) to determine FSR

Comment – the consultants at this point have recommended an SP3 zone in this location. However, prior to finalisation the potential use of an alternate zone that facilitates activation may need to be considered e.g. B4 Mixed Use.

Bridge Road (civic triangle)

<i>Current Zoning</i>	<i>Recommended Zoning</i>	<i>Current Height</i>	<i>Recommended Height</i>	<i>Current FSR</i>	<i>Recommended FSR</i>
B4 Mixed Use	Retain B4 Mixed Use	Part 16m, Part 25m, Part 28m	Between 4 and 7 storeys (approx. 15m and 24m)	N/A	1.7:1

At this point there are no LEP change proposals regarding the areas shown in 'grey' in Figure 2 above within the precinct. The earlier Strategic Direction report indicated opportunities regarding some of these areas, most of which are publicly owned. These are perhaps longer-term opportunities and will be given further consideration prior to the finalisation of this project to help establish the potential future urban structure.

Proposed DCP Controls Overview

Detailed supporting design controls have also been developed for each sub-precinct within the broader Riverfront Precinct to establish high quality urban design outcomes in the visually prominent and regionally significant precinct.

Depending on the outcome of the public exhibition, an area-specific chapter will ultimately need to be prepared for the Riverfront Precinct to incorporate the detailed design controls into the DCP

The recommended controls cover, but are not limited to: setbacks, bulk and scale, amenity, articulation, addressing the street, flood responsive design, landscaping and new links and connections.

The proposed DCP controls will need to be reviewed and amended depending on the outcomes of the Nowra Bridge Project and further detailed findings from a flood study.

As noted previously, the project consultant has recommended no change / additional DCP provisions for the Council Administration Building and the multi-dwelling housing

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development on the southern end of Hawthorn Avenue. Should development occur in the future in these sub-precincts, they will rely on the generic DCP chapters.

Flooding

Council's current flood information identifies that the precinct is flood affected, with varying affectations to each of the individual sub-precincts. Previous reports to Council have indicated that further technical flood studies will need to be undertaken to facilitate appropriate development in the Riverfront Precinct.

The Proposed Planning Controls Report also suggests that confirmation of flood levels and impacts is required to determine the likely development impacts and viability of specific development options as outlined in the report.

Initial commentary from Council's Floodplain Engineers have indicated that enabling development in this area will require further assessment. The approach of sub-precinct specific controls in relation to flood responsive design is supported, however some of the recommended controls within the Proposed Planning Controls Report are not considered to be practical and therefore need revisiting.

It is noted that Council has now commissioned a consultant to undertake the Lower Shoalhaven River Floodplain Risk Management Study and Plan which will improve understanding of flood behaviour and impacts, and better inform management of flood risk in the study area. This includes the Riverfront Precinct. The Study will enable any development controls for this area to be well informed and respond to the sub-precinct specific flood constraints. However, whilst this has commenced, the process is expected to take up to three (3) years to complete and a draft plan may not be available late 2019. As such this has the potential to significantly impact on the final delivery of this project and ultimately new development in this area.

Nowra Bridge Project

The Preferred Project Option for the Nowra Bridge Project is currently out for community feedback until Friday 23 March 2018.

The preferred project includes:

- New northbound four-lane bridge,
- Reconfiguration of the existing concrete bridge to carry southbound traffic,
- Intersection upgrade at Illaroo Road, Bolong Road and Bridge Road,
- New Pleasant Way T-intersection, and
- Keeping the old southbound bridge for pedestrian and cyclists.

The concept design which has now been released by RMS illustrates indicative potential impact to the Scenic Drive, Bridge Road, Wharf Road and Pleasant Way & Graham Lodge sub-precincts.

An example of the potential impact on the Pleasant Way & Graham Lodge sub-precinct is proposed closure of Pleasant Way at its current location with a new location proposed south of the existing multi-dwelling housing development at Hawthorn Street. The exact location of this new road is unknown. The recommended setbacks in Pleasant Way / Graham Lodge sub-precinct will potentially need to be revisited. Looking at it in isolation, there are also some potential benefits in this regard in that moving Pleasant Way could present an opportunity to create a consolidated parcel for redevelopment. This specific proposal, along

with the others, will need to be considered as part of the detailed consultation and dialogue with RMS and following the conclusion of the exhibition.

Despite the bridge information being publicly released, the detailed design is required before the full extent of the impact of the new bridge and highway realignment is known. It is recommended that as part of the public exhibition of the Proposed Planning Controls Report, Council engage directly with RMS to understand the full scope of potential impacts to the Riverfront Precinct and possible solutions.

Nowra Sailing Club and Wharf

The proposed consultant has also incorporated an option for the site of the previous Nowra Sailing Club and Wharf in the Proposed Planning Controls report. Noting that the site is significantly constrained by flood, the consultants have recommended that the site not be redeveloped for uses that would require costly recovery during a flood event.

The consultant's option proposes that the site be used for a lightweight picnic facility / pavilion that includes seating, barbeques and public toilets. The design of the pavilion should have regard to the profile of the previous structure and the signage from the Sailing Club.

The opportunity to provide a space for a 'pop up' café or similar on the site as part of any replacement pavilion is also worthy of consideration. This would provide an opportunity for a temporary use/activation, for example in the warmer summer months.

Council will need to receive a further report on the insurance options of the Nowra Sailing Club to determine the way forward for the site.

Community Engagement

In May 2017, the project consultant facilitated three landowner workshops to discuss preliminary ideas for the development of the precinct, including increasing building height, rationalising the road network, creating a more legible and permeable precinct, and land swap arrangements to optimise public open space. The feedback obtained through the workshops was used to help inform the Proposed Planning Controls Report.

It is recommended that the Proposed Planning Controls Report should now be publicly exhibited for a minimum period of 28 days to enable the community to comment on its actual recommendations before they are finalised and acted on by Council. During the public exhibition, Council will also need to engage with RMS to fully understand the implications of the Nowra Bridge Project and appropriate mechanisms to address the new bridge crossing, access and any other associated matters.

Should the changes to the LEP and DCP as recommended in the Proposed Planning Controls Report proceed later in the process, they will also be separately consulted on and notified in accordance with the relevant legislation.

Policy Implications

The recommendation to move to public exhibition does not expressly result in any policy implications. However, if the outcome of the public exhibition period is positive and Council proceeds with the recommendations of the Proposed Planning Controls this may require amendments to Shoalhaven LEP 2014 and Shoalhaven DCP 2014.

Preparation of a PP will be required to modify the zones and height of building development standard in some of the sub-precincts in the Riverfront Precinct.

Preparation of an area-specific DCP Chapter for the Nowra Riverfront will be required. In adopting a DCP Chapter for the Nowra Riverfront, existing Chapter N7: Nowra Hotel Site and Civic Precinct will need to be rescinded.

It is also likely that an amendment to Shoalhaven Contributions Plan (CP) 2010 will be required for a new project for additional passive recreation space and embellishment. This would be required if Council ultimately adopt the Proposed Planning Controls Report so development in this area are levied contributions to deliver this infrastructure.

Financial Implications

This project was identified as a high priority in the Strategic Planning Works Program that was endorsed by Council on 17 July 2017. As such the area specific controls for the Riverfront Precinct have been prepared using Strategic Planning's existing operational budget.

CL18.71 Lessons for the Shoalhaven from the Californian Bushfires

HPERM Ref: D18/74574

Group: Planning Environment & Development Group
Section: Environmental Services

Attachments: 1. Treatment Table from Shoalhaven Risk Management Plan [↓](#)
2. Bush Fire Management Committee - Handbook Extracts [↓](#)

Purpose / Summary

This report is provided in response to the Notice of Motion CL17.328 – Lessons for the Shoalhaven from the Californian Bushfires.

Recommendation

The Council receive the report on lessons for the Shoalhaven from the Californian Bushfires for information.

Options

1. Receive for information.

Implications: Council is informed of the current situation in relation to bushfire management on public land.

2. Council adopt an alternative recommendation.

Implications: Unknown

Background

At the Ordinary Meeting of Council on 19 December 2017, Council resolved:

That with the Californian bushfires in mind, Council receive an evaluation report detailing the lessons that can be learnt from such a catastrophic event. The Report would need to include, but not be restricted to the following:

1. *That impact of global warming and climate change:*
2. *The possible dangers of creating urban forests:*
3. *The danger areas in the Shoalhaven*
4. *The identification of suitable “fire resistant” vegetation; and*
5. *Ways of encouraging input from local and suitably qualified experts within the Shoalhaven community.*
6. *Write to Rural Fire Service District Manager, Mark Williams, and request he brief the Councillors on his experience.*

This report responds to the above resolution.

1. *Global warming/climate change impacts on bushfire severity.*

Under the Australian Government climate change projections, increases in extreme heat days, that is temperatures over 35°C, will contribute to an increase in the number of extreme bushfire days. For our region, the number of extreme fire danger days could rise from the current 9 days per year to up to 15 in 2050.

The Australian Government's website [Climate Change in Australia](#) includes a tool (the *Regional Climate Change Explorer*) that provides summaries of climate change projections for Australian regions. The key messages from the report are:

- *Average temperatures will continue to increase in all seasons (very high confidence).*
- *More hot days and warm spells are projected with very high confidence. Fewer frosts are projected with high confidence.*
- *Generally, less rainfall in the cool season is projected with high confidence. Changes to summer and autumn rainfall are possible but less clear. For the near future, natural variability is projected to dominate any projected changes.*
- *Increased intensity of extreme rainfall events is projected, with high confidence.*
- *Mean sea level will continue to rise and height of extreme sea-level events will also increase (very high confidence).*
- *A harsher fire-weather climate in the future (high confidence).*
- *On annual and decadal basis, natural variability in the climate system can act to either mask or enhance any long-term human induced trend, particularly in the next 20 years and for rainfall.*

Examining the data more closely highlights that there is, 'a **low confidence** in the magnitude of the change to fire weather', as this depends on the rainfall projection and its seasonal variation. Of course, other factors such as evaporation, humidity and solar radiation all potentially affect fire weather and each of these have their own climate change projections.

Information about bushfire and climate change is provided through the [Collaboration for Australian Weather and Climate Research](#) (a research partnership between CSIRO and the Australian BOM) and the [Bushfire and Natural Hazards Cooperative Research Centre](#) (BNHCRC). For example, [The National Research Priorities](#) were launched through the BNHCRC in July 2017, setting the agenda to address the major issues in relation to natural hazards, including bushfires and to support the uptake of research through to implementation.

2. *The possible dangers of creating urban forests*

Urban forestry is described as '*the science and art of managing trees, forests and natural ecosystems in and around urban communities to maximise the physiological, sociological, economic and aesthetic benefits that trees provided society*'. (Helms 1998, Dictionary of Forestry)

Interest in urban forests is being driven in part by climate change projections of increased temperatures and the potential to create urban heat islands (UHI).

The urban heat island is a phenomenon where urban areas become warmer than surrounding non-urban countryside, often by several degrees. This has implications for the health of the community as was illustrated in Victoria during the heatwave of January-February 2009 where 'the last part of the heatwave coincided with the 'Black Saturday'

bushfires which caused the loss of 173 lives and the destruction of over 3,500 structures. It was estimated (*Victorian Department of Human Services, 2009*) that 374 excess deaths occurred in Victoria during the first week of the heatwave, prior to any influence from the bushfires (Australian Bureau of Statistics).

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1301.0Chapter1042009%E2%80%939310>

David Ranson, a Forensic Pathologist at Monash University and Deputy Director, Victorian Institute of Forensic Medicine, stated that *“the elderly and the very young, in particular, are unable to react adequately to high ambient temperatures. Individuals who are very obese, very malnourished or have poor physical fitness are also more physically vulnerable to extreme heat.* (Ranson, D. 2014, *Death in a hot climate; southern heatwave to take its toll* <http://theconversation.com/death-in-a-hot-climate-southern-heatwave-to-take-its-toll-22039>)

Many of Australia’s larger cities have developed strategies that promote Urban Forestry framed around the following themes:

- Mitigate and adapt to climate change (extreme heat, stormwater & flooding)
- Reduce the urban heat island effect
- Design for liveability
- Design for health & wellbeing
- Creating healthier ecosystems

The NSW Rural Fire Service has guidelines for landscaping in bushfire prone areas within their document standards for asset protection zones. This standard would be a useful tool for those who are planning revegetation projects, including urban forestry.

3. The danger areas in the Shoalhaven

Areas at high risk of bushfires in the Shoalhaven are prioritised for mitigation treatments through the district [bushfire risk management plan](#) (BFRMP). Assets of value to the community are identified and categorised and a consequence and likelihood rating applied to arrive at a risk level for each asset.

The table below shows the Human Settlement assets identified as at high, very high and extreme bushfire risk in the Shoalhaven BFRMP.

TYPE	SUB TYPE	LOCATION	NAME	RISK	TREATMENT
Human Settlement	Residential	Dolphin Point	Pothole Road Cabins	Extreme	1;3;7
Human Settlement	Residential	Callala Beach	Benton Sands	Extreme	1;3;9
Human Settlement	Special Fire Protection	Bendalong	Environmental Education Centre	Extreme	1;15
Human Settlement	Residential	Bangalee	Order of St Charbel	Extreme	1;3;9
Human Settlement	Residential	Tomerong	Jerberra Estate	Extreme	1;3;16
Human Settlement	Special Fire Protection	Vincentia	Jervis Bay Christian Community School	Extreme	1;2;15
Human Settlement	Special Fire Protection	Kangaroo Valley	Glengarry	Very High	1;15
Human Settlement	Residential	Myola	Myola	Very High	1;2;3;4;5
Human Settlement	Residential	Sussex Inlet	Sussex Inlet Rural Residential	Very High	1;2;17;12
Human Settlement	Residential	Tomerong	Tomerong Non-urban	Very High	1;2;17;12

CL18.71

Settlement					
Human Settlement	Residential	Falls Creek	Falls Creek Rural Residential	Very High	1;2;17;12
Human Settlement	Residential	Morton	Shoalhaven South Non Urban	Very High	1;2;12
Human Settlement	Residential	Kangaroo Valley	North Shoalhaven Rural	Very High	1;2;17;12
Human Settlement	Special Fire Protection	Vincentia	Vincentia Primary School	Very High	1;15
Human Settlement	Residential	Wandandian	Wandandian Non Urban	High	1;2;18;12
Human Settlement	Residential	Nowra	Nowra Rural Residential	High	1;2;12
Human Settlement	Residential	North Nowra	North Nowra	High	13;14
Human Settlement	Residential	Bomaderry	Bomaderry West	High	13;14
Human Settlement	Residential	Nowra	Nowra Western Interface	High	1;13;14
Human Settlement	Residential	West Nowra	West Nowra Residential Area	High	1;13;14
Human Settlement	Residential	Bangalee/Tapitalee	Bangalee/Tapitalee	High	1;2;13
Human Settlement	Residential	Cudmirrah Berrara	Cudmirrah Berrarah	High	1;2;5;19;14
Human Settlement	Residential	Huskisson	Huskisson	High	1;2;5;19;21
Human Settlement	Residential	Old Erowal Bay	Old Erowal Bay	High	1;2;13
Human Settlement	Residential	Basin View	Basin View	High	1;19;14
Human Settlement	Residential	St Georges Basin	St Georges Basin West	High	1;20
Human Settlement	Residential	Badgee	Badgee	High	1;2;20
Human Settlement	Residential	Sussex Inle	Sussex Inlet	High	1;2;5;20;21
Human Settlement	Special Fire Protection	Vincentia	Vincentia High School	High	1;15
Human Settlement	Residential	Vincentia East	Vincentia East	High	1;12;14
Human Settlement	Residential	Bream Beach	Bream Beach	High	1;20;22
Human Settlement	Residential	Sussex	Medlyn Avenue Sussex Inlet	High	1;20
Human Settlement	Residential	Kings Point	Kings Point	High	1;20
Human Settlement	Special Fire Protection	Sussex Inlet	Sussex Inlet Public School	High	1;15
Human Settlement	Residential	West Lake Conjola	West Lake Conjola, Prior Street	High	1;5;20

Table 1: Human Settlement Assets at High, Very High & Extreme risk (taken from the Shoalhaven Bushfire Risk Management Plan Appendix 1)

Treatments shown in Table 1 above, relate to the agreed activities that will be undertaken to mitigate the risk. The list of these treatments is provided as Attachment 1.

“Normal Business” Treatments

The BRMP also identifies city-wide treatments that are undertaken as part of ‘normal’ business. These treatments aren’t linked to specific assets but are applied according to legislative requirements and/or agency policy. They include:

- **Reviewing the bush fire prone land map**

These maps identify bush fire prone land and are used to trigger whether a development application is assessed using *Planning for Bush Fire Protection*¹.

- **Ensuring developments in bush fire prone land comply with *Planning for Bush Fire Protection***

This assessment process requires new applications for development to include bush fire protection measures.

- **Using the Local Environment Plan/s (LEPs) to control developments in areas with a bush fire risk**

LEPs can be used to exclude development in extreme bush fire risk areas or where bush fire protection measures cannot be incorporated.

- **Varying the standard bush fire danger period as required**

In years where the weather is particularly adverse the bush fire danger period may be brought in early or extended. This is assessed every year by the BFMC.

- **Requiring permits during the bush fire danger period**

In the bush fire danger period a fire safety permit is required to light a fire in the open. Permits specify conditions such as fire fighting equipment that must be on site, or restrict burns based on weather conditions.

- **Prosecution of offenders in relation to deliberate ignitions**

Under the *Rural Fires Act 1997* persons may be prosecuted for breaching the conditions on a fire permit, lighting a fire during a Total Fire Ban, allowing fire to escape their property, or other breaches of the Act.

The member agencies of the BFMC will co-operate with the NSW Police in relation to the prosecution of arsonists under the Crimes Act 1900.

- **Investigation of bush fire cause**

All bush fires which do not have a known cause are investigated to identify how they started.

- **Normal fire suppression activities**

Responding to bush fire is a normal business activity for the firefighting authorities.

- **Community Education**

Providing communities and individuals with information on preparing for and dealing with bush fires.

- **Surveillance**

Carrying out surveillance on days of very high or above fire danger.

- **Assessing and managing compliance with strategic firefighting resource allocation provisions**

Strategic firefighting resource allocation provisions is the process used to identify the number of stations, brigades and appliances required in an area, and considers members, training, assets and hazards.

- **Preparation of a S52 Operations Coordination Plan**

The Operations Coordination Plan is prepared biannually and sets out how coordinated firefighting will occur. It includes specific operational restrictions on

¹ NSW Rural Fire Service 2006 *Planning for Bush Fire Protection: A guide for councils, planners, fire authorities and developers*.

firefighting techniques in certain areas, where fires will be managed from, and how agencies involved can communicate during operations.

- **Fire Management Plans or Plans of Management**

Some land management agencies have developed fire management plans or plans of management with specific fire or fuel management strategies, for example a Forests NSW Regional Fuel Management Risk Plan, a NPWS Fire Management Strategy. These publicly exhibited plans form the basis for operational fire planning on public parks, reserves and forests.

- **Bush Fire Hazard Complaints**

If someone is concerned about possible bush fire hazards on a neighbouring property or any other land, then this can be reported to the RFS Commissioner or their local RFS Fire Control Centre. The complaint will be investigated and may result in a notice being issued to the landowner or manager to reduce the hazard.

The [BRMP](#) contains more information about the identification and management of the overall bushfire risk posed to the Shoalhaven LGA.

4. *The identification of suitable “fire resistant” vegetation*

All plants will burn when subjected to sufficient heat. The NSW Rural Fire Service document [Planning for Bushfire Protection \(PBP\)](#) provides landscaping and property maintenance guidance in Appendix 5. Following is an extract from Appendix 5 in PBP listing the ‘attributes of vegetation which affect bushfire attack’:

- Moisture content of leaves;
- Volatile oil content of leaves;
- Mineral content of leaves;
- Leaf fineness;
- Density of foliage;
- Continuity of plant form;
- Height of lowest foliage above ground;
- Size of plant;
- Dead foliage on the plant;
- Bark texture;
- Quantity of ground fuels;
- Fineness of ground fuels;
- Compaction ability of ground fuels; and
- Mineral content of ground fuels.

Higher moisture content of leaves, less available bark and lower amounts of leaf drop will also reduce maintenance requirements and bush fire attack.

Conifers and trees with rough fibrous bark and/or candle bark type should be avoided. Keep in mind that vegetation can provide an effective windbreak, catching embers and flying debris; windbreaks can be particularly useful in rural and rural-residential areas.

Landscaping is only one of the suite of bushfire protection measures that can be used to reduce the risk of bushfire attack on built assets.



Diagram 1: Bushfire Protection Measures in combination (from PBP p12)

Varying levels of protection from bushfires is achieved through employing a combination of suitable and relevant strategies. The following extract is taken from PBP (p9):

- Control the types of development permissible in bushfire prone areas
- Minimise the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard
- Reduce the rate of heat output (intensity) of a bushfire close to a development through control of fuel levels
- Minimise the vulnerability of buildings to ignition from radiation and ember attack
- Enable relatively safe access for the public and facilitate fire-fighting operations
- Provide adequate water supplies for bushfire suppression operations
- Implement community education programs, focusing on property preparedness, including emergency planning and property maintenance requirements and
- Facilitate the maintenance of APZs, fire trails, and access for firefighting and on-site equipment for fire suppression.

These individual strategies highlight the shared responsibility involved to ensure the full range of stakeholders are actively engaged and working cooperatively to achieve a common goal, in this case, protection of life and property.

5. Ways of encouraging input from local and suitably qualified experts within the Shoalhaven community.

District Bushfire Management Committees (BFMCs) provide a forum for cooperative and coordinated bushfire management and community involvement.

Membership of BFMCs is set by clause 15 of the Rural Fires Regulation; the list of invited members is provided as Attachment 2.

Members of the community can provide input through the representative of a particular stakeholder group or directly to the Executive of the BFMC. Each local authority i.e. Council, has two positions on the BFMC:

1. A person nominated by each local authority whose area comprises land in the BFMC's area, being (in the case of a local authority that is a council) the Mayor or a councillor of the Council and,
2. A person nominated by each local authority for the BFMC's area has having responsibilities for the performance of the local authority's functions respecting the environment.

Councillor Jo Gash and Kelie Clarke, Manager Environmental Services hold the positions currently. Councillor Mitchell Pakes has also been nominated by Council to attend these meeting. Council's Fire Mitigation/Bushland Management Officer, Megan Birmingham, also attends the Committee and Sub-Committee meetings.

BFMC meetings are held three times per year and are hosted by the RFS. Council is fortunate to be able to represent, both the community concerns, via its Councillor position, as well as the operational and environmental concerns, via staff position as required by the Regulation and BFMC Handbook.

BFMCs must:

- Regularly report on its activities
- Prepare the district Bushfire Operations Coordination Plan (Ops Plan)
- Prepare the district Bushfire Risk Management Plan
- Prepare and maintain the district Fire Trails Register
- Maintain an Operations Manual
- Prepare a pre-season checklist

They *may* also:

- Make recommendations regarding bushfire danger periods
- Draw matters to the attention of the Bushfire Coordinating Committee (BFCC)
- Provide suggestions and feedback to the BFCC

(The BFCC is a NSW statutory body representing the crown, established under the providers of the Rural Fires Act 1997 and the Rural Fires Regulation 2002. The BFCC is the parent committee of the BFMCs and determines the guidelines and requirements for their operations.

Policy Implications

Council is a member of the Shoalhaven Bush Fire Management Committee (BFMC) established under the Rural Fires Act 1997 and managed by the NSW Rural Fire Service. Council has two (2) members on the Committee, Councillor Jo Gash and Council's Environmental Services Manager. Councillor Mitchell Pakes has also been nominated by Council to attend the meetings. Council's Bushfire Mitigation program, coordinating management of asset protection zones and fire trails on Council owned and managed land, is part of the Environmental Services portfolio. Council's Fire Mitigation/Bushland Management Officer also attends the Committee and Sub-Committee meetings.

Financial Implications

Council has an annual operational budget to implement an annual bushfire mitigation program and another for fire trail upgrades. For this financial year, 2017/18, the budget is \$143,300 for hazard reduction work and fire trail upgrades is \$21,000. Council staff apply for grant funding to supplement this budget.

Council recently won a \$268,000 grant under the NSW State Government Bushfire risk mitigation and resilience program to upgrade the section of the Wattle Fire Trail at Yerriyong, which is managed by Council. The length of this fire trail runs through land managed by Council, National Parks & Wildlife and Crown Lands.

Community Engagement

The Bush Fire Risk Management Committee has been updating the Shoalhaven Bush Fire Risk Management Plan. This process is managed by the RFS. In accordance with the Rural Fires Act the draft updated Plan must be placed on public exhibition for comment.

The community is also represented by the Councillor and Council officer representatives on the Committee.

Attachment 1

NO	STRATEGY	PRIORITY	ACTION	COMMENT	RESPONSIBLE AGENCY	SUPPORT AGENCY	SCHEDULED ACTION DATE	ASSET NO
1	Hazard Reduction	1A	Inspect APZ & maintain if required	Myola, Callala, Sanctuary Point, West Lake Conjola	DL, Defence, LGA, DECC, DPI, Private	RFS	09-10, 10-11, 11-12, 12-13, 13-14	157; 93; 156; 158; 159; 54; 188; 45; 155; 113; 129; 73; 72; 70; 66; 62; 61; 60; 58; 48; 232; 31; 29; 236; 233; 43; 37; 33; 107; 16; 111; 237; 108; 160; 154; 150; 151; 149; 148; 142; 141; 140; 138; 228; 227; 226; 167; 166
2	Hazard Reduction	1C	Inspect SFAZ and maintain if required	Myola, Sussex Inlet	LGA, DPI, DL, DECC, Private	NSWFB,RFS	09-10, 11-12	157; 156; 158; 159 ;54; 45; 155; 72; 70; 232 ;233; 43; 37; 33; 237
3	Community Education	1A	Conduct community Firewise workshop	Myola, Potholes Road Cabins, Benton Sands, Jerberra Estate	RFS		9-10	188; 61; 236; 43; 239
4	Property Planning	2A	Prepare village protection plan	Myola	DL, NSWFB LGA, RFS, DECC		10-11	43
5	Community Education	2A	Conduct tourist park education program	Myola, Cudmirrah Berrara, Huskisson, Sussex Inlet	RFS		12-13	45; 113; 72; 43; 37; 167; 166
6	Preparedness		Restrict access on days of extreme fire danger	Potholes Road	DECC	RFS, Police	09-10, 10-11, 11-12, 12-13, 13-14	
7	Ignition Management	1A	Implement solid fuel fire ban if required	Potholes Road	DL, LGA, DPI DECC, Private	NSWFB;RFS	09-10, 10-11, 11-12, 12-13, 13-14	188; 167; 166; 12
9	Property Planning	1B	Develop community fire safety action plan	Benton Sands	Private	RFS	10-11	61; 236
12	Preparedness	2A	Implement Static Water Supply (SWS) program	Southern Shoalhaven Non-urban, Falls Creek Rural Residential, Tomerong Non-urban, Sussex Inlet Rural , North Shoalhaven Rural, Wandandian Non-urban	RFS		11-12, 12-13, 13-14	157; 156; 158; 159; 155; 48; 232; 233

13	Community Education	3B	Conduct community Firewise workshop	North Nowra, Bomaderry West, Nowra Western Interface, West Nowra Residential Area,	NSWFB, RFS	RFS	13-14	54; 31; 29; 27; 24; 33
14	Community Education	3B	Conduct Kids Firewise program	North Nowra	NSWFB, RFS		10-11	58; 48; 31; 29; 27; 24; 37
15	Property Planning	1B	Develop facility fire action plan		Private, Other	RFS	10-11	107;16; 111; 237; 108; 160; 167; 166; 12
16	Property Planning	1B	Develop community fire action plan	Jerberra Estate	LGA, RFS, DECC, Other		10-11	239
17	Property Planning	2A	Implement farm Firewise program		RFS		10-11	157; 158; 155; 232
18	Property Planning	3A	Implement farm Firewise		RFS		11-12	156
19	Community Education	3B	Conduct community Firewise workshop		RFS		10-11	45; 58; 37
20	Community Education	3B	Conduct community Firewise workshop	St Georges Basin West, Badgee, Sussex Inlet, Bream Beach, Medlyn Avenue Sussex Inlet, Kings Point, West Lake Conjola Prior Street.	RFS		11-12	93; 113; 73; 72; 70; 62; 60
21	Community Education	3B	Conduct tourist park education program	Huskisson	RFS		11-12	45;72
22	Community Education	3C	Conduct tourist park education program	Myola, Cudmirrah Berrara, Huskisson, Sussex Inlet	RFS		11-12	62

BUSHFIRE MANAGEMENT COMMITTEE – HANDBOOK EXTRACTS

Extracts of the Bush Fire Management Committee (BFMC) Handbook (RFS 2006) in relation to the requirements for Council's representatives and other land managers are shown below.

The Handbook is available on the NSW RFS website

https://www.rfs.nsw.gov.au/data/assets/pdf_file/0003/9624/BFMC-Handbook-Edition-1-June-2006.pdf

- (a) a person nominated by each local authority whose area comprises land in the BFMC's area, being (in the case of a local authority that is a council) the Mayor or a councillor of the council,
- (e) a person nominated by each local authority for the BFMC's area as having responsibilities for the performance of the local authority's functions respecting the environment,

(s8. *Who is on a BFMC?*)

In choosing BFMC members, organisations and agencies need to ensure that the person satisfies the eligibility requirement of the Reg. They should also give consideration to which officer most clearly has the experience and knowledge to contribute to discussion. NB: the most appropriate person's job or position title may not necessarily include the word "fire".

Local authorities need to ensure that their nominated member, for the purposes of Clause 15(e), has responsibility for the performance of the local authority's functions respecting the environment. This relates to the local authority's responsibility as a regulator, rather than a landowner. For example, the manager of a council's parks and gardens will not usually have the responsibility for the environment contemplated by Clause 15.

(s8.2. *How do you decide who should represent you?*)

Local government councils are established for each local government area in NSW. They provide appropriate services and facilities for the community; properly manage, develop, protect, restore, enhance and conserve the environment of the area for which they are responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development; and are custodians and trustees of public assets and must effectively account for and manage the assets for which they are responsible.

(s8.3.2. *BFMC member organisations and agencies profile*)

BUSHFIRE MANAGEMENT COMMITTEE – HANDBOOK EXTRACTS

The member will need to negotiate with their organisation or agency the extent and manner of the support to be provided to the member.

To ensure that members are able to make a meaningful input into the BFMC, the organisation/agency should:

- ensure that members are adequately trained and provided with information on organisation/agency policies, relevant legislation, the need for networking and the nature of their role
- provide resources (including manuals and guidelines), technical advice and support in resolving issues
- facilitate communication on relevant issues between members

The member must be given the authority to commit the organisation/agency in respect of issues to be discussed by the BFMC. If the organisation/agency is not prepared to give this authority, then the person may not be eligible for membership of the BFMC as per the Reg. The organisation/agency in this case has two options:

- Provide a person who has the appropriate authority as a member of the Committee, or
- Ask for an organisation/agency representative to be permitted as a regular observer at BFMC meetings, understanding that such person will not be permitted to generally engage in BFMC discussions and must not participate in BFMC decisions.

NB: it could reasonably be expected that issues that would require substantial commitment of funds or resources, or a significant change to a policy position, would be identified in the agenda prior to the meeting. A BFMC member is then able to consult with more senior staff, if necessary, to determine the organisation/agency's position prior to the meeting, so that the member is able to speak with authority at the meeting.

(s12.3.1, *Relationship between BFMC members and their organisation/agency*)

BUSHFIRE MANAGEMENT COMMITTEE – HANDBOOK EXTRACTS

- Ensure that the position and views of the organisation/agency are available to the BFMC where relevant to its deliberations.
- Inform the organisation/agency of local issues pertinent to organisation/agency bush fire policy and program objectives including media reporting.
- Report BFMC activities and decisions to the organisation/agency on a regular basis. Members will need to negotiate with their organisation or agency the extent and manner of the reporting required. As a minimum, the member must ensure that any decisions or deliberations of significance to the organisation/agency by the BFMC are passed back to the organisation/agency
- Keep up to date on current bush fire management policy, conservation objectives and fire ecology and bush fire management research.



(s12.3.2, Member's responsibility to the organisation/agency)

CL18.72 Tenders - Management and Operation of the Shoalhaven Animal Shelter

HPERM Ref: D18/76691

Group: Planning Environment & Development Group
Section: Building & Compliance Services

Purpose / Summary

To inform Council of the tender process for the Management & Operation of the Shoalhaven Animal Shelter.

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

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

Recommendation

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

Options

1. Council accept the recommendation as presented (preferred option). Further details are provided in the confidential report.
2. Council adopt an alternative recommendation.

Details

The tender for the provision of the management and operation of the Shoalhaven Animal Shelter was advertised on the 18 November 2017, with the closing date 14 December 2017.

Tenders Received

Tenders were received from the following:

Tenderer	Location
Tony Kuipers	Callala Bay

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

CL18.72

CL18.73 Berrara to North Bendalong Creek Crossings - Review of Environmental Factors

HPERM Ref: D18/85108

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

Attachments:

1. Report Attachment - B2NB - Review of Environmental Factors - Final - March 2018 - OEH Determined (under separate cover)
2. Report Attachment - B2NB - Review of Environmental Factors - OEH Determination - Notice for External Proponents (under separate cover)

Purpose / Summary

Shoalhaven Water proposes to upgrade the Berrara to North Bendalong Trunk Main where it crosses Berrara Creek and Nerrindillah Creek. A Review of Environmental Factors (REF) for the project has been prepared. Since the proposal is located on land reserved under the National Parks & Wildlife Act (NPW Act) both Shoalhaven City Council and the Office of Environment and Heritage (OEH) are considered determining authorities.

On 8 March 2018 Shoalhaven Water received OEH's determination that the project could proceed subject to the conditions in their Determination Notice. This report seeks Council's concurrence in also determining that the project can proceed in accordance with the mitigation and control measures identified in the REF and OEH's Determination Notice.

Recommendation

That Council determine that:

1. After consideration of the Review of Environmental Factors (REF) for the Berrara to North Bendalong Creek Crossings it is unlikely that there will be any significant environmental impacts as a result of the proposed works and
 - a. Council adopt the proposed mitigation and control measures identified in the REF
 - b. Council concur with the mitigation and control measures identified in the Office of Environment and Heritage's Determination Notice
 - c. Council determine that no Environmental Impact Statement (EIS) is required for the proposed works
 - d. Council determine that no Species Impact Statement (SIS) is required for the works
2. The Berrara to North Bendalong Creek Crossing project can proceed
3. The General Manager (Shoalhaven Water) be authorised to sign the Aboriginal Heritage Impact Permit (AHIP) application on behalf of Shoalhaven City Council

Options

1. Adopt the recommendation
2. Council could choose not to accept the mitigation and control measures contained in the REF and require additional control measures or further studies be undertaken.

CL18.73

Implications: This would delay the the start of the project. Council would be deeming insufficient the contributions of the various flora and fauna experts, community stakeholders (including both indigenous and non-indigenous) and government departments who have already been consulted and whose comments have already been incorporated into the REF.

3. Council could determine not to proceed with project or parts of the project.

Implications: The existing pipe under the creek crossings is made of Mild Steel Cement Lined (MSCL) material and there are concerns with its structural integrity as the existing corrosion protection system on these sections of the pipeline has failed. If the pipeline is not replaced with Polyethylene (PE) material in these sections, as per the proposal, the structural integrity of the MSCL will continue to degrade with the potential for the pipe to break in the future.

4. Council could choose not to authorise anyone to apply for an AHIP.

Implications: Without an AHIP Council will not be able to proceed with the project

Background

Overview

The current Berrara to North Bendalong Trunk Main supplies water to the coastal villages of North Bendalong, Bendalong, Manyana, Cunjurong and Lake Conjola and also connects the Southern Shoalhaven Water Supply Scheme to the Northern Shoalhaven Water Supply Scheme.

Shoalhaven Water proposes to upgrade the two creek crossings at Berrara Creek and Nerrindillah Creek from the existing DN300 Mild Steel Cement Lined (MSCL) pipe to DN400 Polyethylene (PE) pipe (see Figure 1). As part of Shoalhaven Water's regular operational and maintenance procedures it has been identified that the existing corrosion protection system, installed to protect the submerged metal pipe, has failed. As such there are concerns over the ongoing structural integrity of the existing MSCL under these creeks.

By replacing the MSCL pipe with a PE pipe it will both restore confidence in the operability and durability of the Berrara to North Bendalong Trunk Main and alleviate the need to repair or re-implement a corrosion protection system since the polyethylene material does not corrode in water charged ground.

The creek crossings are located within an existing power supply corridor managed by Endeavour Energy, and are part of the existing Trunk Main corridor. Both pipeline crossings are located within the Conjola National Park, which is reserved under the National Parks and Wildlife Act 1974. Because the works are wholly located within the Conjola National Park, under Part 5 of the Environmental Planning & Assessment Act, Shoalhaven City Council and the Office of Environment and Heritage are both deemed to be the determining authorities for this proposal.

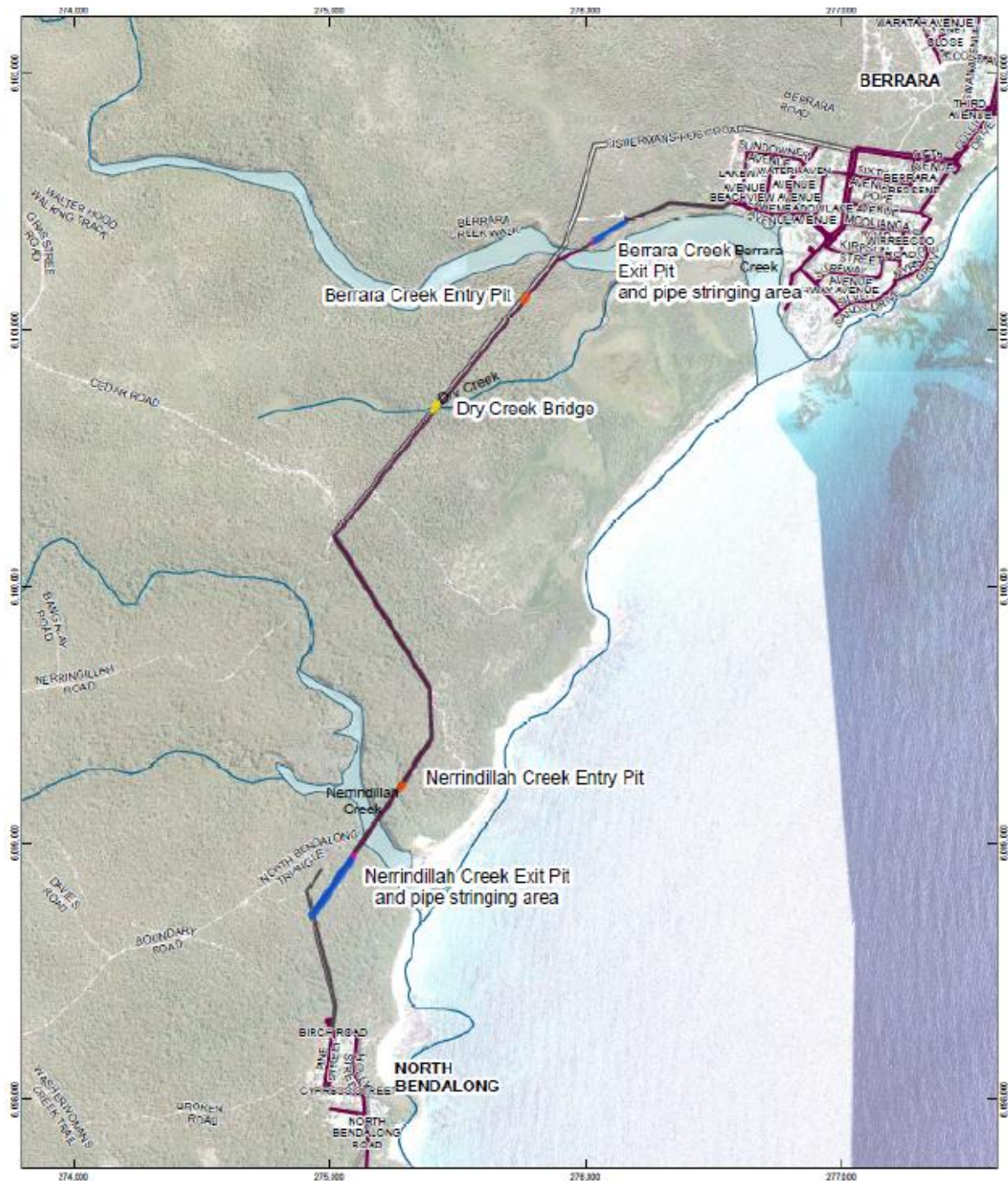


Figure 1 Location of Berrara Creek and Nerrindilah Creek Crossing

Determination by the Office of Environment and Heritage

In March 2017 the draft REF was provided to OEH for comment and the recommendations received were actioned and incorporated into the final REF.

The Final REF was submitted to OEH for Determination on 19 October 2017. Further comments were received from OEH on 24 November 2017 regarding issues primarily associated with cultural heritage. These issues were addressed and a revised Final REF was submitted to OEH on 16 December 2017.

CL18.73

On 8 March Shoalhaven Water received OEH's Determination that the project could proceed subject to the conditions in their Determination Notice.

This report seeks to obtain Council's concurrence to determine that the project can proceed as per the mitigation measures included in the revised Final REF and as per the conditions of the OEH Determination Notice (refer Attachment 2 for details).

Community Engagement

As part of the Review of Environmental Factors process Shoalhaven Water has consulted widely with various community stakeholders.

Local Community

The REF was placed on public exhibition between 23 August and 15 September 2017 at Council's Administration Centres in Nowra and Ulladulla. An electronic copy was available to download from the *Documents on Exhibition* page on Council's website during the same period.

No submissions were received from the general public.

Government Agencies

The following government agencies were consulted on 22 April 2016

- NSW Department of Primary Industries (Fishing)
- NSW Department of Primary Industries (Water)
- NSW Environmental Protection Authority
- Office of Environment and Heritage (National Parks)
- Office of Environment and Heritage (Planning)
- Shoalhaven City Council
- Endeavour Energy

These agencies were also contacted again to advise of the general public exhibition in August – September 2017.

A summary of the feedback received from the government agencies consulted is included in Table 4-1 of the REF Document (refer Attachment 1).

Aboriginal Consultation

As part of the preparation of the Aboriginal Heritage Assessment component of the REF consultation on the draft Cultural Heritage Assessment Report (CHAR) has taken place with the Jerrinja Local Aboriginal Land Council (JLALC) in 2008, 2011 and 2015.

A detailed assessment of the impacts of the project on the area's history and archaeological significance was undertaken in 2017 (see Appendix A of the REF). This assessment identified eight archaeological sites of which four will at least be partially impacted by the works.

Impacting on these four aboriginal heritage archaeological sites will require Shoalhaven City Council to apply for an Aboriginal Heritage Impact Permit (AHIP). It is a condition of the REF that the requirements of the AHIP be strictly adhered to.

Shoalhaven Water is unable to complete or lodge the application for an AHIP without an REF endorsed by both the Office of Environment and Heritage and Shoalhaven City Council.

Financial Implications

Sufficient Funds have been allocated in the Water Fund Capital Budget for 2017/18 and 2018/19.

It is anticipated to complete construction of the project in 2018/19.

CL18.73

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.